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Subdivision Covenants and Restrictions

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BRIER CREEK ESTATES

SECTION FOUR

BEING A SUBDIVISION OF THE N.W. 1/4 OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 5 EAST, 2ND RM.
HANCOCK COUNTY INDIANA

DECEMBER, 1977

INDIANA SURVEYING COMPANY, INC.

BRADFORD R. DREEMER, P.L.S., PRESIDENT
GREENFIELD, INDIANA
PH. 462-7046

PLAT BOOK _____

PAGE _____

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DEDICATION AND PLAT RESTRICTIONS:

KNOW ALL MEN BY THESE PRESENTS, That FRED J. MORSELEY, owner of the lands shown and described herein has caused to be made the attached plat entitled "BRIER CREEK ESTATES SECTION FOUR", the same being a subdivision of the Northwest Quarter of Section 12, Township 15 North, Range 5 East, Sugar Creek Township, Hancock County, Indiana.

1. That the express purpose of this plat is to subdivide the above property into lots in order to create more suitable sites for development.
2. That the official zoning regulations now in effect or as the same may be amended, from time to time, changed or amended applicable to the area within which the subdivision is located shall be observed.
3. That the streets, together with all existing and future planting, trees and shrubbery thereon, as shown on the attached plat are hereby dedicated to the perpetual use of the public for proper purposes, reserving to the dedicators, their successors or assigns the reversion or reversions thereof, whenever discontinued by law.
4. There is hereby created an easement within all areas designated herein as "DRAINAGE AND UTILITY EASEMENT" for the installation and maintenance of all utilities, including without limitations, electricity, telephone services, water and sewer distribution and collection services, and any other utilities or services that may, in the future, be engaged or caused to be installed by the subdivider, its successors or assigns and/or the owners of property within the subdivision; such easement being in favor of the utility or service companies duly authorized to do business within and franchised for, the subject area. NO permanent buildings or trees shall be placed on said areas designated as "DRAINAGE AND UTILITY EASEMENT" but same may be used for garden, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights of, herein described.
5. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one half stories in height and a private attached garage for not more than three cars.
6. Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structures.
7. No building shall be located on any lot nearer to the front property line or nearer to the side street lines than the minimum building setback lines shown on the plat. No dwelling unit shall be located nearer than fifteen (15) feet to any side lot line. No dwelling unit or outbuilding shall be located nearer than twenty (20) feet to any rear lot line.
8. No dwelling unit shall have a ground floor area of less than 1400 square feet, exclusive of open porches, attached garages and other accessory structures in the case of a one story dwelling unit or less than 1600 square feet of total floor area for a dwelling unit of more than one story in height.
9. No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently. All outbuildings must be constructed of materials equivalent to those used in the residential structure.
10. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No inoperative or unlicensed vehicle shall be parked on or repaired on any lot in this subdivision or on any lot thereof. No boat, trailer, camper or mobile home shall be parked within twenty-five (25) feet of the front property line of any lot. No garage or basement shall be built for living quarters or no occupancy of unfinished dwellings shall be permitted.
11. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot; one sign of not more than five square feet advertising the property for sale or rent; or a sign of any dimensions used by the builder or developer to advertise the property during construction and sales period.
12. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except domestic cats or other household pets may be kept provided that they are not kept

- 13. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste materials shall be kept in sanitary containers. All incinerators or other equipment for the storage or disposal of such waste material shall be kept in a clean and sanitary condition.
- 14. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (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 twenty-five (25) feet from the intersection of the street lines; or in the case of rounded corners, from the intersection of the street property line extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line within the edge of a driveway. No trees shall be permitted within such distances of such sight lines. From the date of commencement of construction (date building permit is issued) of any dwelling unit on any lot in this subdivision, said dwelling unit shall be completed within one year.
- 16. The exterior construction of all homes in these subdivisions shall consist of at least fifty (50) per cent brick or masonry.

Fred T. Horsley

IN WITNESS WHEREOF: FRED T. HORSLEY has caused these presents to be signed this 20TH day of DECEMBER, 1977.

FRED T. HORSLEY

STATE OF INDIANA) S.S.
COUNTY OF HANCOCK)

I HEREBY CERTIFY: That on this day personally appeared before me, FRED T. HORSLEY, to me well known to be the person described in and who executed the foregoing instrument and who acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

WITNESS: My signature and Official Seal this 20TH day of DECEMBER, 1977. Dominic L. Pounoff (My Commission expires 11-15-81)

NOTARY PUBLIC OF INDIANA

HANCOCK COUNTY PLAN COMMISSION:

This is to certify that this plat has been approved by the Hancock County Plan Commission this 15th day of DECEMBER, 1977, under the authority provided by Chapter 174, Acts of 1947, of the General Assembly, State of Indiana and all acts amendatory thereto.

James E. McCord

JAMES MCCORD, PRESIDENT

Gerald P. Lantz

GERALD P. LANTZ, SECRETARY

HANCOCK COUNTY COMMISSIONERS:

This is to certify that this plat has been approved and accepted for record by the Hancock County Board of Commissioners, by resolution adopted by said Commissioners, this M 22ND day of MAY, 1978, under authority provided by Chapter 47, Acts of 1951, of the General Assembly, State of Indiana, and in accepting this plat all previous plats of said lands are hereby cancelled and superseded.

Dawson Fry

DAWSON FRY - PRESIDENT

William C. Silver

WILLIAM SILVEY

Noble Saccograss

NOBLE SACCOGRASS

COUNTY RECORDER:

This instrument filed this _____ day of _____, 1978, and recorded in Plat Book _____ at Pages _____ and as Instrument Number _____ in the Office of the Recorder of Hancock County, Indiana.

ERMA RODCKER - RECORDER