

*Marielle Abbott*  
RECORDER HENDRICKS COUNTY

HARVEY C. GOFF AND ROGER R. MOSSER, PURCHASERS UNDER CONTRACT DATED JULY 7, 1978 FROM BUFORD M. CADLE OF APPROXIMATELY 255 ACRES, HEREINAFTER CALLED "WESTRIDGE ESTATES", LOCATED IN LIBERTY TOWNSHIP, HENDRICKS COUNTY, INDIANA, DO HEREBY INDENTURE, RESTRICT AND COVENANT 7.03 ACRES OF THE NORTHWEST CORNER OF SAID LAND PLATTED INTO SIX LOTS AND THEN DESIGNATED AS "CADLE MEADOW" TO THEMSELVES AND THEIR GRANTEEES, ASSIGNS, SUCCESSORS, HEIRS, OR LEGAL REPRESENTATIVES, AND TO ANY PERSON, PERSONS, CORPORATIONS, BANKS, AND ASSOCIATIONS AND/OR ANYONE WHO MAY OBTAIN TITLE TO SAID LOTS AS TO THE FOLLOWING TERMS, STIPULATIONS, CONDITIONS, RESTRICTIONS, AND COVENANTS TO-WIT:

- (1) FULLY PROTECTIVE RESIDENTIAL AREA: THE FOLLOWING COVENANTS, IN THEIR ENTIRETY SHALL APPLY TO ALL OF SAID SUBDIVISION.
- (2) LAND AND BUILDING TYPE: NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES, NOR SHALL ANY LOT BE SUBDIVIDED. NO BUILDING SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE ATTACHED GARAGE FOR NOT MORE THAN FOUR CARS. IN THE EVENT THE PURCHASER SHOULD BUY TWO LOTS WITH THE PURPOSE OF BUILDING ONE SINGLE FAMILY DWELLING ACROSS THE CENTER LOT LINE, THE LOT LINE RESTRICTIONS SHALL NOT APPLY TO THE BOUNDARY LINES DIVIDING ANY TWO SAID LOTS.
- (3) DWELLING SIZE: THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE STORY PORCHES AND GARAGES SHALL NOT BE LESS THAN 1500 SQUARE FEET IN THE CASE OF A ONE STORY STRUCTURE, NOR LESS THAN 1900 SQUARE FEET IN THE CASE OF A MULTIPLE STORY STRUCTURE, WITH NO LESS THAN 1650 SQUARE FEET OF FINISHED FLOOR AREA IN SUCH MULTIPLE STORY STRUCTURE.
- (4) ARCHITECTURAL DESIGN AND ENVIRONMENTAL CONTROL: NO BUILDING, FENCE, WALL, OR ANY OTHER STRUCTURE SHALL BE ERECTED, PLACED AND ALTERED ON ANY BUILDING PLOT IN THIS SUBDIVISION UNTIL THE BUILDING PLANS, SPECIFICATIONS, AND PLOT PLAN SHOWING THE LOCATION OF SUCH STRUCTURES AND DRIVEWAYS HAVE BEEN APPROVED AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURE HEREIN AND AS THE BUILDING WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATIONS BY AN ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE. ALSO, THE PROPOSED LOCATION OF WELLS, SEPTIC SYSTEMS, DESTRUCTION OF TREES AND VEGETATION AND ANY OTHER SUCH MATTER AS MAY AFFECT THE ENVIRONMENT AND ECOLOGY OF SAID SUBDIVISION SHALL BE THE PROPER CONCERN OF THE COMMITTEE. THIS COMMITTEE SHALL BE COMPOSED OF THE UNDERSIGNED PURCHASERS OF THE HEREIN DESCRIBED REAL ESTATE, OR BY THEIR DULY AUTHORIZED REPRESENTATIVES. IN THE EVENT OF THE DEATH OR RESIGNATION OF ANY MEMBER OF SAID COMMITTEE, THE REMAINING MEMBER SHALL HAVE FULL AUTHORITY TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATIONS, OR TO DESIGNATE A REPRESENTATIVE WITH LIKE AUTHORITY. THE COMMITTEE'S APPROVAL, OR DISAPPROVAL, AS REQUIRED IN THIS COVENANT SHALL BE IN WRITING. IN THE EVENT THAT SAID WRITTEN APPROVAL IS NOT RECEIVED FROM THE COMMITTEE WITHIN 20 DAYS FROM THE DATE OF SUBMISSION, IT SHALL BE DEEMED THAT THE COMMITTEE HAS DISAPPROVED THE PRESENTED PLAN. NEITHER THE COMMITTEE MEMBERS NOR THE DESIGNATED REPRESENTATIVES SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT.
- (5) BUILDING CONSTRUCTION: ANY BUILDING ONCE APPROVED AND UNDER CONSTRUCTION MUST BE COMPLETED WITHIN ONE YEAR FROM THE TIME CONSTRUCTION WAS STARTED. NO BUILDING SHALL BE ON ANY LOT NEARER TO THE FRONT OR SIDE PROPERTY LINE THAN THE MINIMUM BUILDING SET-BACK LINES, AS SHOWN ON THE RECORDED PLAT AND IN ACCORDANCE WITH PRESENT COUNTY REGULATIONS PERTAINING TO SIDE PROPERTY LINES.
- (6) DRIVEWAYS: DRIVEWAYS TO ALL RESIDENCES SHALL BE PAVED WITH AN ASPHALT OR CONCRETE SURFACE WITHIN ONE YEAR FROM DATE OF OCCUPANCY. IN THE EVENT A BUILDER CONTINUES TO BE IN TITLE TO A LOT ONE YEAR FROM START OF CONSTRUCTION, THE DRIVEWAY TO SAID RESIDENCE MUST BE PAVED WITHIN 18-MONTHS FROM START OF CONSTRUCTION.

- (7) DRAINAGE AND UTILITY EASEMENTS: THE STRIPS OF GROUND MARKED DRAINAGE AND UTILITY EASEMENTS ARE HEREBY RESERVED FOR THE USE OF PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR INSTALLATION AND MAINTENANCE OF POLES, MAINS, DUCTS, LINES AND WIRES AND ARE SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENTS HERETIN GRANTED AND RESERVED. THESE EASEMENTS ARE NOT FOR THE USE OF AND SHALL NOT BE USED FOR HIGH VOLTAGE ELECTRIC TRANSMISSION LINES OR HIGH PRESSURE LIQUID TRANSMISSION PIPE LINES, EXCEPT BY WRITTEN PERMISSION OF THE OWNER OF THE LAND AT THE TIME SAID TRANSMISSION LINE IS CONSTRUCTED. THE DRAINAGE EASEMENTS MAY BE USED BY THE PROPER AUTHORITIES INCLUDING THE HENDRICKS COUNTY DITCH BOARD OR BY ANY OF SEVERAL OWNERS OF THIS SUBDIVISION OR ANY OTHER SECTIONS OF THIS SUBDIVISION FOR THE INSTALLATION AND THE MAINTENANCES OF EITHER SURFACE OR SUBSURFACE DRAINAGE. TO ACCOMPLISH SAID DRAINAGE, THE EXISTING GRADE OR SAID EASEMENTS MAY BE ALTERED TO ANY GRADE NECESSARY. IN NO SITUATION SHALL ANY OWNER BLOCK THE DRAINAGE IN ANY MANNER ALONG SAID DRAINAGE SWALES. THE COVENANT HEREBY GRANTS THE HENDRICKS COUNTY DITCH BOARD THE AUTHORITY TO ACCEPT ALL DRAINAGE AND UTILITY EASEMENTS FOR THE PURPOSES OF ESTABLISHING LEGAL DRAIN.
- (8) LANDSCAPING: ALL NON-WOODED LOTS IN THIS SUBDIVISION SHALL BE IMPROVED WITH A MINIMUM OF THREE DECIDUOUS TYPE SHADE TREES WITHIN ONE YEAR OF THE ERECTION OF A PERMANENT STRUCTURE. ALL LOTS, WHETHER IMPROVED OR NOT, SHALL BE MOWED BY THE OWNER OF THE LOT OR THEIR DESIGNATED REPRESENTATIVE A MINIMUM OF ONCE PER MONTH DURING THE MONTHS OF APRIL THROUGH SEPTEMBER.
- (9) UTILITY BUILDING: A UTILITY BUILDING MAY BE CONSTRUCTED ON EACH LOT, IF APPROVED BY THE ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE. THIS UTILITY BUILDING IS TO BE CONSTRUCTED IN SUCH MANNER AS TO MEET THE STANDARDS OF CONSTRUCTION AS USED IN THE CONSTRUCTION OF THE HOUSE. THE UTILITY BUILDING SHALL BE LOCATED BEHIND THE MAIN DWELLING AND IN NO INSTANCE SHALL THE UTILITY BUILDING BE LOCATED IN FRONT OR AT THE SIDE OF THE MAIN DWELLING.
- (10) VEHICLE PARKING: NO VEHICLE SHALL BE ALLOWED TO PARK ON ANY STREET WITHIN SAID SUBDIVISION EXCEPT FOR A REASONABLE LENGTH OF TIME WHEN THE VEHICLE IS BEING USED FOR DELIVERY OR PICKUP PURPOSES.
- (11) RECREATIONAL VEHICLES, BOATS, AND NON-USED VEHICLES: ALL BOATS, ALL TRUCKS, ALL RECREATIONAL VEHICLES AND NON-USED OR NON-OPERATIONAL VEHICLES SHALL BE KEPT IN EITHER THE DWELLING, GARAGE, BASEMENT, OR UTILITY BUILDING.
- (12) BUSINESSES: NO MERCANTILE BUILDING SHALL BE ERECTED, BUILT, OR PLACED ON THE SAID DESCRIBED REAL ESTATE, NOR ANY BUSINESS OR ANY NATURE BE CARRIED ON IN THE MANUFACTURING, WHOLESALING, OR RETAILING NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- (13) NUISANCES: NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED OUT ON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- (14) TEMPORARY STRUCTURES: NO STRUCTURE OF A TEMPORARY CHARACTER, MOBILE HOME, BASEMENT, TENT, SHED, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED UPON ANY LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY. ALL DWELLINGS MUST BE FULLY COMPLETED UPON THE EXTERIOR BEFORE BEING OCCUPIED.
- (15) GARBAGE AND REFUSE DISPOSAL: NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE, OR OTHER WASTES SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. SAID GARBAGE, TRASH OR OTHER WASTES SHALL BE DISPOSED OF WEEKLY BY A REFUSE COLLECTION SERVICE, DESIGNATED BY THE ABOVE-MENTIONED ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE OR A HOMEOWNERS ORGANIZATION, IF ESTABLISHED. NO BURNING OF ANY WASTE, INCLUDING LEAVES, SHALL BE ALLOWED EXCEPT BY AN IN-DOOR INCINERATOR APPROVED BY SAID COMMITTEE. ALL EQUIPMENT FOR THE STORAGE AND DISPOSAL OF RUBBISH SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION AND SHALL NOT BE SO USED AS TO CREATE AN OFFENSIVE SIGHT OR ODOR.

- (16) ANIMALS: NO ANIMALS, LIVESTOCK OR POULTRY SHALL BE RAISED, BRED OR KEPT UPON ANY LOT EXCEPT THAT DOGS, CATS, OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSES.
- (17) SEWAGE DISPOSAL: NO INDIVIDUAL SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS DESIGNED, LOCATED, AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE HENDRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEM SHALL BE OBTAINED FROM SAID AUTHORITY. IF, IN THE FUTURE, PUBLIC SEWAGE DISPOSAL FACILITIES ARE MADE AVAILABLE TO THE LOT OWNERS OF THIS SUBDIVISION, EACH OWNER THEREIN SHALL ATTACH TO SUCH FACILITIES WITHIN TWO YEARS OF THE AVAILABILITY DATE. RIGHT OF ENFORCEMENT OF THIS COVENANT IS HEREBY GRANTED TO THE HENDRICKS COUNTY PLAN COMMISSION, ITS SUCCESSORS OR ASSIGNS.
- (18) WATER SUPPLY: NO INDIVIDUAL WATER SUPPLY SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS DESIGNED, LOCATED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE HENDRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEMS SHALL BE OBTAINED FROM SAID AUTHORITY. IF, IN THE FUTURE, PUBLIC WATER FACILITIES ARE MADE AVAILABLE TO THE LOT OWNERS IN THIS SUBDIVISION, EACH OWNER THEREIN SHALL ATTACH TO SUCH FACILITIES WITHIN TWO YEARS OF THE AVAILABILITY DATE. RIGHT OF ENFORCEMENT OF THIS COVENANT IS HEREBY GRANTED TO THE HENDRICKS COUNTY PLAN COMMISSION, ITS SUCCESSORS OR ASSIGNS.
- (19) SIGHT DISTANCE AT INTERSECTIONS: NO FENCE, WALL, HEDGE, OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN 2 AND 6 FEET ABOVE THE ROADWAYS, SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES, AND A LINE CONNECTING THEM AT POINTS 25 FEET FROM THE INTERSECTIONS OF THE STREET LINE, 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 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY PLACEMENT. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCE OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT A SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.
- (20) FENCES: NO FENCE SHALL BE ERECTED ON OR ALONG ANY LOT LINE, NOR ON ANY LOT, THE PURPOSE OR RESULT OF WHICH WILL BE TO OBSTRUCT REASONABLE VISION, LIGHT OR AIR, AND ALL FENCES SHALL BE KEPT IN GOOD REPAIR AND ERECTED REASONABLY SO AS TO ENCLOSE THE PROPERTY AND DECORATE THE SAME WITHOUT HINDRANCE OR OBSTRUCTION TO ANY OTHER PROPERTY. NO FENCE SHALL BE ERECTED BETWEEN THE FRONT PROPERTY LINES AND THE BUILDING SET-BACK LINE OTHER THAN A FENCE OF A DECORATIVE NATURE NOT EXCEEDING 3 FEET 6 INCHES IN HEIGHT.
- (21) STORAGE TANKS: OIL OR GAS STORAGE TANKS SHALL BE EITHER BURIED OR LOCATED IN A HOUSE OR GARAGE AREA.
- (22) SIGNS: NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW UPON ANY LOT, EXCEPT (A) ONE SIGN OF NOT MORE THAN 5 SQUARE FEET, ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD AND (B) ANY SIGN REQUIRED BY LAW.
- (23) HUNTING OR TRAPPING: NO HUNTING OR TRAPPING SHALL BE ALLOWED WITHIN THE BOUNDARIES OF SAID SUBDIVISION.
- (24) ENFORCEMENT: IF THE PARTIES HERETO, OR ANY OF THEM, THEIR HEIRS OR ASSIGNEES SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON, OR PERSONS OWNING ANY LOT OR LOTS IN SAID SUBDIVISION TO PROSECUTE BY ANY PROCEEDING AT LAW OR EQUITY THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION. A VIOLATION OF ANY RESTRICTION HEREIN WILL NOT RESULT IN REVERSION OR FOREFEITURE OF TITLE.

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- (25) **TERM:** THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF 25 YEARS FROM THE DATE THAT THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS, UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR PART.
- (26) **SEVERABILITY:** INVALIDATION OF ANY ONE OF THESE COVENANTS, BY COURT ORDER, SHALL IN NO WAYS, AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF: THE SAID PARTY AS PURCHASERS OF THE ABOVE DESCRIBED SUBDIVISION HAS HEREUNTO SET THEIR HANDS AND SEALS THIS 23<sup>rd</sup> DAY OF September 1978.

  
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HARVEY C. GOFF

  
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ROGER R. MOSSER

STATE OF INDIANA     )  
COUNTY OF HENDRICKS )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HARVEY C. GOFF AND ROGER R. MOSSER AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 25<sup>th</sup> DAY OF September 1978.

MY COMMISSION EXPIRES 2-7-80.

  
\_\_\_\_\_  
NOTARY PUBLIC



THIS INSTRUMENT WAS PREPARED BY ROGER R. MOSSER, ATTORNEY AT LAW.

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ENTERED FOR RECORD  
BOOK 27 SEP 28 1978  
"Lico"  
#397-

WESTRIDGE ESTATES RESTRICTIVE COVENANTS

*Marville Abbott*  
RECORDED HENDRICKS COUNTY

HARVEY C. GOFF AND ROGER R. WISSER, PURCHASERS UNDER CONTRACT DATED JULY 7, 1978 FROM BUFORD M. CADLE OF APPROXIMATELY 255 ACRES, HEREINAFTER CALLED "WESTRIDGE ESTATES", LOCATED IN LIBERTY TOWNSHIP, HENDRICKS COUNTY, INDIANA, DO HEREBY INDENTURE, RESTRICT AND COVENANT SAID LAND, EXCEPT FOR (a) 7.03 ACRES OF THE NORTHWEST CORNER OF SAID LAND PLATTED INTO SIX LOTS AND THEN DESIGNATED AS "CADLE MEADOW" AND (b) THAT ONLY THE FIRST SENTENCE OF PARAGRAPH (2) AND NONE OF PARAGRAPH (3) SHALL BE APPLICABLE TO LOT 3 OF SUB-DIV. II, TO THEMSELVES AND THEIR GRANTEES, ASSIGNS, SUCCESSORS, HEIRS, OR LEGAL REPRESENTATIVES, AND TO ANY PERSON, PERSONS, CORPORATIONS, BANKS, AND ASSOCIATIONS AND/OR ANYONE WHO MAY OBTAIN TITLE TO SAID LOTS AS TO THE FOLLOWING TERMS, STIPULATIONS, CONDITIONS, RESTRICTIONS, AND COVENANTS TO-WIT:

- (1) FULLY PROTECTIVE RESIDENTIAL AREA: THE FOLLOWING COVENANTS, IN THEIR ENTIRETY SHALL APPLY TO ALL OF SAID SUBDIVISION.
- (2) LAND AND BUILDING TYPE: NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES, NOR SHALL ANY LOT BE SUBDIVIDED. NO BUILDING SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE ATTACHED GARAGE FOR NOT MORE THAN FOUR CARS. IN THE EVENT THE PURCHASER SHOULD BUY TWO LOTS WITH THE PURPOSE OF BUILDING ONE SINGLE FAMILY DWELLING ACROSS THE CENTER LOT LINE, THE LOT LINE RESTRICTIONS SHALL NOT APPLY TO THE BOUNDARY LINES DIVIDING ANY TWO SAID LOTS.
- (3) DWELLING SIZE: THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE STORY PORCHES AND GARAGES SHALL NOT BE LESS THAN 1600 SQUARE FEET IN THE CASE OF A ONE STORY STRUCTURE, NOR LESS THAN 1100 SQUARE FEET IN THE CASE OF A MULTIPLE STORY STRUCTURE, WITH NO LESS THAN 1750 SQUARE FEET OF FINISHED FLOOR AREA IN SUCH MULTIPLE STORY STRUCTURE.
- (4) ARCHITECTURAL DESIGN AND ENVIRONMENTAL CONTROL: NO BUILDING, FENCE, WALL, OR ANY OTHER STRUCTURE SHALL BE ERECTED, PLACED AND ALTERED ON ANY BUILDING PLOT IN THIS SUBDIVISION UNTIL THE BUILDING PLANS, SPECIFICATIONS, AND PLOT PLAN SHOWING THE LOCATION OF SUCH STRUCTURES AND DRIVEWAYS HAVE BEEN APPROVED AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURE HEREIN AND AS THE BUILDING WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATIONS BY AN ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE. ALSO, THE PROPOSED LOCATION OF WELLS, SEPTIC SYSTEMS, DESTRUCTION OF TREES AND VEGETATION AND ANY OTHER SUCH MATTER AS MAY AFFECT THE ENVIRONMENT AND ECOLOGY OF SAID SUBDIVISION SHALL BE THE PROPER CONCERN OF THE COMMITTEE. THIS COMMITTEE SHALL BE COMPOSED OF THE UNDERSIGNED PURCHASERS OF THE HEREIN DESCRIBED REAL ESTATE, OR BY THEIR DULY AUTHORIZED REPRESENTATIVES. IN THE EVENT OF THE DEATH OR RESIGNATION OF ANY MEMBER OF SAID COMMITTEE, THE REMAINING MEMBER SHALL HAVE FULL AUTHORITY TO APPROVE OR DISAPPROVE SUCH DESIGN AND LOCATIONS, OR TO DESIGNATE A REPRESENTATIVE WITH LIKE AUTHORITY. THE COMMITTEE'S APPROVAL, OR DISAPPROVAL, AS REQUIRED IN THIS COVENANT SHALL BE IN WRITING. IN THE EVENT THAT SAID WRITTEN APPROVAL IS NOT RECEIVED FROM THE COMMITTEE WITHIN 20 DAYS FROM THE DATE OF SUBMISSION, IT SHALL BE DEEMED THAT THE COMMITTEE HAS DISAPPROVED THE PRESENTED PLAN. NEITHER THE COMMITTEE MEMBERS NOR THE DESIGNATED REPRESENTATIVES SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT.
- (5) BUILDING CONSTRUCTION: ANY BUILDING ONCE APPROVED AND UNDER CONSTRUCTION MUST BE COMPLETED WITHIN ONE YEAR FROM THE TIME CONSTRUCTION WAS STARTED. NO BUILDING SHALL BE ON ANY LOT NEARER TO THE FRONT OR SIDE PROPERTY LINE THAN THE MINIMUM BUILDING SET-BACK LINES, AS SHOWN ON THE RECORDED PLAT AND IN ACCORDANCE WITH PRESENT COUNTY REGULATIONS PERTAINING TO SIDE PROPERTY LINES.
- (6) DRIVEWAYS: DRIVEWAYS TO ALL RESIDENCES SHALL BE PAVED WITH AN ASPHALT OR CONCRETE SURFACE WITHIN ONE YEAR FROM DATE OF OCCUPANCY. IN THE EVENT A BUILDER CONTINUES TO BE IN TITLE TO A LOT ONE YEAR FROM START OF CONSTRUCTION, THE DRIVEWAY TO SAID RESIDENCE MUST BE PAVED WITHIN 18-MONTHS FROM START OF CONSTRUCTION.

# 2163 Sept-26, 1983  
for Amendment to Covenants  
see Plat Book # 27 Page 325-9  
Annice D. Mappeler & Mc

- (7) **DRAINAGE AND UTILITY EASEMENTS:** THE STRIPS OF GROUND MARKED DRAINAGE AND UTILITY EASEMENTS ARE HEREBY RESERVED FOR THE USE OF PUBLIC UTILITIES, NOT INCLUDING TRANSPORTATION COMPANIES, FOR INSTALLATION AND MAINTENANCE OF POLES, MAINS, DUCTS, LINES AND WIRES AND ARE SUBJECT AT ALL TIMES TO THE PROPER AUTHORITIES AND TO THE EASEMENTS HEREIN GRANTED AND RESERVED. THESE EASEMENTS ARE NOT FOR THE USE OF AND SHALL NOT BE USED FOR HIGH VOLTAGE ELECTRIC TRANSMISSION LINES OR HIGH PRESSURE LIQUID TRANSMISSION PIPE LINES, EXCEPT BY WRITTEN PERMISSION OF THE OWNER OF THE LAND AT THE TIME SAID TRANSMISSION LINE IS CONSTRUCTED. THE DRAINAGE EASEMENTS MAY BE USED BY THE PROPER AUTHORITIES INCLUDING THE HENDRICKS COUNTY DITCH BOARD OR BY ANY OF SEVERAL OWNERS OF THIS SUBDIVISION OR ANY OTHER SECTIONS OF THIS SUBDIVISION FOR THE INSTALLATION AND THE MAINTENANCES OF EITHER SURFACE OR SUBSURFACE DRAINAGE. TO ACCOMPLISH SAID DRAINAGE, THE EXISTING GRADE OR SAID EASEMENTS MAY BE ALTERED TO ANY GRADE NECESSARY. IN NO SITUATION SHALL ANY OWNER BLOCK THE DRAINAGE IN ANY MANNER ALONG SAID DRAINAGE SWALES. THE COVENANT HEREBY GRANTS THE HENDRICKS COUNTY DITCH BOARD THE AUTHORITY TO ACCEPT ALL DRAINAGE AND UTILITY EASEMENTS FOR THE PURPOSES OF ESTABLISHING LEGAL DRAIN.
- (8) **LANDSCAPING:** ALL NON-WOODED LOTS IN THIS SUBDIVISION SHALL BE IMPROVED WITH A MINIMUM OF THREE DECIDUOUS TYPE SHADE TREES WITHIN ONE YEAR OF THE ERECTION OF A PERMANENT STRUCTURE. ALL LOTS, WHETHER IMPROVED OR NOT, SHALL BE MOWED BY THE OWNER OF THE LOT OR THEIR DESIGNATED REPRESENTATIVE A MINIMUM OF ONCE PER MONTH DURING THE MONTHS OF APRIL THROUGH SEPTEMBER.
- (9) **UTILITY BUILDING:** A UTILITY BUILDING MAY BE CONSTRUCTED ON EACH LOT, IF APPROVED BY THE ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE. THIS UTILITY BUILDING IS TO BE CONSTRUCTED IN SUCH MANNER AS TO MEET THE STANDARDS OF CONSTRUCTION AS USED IN THE CONSTRUCTION OF THE HOUSE. THE UTILITY BUILDING SHALL BE LOCATED BEHIND THE MAIN DWELLING AND IN NO INSTANCE SHALL THE UTILITY BUILDING BE LOCATED IN FRONT OR AT THE SIDE OF THE MAIN DWELLING.
- (10) **VEHICLE PARKING:** NO VEHICLE SHALL BE ALLOWED TO PARK ON ANY STREET WITHIN SAID SUBDIVISION EXCEPT FOR A REASONABLE LENGTH OF TIME WHEN THE VEHICLE IS BEING USED FOR DELIVERY OR PICKUP PURPOSES.
- (11) **RECREATIONAL VEHICLES, BOATS, AND NON-USED VEHICLES:** ALL BOATS, ALL TRUCKS, ALL RECREATIONAL VEHICLES AND NON-USED OR NON-OPERATIONAL VEHICLES SHALL BE KEPT IN EITHER THE DWELLING, GARAGE, BASEMENT, OR UTILITY BUILDING.
- (12) **BUSINESSES:** NO MERCANTILE BUILDING SHALL BE ERECTED, BUILT, OR PLACED ON THE SAID DESCRIBED REAL ESTATE, NOR ANY BUSINESS OR ANY NATURE BE CARRIED ON IN THE MANUFACTURING, WHOLESALING, OR RETAILING NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- (13) **NUISANCES:** NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED OUT ON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
- (14) **TEMPORARY STRUCTURES:** NO STRUCTURE OF A TEMPORARY CHARACTER, MOBILE HOME, BASEMENT, TENT, SHED, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED UPON ANY LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY. ALL DWELLINGS MUST BE FULLY COMPLETED UPON THE EXTERIOR BEFORE BEING OCCUPIED.
- (15) **GARBAGE AND REFUSE DISPOSAL:** NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE, OR OTHER WASTES SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. SAID GARBAGE, TRASH OR OTHER WASTES SHALL BE DISPOSED OF WEEKLY BY A REFUSE COLLECTION SERVICE, DESIGNATED BY THE ABOVE-MENTIONED ARCHITECTURAL AND ENVIRONMENTAL CONTROL COMMITTEE OR A HOMEOWNERS ORGANIZATION, IF ESTABLISHED. NO BURNING OF ANY WASTE, INCLUDING LEAVES, SHALL BE ALLOWED EXCEPT BY AN IN-DOOR INCINERATOR APPROVED BY SAID COMMITTEE. ALL EQUIPMENT FOR THE STORAGE AND DISPOSAL OF RUBBISH SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION AND SHALL NOT BE SO USED AS TO CREATE AN OFFENSIVE SIGHT OR ODOR.

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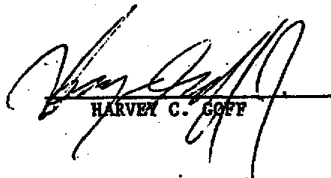
- (16) ANIMALS: NO ANIMALS, LIVESTOCK OR POULTRY SHALL BE RAISED, BRED OR KEPT UPON ANY LOT EXCEPT THAT DOGS, CATS, OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSES.
- (17) SEWAGE DISPOSAL: NO INDIVIDUAL SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS DESIGNED, LOCATED, AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE HENDRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEM SHALL BE OBTAINED FROM SAID AUTHORITY. IF, IN THE FUTURE, PUBLIC SEWAGE DISPOSAL FACILITIES ARE MADE AVAILABLE TO THE LOT OWNERS OF THIS SUBDIVISION, EACH OWNER THEREIN SHALL ATTACH TO SUCH FACILITIES WITHIN TWO YEARS OF THE AVAILABILITY DATE. RIGHT OF ENFORCEMENT OF THIS COVENANT IS HEREBY GRANTED TO THE HENDRICKS COUNTY PLAN COMMISSION, ITS SUCCESSORS OR ASSIGNS.
- (18) WATER SUPPLY: NO INDIVIDUAL WATER SUPPLY SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS DESIGNED, LOCATED AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE HENDRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEMS SHALL BE OBTAINED FROM SAID AUTHORITY. IF, IN THE FUTURE, PUBLIC WATER FACILITIES ARE MADE AVAILABLE TO THE LOT OWNERS IN THIS SUBDIVISION, EACH OWNER THEREIN SHALL ATTACH TO SUCH FACILITIES WITHIN TWO YEARS OF THE AVAILABILITY DATE. RIGHT OF ENFORCEMENT OF THIS COVENANT IS HEREBY GRANTED TO THE HENDRICKS COUNTY PLAN COMMISSION, ITS SUCCESSORS OR ASSIGNS.
- (19) SIGHT DISTANCE AT INTERSECTIONS: NO FENCE, WALL, HEDGE, OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN 2 AND 6 FEET ABOVE THE ROADWAYS, SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES, AND A LINE CONNECTING THEM AT POINTS 25 FEET FROM THE INTERSECTIONS OF THE STREET LINE, 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 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY PLACEMENT. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCE OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT A SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.
- (20) FENCES: NO FENCE SHALL BE ERECTED ON OR ALONG ANY LOT LINE, NOR ON ANY LOT, THE PURPOSE OR RESULT OF WHICH WILL BE TO OBSTRUCT REASONABLE VISION, LIGHT OR AIR, AND ALL FENCES SHALL BE KEPT IN GOOD REPAIR AND ERECTED REASONABLY SO AS TO ENCLOSE THE PROPERTY AND DECORATE THE SAME WITHOUT HINDRANCE OR OBSTRUCTION TO ANY OTHER PROPERTY. NO FENCE SHALL BE ERECTED BETWEEN THE FRONT PROPERTY LINES AND THE BUILDING SET-BACK LINE OTHER THAN A FENCE OF A DECORATIVE NATURE NOT EXCEEDING 3 FEET 6 INCHES IN HEIGHT.
- (21) STORAGE TANKS: OIL OR GAS STORAGE TANKS SHALL BE EITHER BURIED OR LOCATED IN A HOUSE OR GARAGE AREA.
- (22) SIGNS: NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW UPON ANY LOT, EXCEPT (A) ONE SIGN OF NOT MORE THAN 5 SQUARE FEET, ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY A BUILDER TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD AND (B) ANY SIGN REQUIRED BY LAW.
- (23) HUNTING OR TRAPPING: NO HUNTING OR TRAPPING SHALL BE ALLOWED WITHIN THE BOUNDARIES OF SAID SUBDIVISION.
- (24) ENFORCEMENT: IF THE PARTIES HERETO, OR ANY OF THEM, THEIR HEIRS OR ASSIGNEES SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY PERSON, OR PERSONS OWNING ANY LOT OR LOTS IN SAID SUBDIVISION TO PROSECUTE BY ANY PROCEEDING AT LAW OR EQUITY THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION. A VIOLATION OF ANY RESTRICTION HEREIN WILL NOT RESULT IN REVERSION OR FOREFEITURE OF TITLE.

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- (25) **TERM:** THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF 25 YEARS FROM THE DATE THAT THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS, UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR PART.
- (26) **SEVERABILITY:** INVALIDATION OF ANY ONE OF THESE COVENANTS, BY COURT ORDER, SHALL IN NO WAYS, AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF: THE SAID PARTY AS PURCHASERS OF THE ABOVE DESCRIBED SUBDIVISION HAS HEREUNTO SET THEIR HANDS AND SEALS THIS 23<sup>rd</sup> DAY OF September 1978.

  
 HARVEY C. GOFF

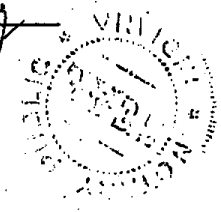
  
 ROGER R. MOSSER

STATE OF INDIANA )  
COUNTY OF HENDRICKS )

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED HARVEY C. GOFF AND ROGER R. MOSSER AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.

WITNESS MY HAND AND SEAL THIS 25<sup>th</sup> DAY OF September 1978.  
MY COMMISSION EXPIRES 2-7-80

  
 NOTARY PUBLIC



THIS INSTRUMENT WAS PREPARED BY ROGER R. MOSSER, ATTORNEY AT LAW.



12263

AMENDMENT TO WESTRIDGE ESTATES RESTRICTIVE COVENANTS

DKN Company, consisting of Harvey C. Goff, Roger R. Mosser and Harry F. Tidler, owners of Westridge Estates, a subdivision located in Liberty Township, Hendricks County, Indiana, the plat of which was recorded June 25, 1979, in Plat Book 10, page 54 in the office of the Recorder of Hendricks County, Indiana, do hereby amend the Restrictive Covenants of Westridge Estates, which Covenants were recorded September 28, 1978, in Miscellaneous Record 77, page 397, in the office of the Recorder of Hendricks County, Indiana, as follows:

Paragraph 3 of said Restrictive Covenants is amended as follows, to-wit:

DWELLING SIZE: The ground floor area of the main structure, exclusive of one story porches and garages, shall not be less than 1260 square feet in the case of a one story structure, nor less than 800 square feet in the case of a multiple story structure, with no less than 1260 square feet of finished floor area in such multiple story structure.

The undersigned owners do hereby ratify that all other Restrictive Covenants and terms of the document as recorded September 28, 1978, in Miscellaneous Record 77, Page 397, are in full force and effect, without change, and shall be, along with the amendment herein, binding upon the grantees, assigns, successors, heirs or legal representatives and to any person, persons, corporations, banks and associations and/or anyone who may obtain title to any lot in Westridge Estates.

SO AMENDED this 12 day of August, 1983.

ENTERED FOR RECORD 500X 98 SEP 20 1983 RONNIE R. MOPHEW RECORDER HENDRICKS COUNTY

DKN COMPANY By: Harvey C. Goff By: Roger R. Mosser By: Harry F. Tidler

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STATE OF INDIANA )  
                          ) SS:  
HENDRICKS COUNTY )

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named DKN Company by its authorized agents Harvey C. Goff, Roger R. Mosser and Harry F. Tidler, who acknowledged the execution of the foregoing to be their voluntary act and deed for the purposes expressed therein.

WITNESS my hand and Notarial Seal this 15th day of August, 1983.

*Bonita L. Baker*  
Notary Public Bonita L. Baker  
Resident of Morgan County

My Commission Expires:  
Oct. 6, 1986

This instrument was prepared by Lee T. Comer,  
Attorney-at-Law, P.O. Box 207, Danville, Indiana.