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RESTRICTIVE COVENANTS FOR VICTORIA WOODS SECTION THREE

UCHN E SELTH ENTERPRISES, INC., AN INDIANA CORPORATION, BEING THE OWNER OF ALL REAL ESTATE PLATTED AS VICTORIA WOODS, SECTION 3, AN ADDITION TO THE CITY OF INDIANAPOLIS, MARION COUNTY, INDIANA, DOES HEREBY DEDICATE FOREVER, FOR PUBLIC USE ALL THE STREETS AND WAYS SHOWN ON SAID PLAT, AND THE EASEMENTS SHOWN ON THE RECORDED PLAT ARE HEREBY RESERVED FOR THE PURPOSE

SAID OWNER DOES HEREBY ESTABLISH THE FOLLOWING CONDITIONS, COVENANTS AND RESTRICTIONS TO GOVERN THE USE AND OCCUPANCY OF THE LOTS IN SAID ADDITION:

- A. NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING PLOT OTHER THAN A DWELLING NOT TO EXCEED 2 & STORIES IN HEIGHT AND MUST INCLUDE A PRIVATE ATTACHED CARAGE FOR NOT LESS THAN ONE CAR NOR MORE THAN THREE CARS. NO DUPLEXES SHALL BE BUILT ON ANY LOTS.
- B. NO BUILDING SHALL BE LOCATED NEARER TO THE FRONT LOT LINE, NOR NEARER TO A SIDE STREET LINE, THAN THE BUILDING SETBACK LINES SHOWN ON THE RECORDED PLAT. IN ANY EVENT, NO BUILDING SHALL BE LOCATED WEARER THAN TWENTY-FIVE (25) FEET FROM THE DEDICATED RIGHT-OF-WAY OF THE STREETS OR TWENTY (20) FEET FROM THE DEDICATED CUL-DE-SAC VEHICULAR. TURNARGUND, WOR SHALL ANY BUILDING BE LOCATED MEARER THAN FOUR (4) FEET TO ANY SIDE LOT LINE WITH MINIMUM AGGREGATE SIDEYARDS OF TEN (10) FEET.
- OR IN CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET PROPERTY LINES EXTENDED.
 - THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN TEN (10) FEET FROM THE INTERSECTION OF A STREET PROPERTY, LINE, WITH THE EDGE OF A DRIVEWAY OR ALLEY PAVEMENT.
 - NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTION UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES. NO FENCE OR SHRUB PLANTING (TREES EXCEPTED) OF OVER 36" IN HEIGHT SHALL BE PERMITTED ON ANY LOT FROM FRONT LOT TO BUILDING SETBACK LINE.
- NO NOXICUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE PERMITTED UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE, OR BECOME, AN ANNOYANCE OR MUISANCE TO THE NEIGHBORHOOD.
- NO TRAILER, TENT, SHACK, OR OTHER OUTBUILDING ERECTED ON ANY LOT IN THE ADDITION SHALL AT ANY TIME BE USED AS A RESIDENCE, TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE LOT.

 LOT.
- ALL LOTS IN THIS SUBDIVISION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. ONLY ONE SINGLE FAMILY DWELLING NOT EXCEEDING TWO AND ONE HALF (25) STORIES OR THIRTY-FIVE (35) FEET IN THIS SUBDIVISION.
- G. NO RESIDENCE SHALL BE ERECTED ON A LOT WITHIN THE SUBJECT REAL ESTATE SHOULD SAME BE PLATTED WHICH HAS A MAIN FLOOR AREA EXCLUSIVE OF GARAGE LESS THAN 900 SQUARE FEET IF A ONE
- H. ALL DRIVEWAYS BUILT ON ANY LOT IN THIS ADDITION SHALL BE PAVED. A FOUR (4) FOOT CONCRETE PUBLIC SIDEWALK PARALLEL TO THE STREET(S) SHALL BE INSTALLED ON THE EAST SIDE OF PRAIRIE NO LATER THAN ONE YEAR FROM DATE THAT PREMISES ARE DEEDED TO HIM.
- OTHER STRUCTURE AND THE PLOT PLAN SHOWING THE LOCATION OF THE SAME, HAVE BEEN APPROVED IN WRITING AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION, BY A COMMITTEE TO BE APPOINTED BY THE CWNER. SAID COMMITTEE MAY BE ABOLISHED AT ANY TIME AT THE CWNER'S DISCRETION, PROVIDED A WRITTEN DOCUMENT IS RECORDED ACCORDINGLY.
- J. IT SHALL BE THE RESPONSIBILITY OF THE CWNER OF ANY LOT OR PARCEL OF LAND WITHIN THE AREA OF THIS PLAT TO COMPLY AT ALL TIMES WITH THE PROVISIONS OF THE DRAINAGE PLAN AS APPROVED FOR THIS PLAT BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF INDIANAPOLIS AND THE REQUIREMENTS OF ALL DRAINAGE PERMITS FOR THIS PLAT ISSUED BY SAID DEPARTMENT.

THE FOREGOING COVENANTS, RESTRICTIONS AND CONDITIONS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES OWNING, OR CLAIMING ANY INTEREST IN ANY LOT, OR PART THEREOF, IN THE MAJORITY OF THE THEN OWNERS OF THE LOTS OF THE ADDITION, IT IS AGREED TO CHANGE OR ABOLISH SAID COVENANTS IN WHOLE, OR IN PART.

THE ANY PARTIES CHAIMING OR CLAIMING AN INTEREST IN ANY LOT, OR PART THEREOF, IN THE ADDITION, OR ANY PERSON OR PERSONS HOLDING UNDER THEM, OR OCCUPYING ANY LOT, OR PART THEREOF, VIOLATE OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS, OWNING ANY REAL ESTATE IN SAID ADDITION TO PROCEEDING ANY LOT, OR PART THEREOF, VIOLATE

OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE. NO DOWN ALL LOTS IN THIS SUBDIVISION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. ONLY ONE SINGLE FAMILY DWELLING NOT EXCEEDING TWO AND ONE HALF (2½) STORIES OR THIRTY-FIVE (35) FEET IN HEIGHT WITH THE USUAL ACCESSORY BUILDINGS SHALL BE ERECTED OR MAINTAINED ON ANY LOT IN THIS SUBDIVISION. NO RESIDENCE SHALL BE ERECTED ON A LOT WITHIN THE SUBJECT REAL ESTATE SHOULD SAME BE PLATTED WHICH HAS A MAIN FLOOR AREA EXCLUSIVE OF GARAGE LESS THAN 900 SQUARE FEET IF A ONE STORY STRUCTURE, OR IF A MULTI-STORY STRUCTURE THEN A MINIMUM OF 1200 SQUARE FEET FOR ALL FLOORS.

- ALL DRIVEWAYS BUILT ON ANY LOT IN THIS ADDITION SHALL BE PAVED. A FOUR (4) FOOT CONCRETE PUBLIC SIDEWALK PARALLEL TO THE STREET (S) SHALL BE INSTALLED ON THE EAST SIDE OF PRAIRIE DEPOT BY THE BUYERS OF LOTS 96-110 AND LOTS 148 & 149 CONCURRENT WITH THE INSTALLATION OF DRIVEWAY (S). PROVIDED, HOWEVER, IN ANY EVENT, SAID BUYER SHALL INSTALL SAID SIDEWALK (S)
- NO LATER THAN ONE YEAR FROM DATE THAT PREMISES ARE DEEDED TO HIM. NO BUILDING, WALL, FENCE, OR OTHER STRUCTURE SHALL BE ERECTED, OR PLACED ON ANY BUILDING PLOT IN THIS ADDITION, UNTIL PLANS AND SPECIFICATIONS OF SUCH BUILDING, WALL, FENCE, OR OTHER STRUCTURE AND THE PLOT PLAN SHOWING THE LOCATION OF THE SAME, HAVE BEEN APPROVED IN WRITING AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES IN SAID ADDITION, AND AS TO LOCATION OF SUCH STRUCTURE OR STRUCTURES WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION, BY A COMMITTEE TO BE APPOINTED BY THE OWNER. SAID
- COMMITTEE MAY BE ABOLISHED AT ANY TIME AT THE OWNER'S DISCRETION, PROVIDED A WRITTEN DOCUMENT IS RECORDED ACCORDINGLY. IT SHALL BE THE RESPONSIBILITY OF THE OWNER OF ANY LOT OR PARCEL OF LAND WITHIN THE AREA OF THIS PLAT TO COMPLY AT ALL TIMES WITH THE PROVISIONS OF THE DRAINAGE PLAN AS APPROVED FOR THIS PLAT BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF INDIANAPOLIS AND THE REQUIREMENTS OF ALL DRAINAGE PERMITS FOR THIS PLAT ISSUED BY SAID DEPARTMENT.

THE FOREGOING COVENANTS, RESTRICTIONS AND CONDITIONS SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON ALL PARTIES OWNING, OR CLAIMING ANY INTEREST IN ANY LOT, OR PART THEREOF, IN SAID ADDITION, AND ALL PERSONS CLAIMING UNDER THEM UNTIL JANUARY 1, 2008, AT WHICH TIME THEY SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS BY VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS OF THE ADDITION, IT IS AGREED TO CHANGE OR ABOLISH SAID COVENANTS IN WHOLE, OR IN PART.

IF ANY PARTEES OWNING OR CLAIMING AN INTEREST IN ANY LOT, OR PART THEREOF, IN THE ADDITION, OR ANY PERSON OR PERSONS HOLDING UNDER THEM, OR OCCUPYING ANY LOT, OR PART THEREOF, VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS, OWNING ANY REAL ESTATE IN SAID ADDITION TO PROSECUTE ANY PROCEEDINGS AT LAW, OR IN EQUITY AGAINST THE PERSON, OR PERSONS, VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS, EITHER TO PREVENT HIM, OR THEM, SO DOING, OR TO RECOVER DAMAGES THEREFOR.

INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT, OR DECREE OF COURT, SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS HEREOF, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THE METROPOLITAN DEVELOPMENT COMMISSION, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT, POWER OF AUTHORITY, TO ENFORCE ANY COVENANTS, COMMITMENTS, RESTRICTIONS OR OTHER LIMITATIONS CONTAINED IN THIS PLAT OTHER THAN THOSE COVENANTS, COMMITMENTS, RESTRICTIONS OR LIMITATIONS THAT EXPRESSLY RUN IN FAVOR OF THE METROPOLITAN DEVELOPMENT COMMISSION: PROVIDED, FURTHER, THAT NOTHING HEREIN! BE CONSTRUED TO PREVENT THE METROPOLITAN DEVELOPMENT COMMISSION FROM ENFORCING ANY PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE, 58-A0-3, AS AMENDED, OR ANY CONDITIONS ATTACHED TO APPROVAL OF

THIS SUBDIVISION CONSISTS OF 37 LOTS NUMBERED 74 THROUGH 110

WITH STREETS AS SHOWN HEREON. THE SIZE OF THE LOTS AND WIDTHS OF THE STREETS ARE SHOWN IN FIGURES DENOTING FEET

AND DECIMAL PARTS THEREOF. IN WITNESS WHEREOF, JOHN E SMITH ENTERPRISES, INC., BY JOHN E SMITH, PRESIDENT, AND JANA M. PAGE, SECRETARY, HAVE HEREON CAUSED ITS AND THEIR NAMES TO BE SUBSCRIBED THIS _ 198

By:

JOHN E SMITH ENTERPRISES, INC.

JOHN E SMITH, PRESIDENT

JANA M. PAGE, SECRETARY

STATE OF INDIANA

PLAT BY THE PLAT COMMITTEE.

BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED JOHN E SMITH ENTERPRISES, INC., BY JOHN E SMITH, ITS PRESIDENT, AND JANA M. PAGE, ITS SECRETARY, AND ACKNOWLEDGES

THE EXECUTION OF THE ABOVE FOREGOING INSTRUMENT AS ITS VOLUNTARY ACT AND DEED.

WITNESS MY SIGNATURE AND NOTARIAL SEAL THIS 10th DAY OF May , 1988.

Writa & Zenies NOTARY PUBLIC: