



120
YEARS OF SERVICE
LOOKING AHEAD

Not Just for One Transaction, But for Life

First American Title Insurance Company
Indianapolis Downtown—Corporate
251 E. Ohio Street, Suite 200
Indianapolis, IN 46204
Telephone (317) 684-7556

Subdivision Covenants and Restrictions

The information is provided as a public service only. The information on this site is general in nature, unofficial and is not a valid reference for any legal purposes. The user agrees to hold harmless, protect, indemnify, and forever release First American Title Insurance Company and its officers, directors, agents, and employees, from and against any and all liabilities, losses, damage, expenses and charges, including but not limited to attorneys' fees and expenses of litigation, which may be sustained or incurred by the user under, or arising directly or indirectly out of the use of the information contained in this site.

SECTION EIGHT COVENANTS

We, R & F Development, Inc. by Steven R. Reilly, President, owner of the real estate shown and described herein, do hereby lay off, plat and subdivide said real estate in accordance with the within plat.

This subdivision shall be known and designated as Countryside-Section Eight. All streets shown and not heretofore dedicated are hereby dedicated to the public.

Front building minimum and maximum setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected or maintained no buildings or structures. The strips of ground shown on this plat and marked drainage and utility easement (D. & U.E.) are reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, line and wires, drainage facilities. The strips of ground are subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained on said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.

This subdivision shall be subject to the following restrictions which shall operate as perpetual covenants.

1. Drainage Swales: (Ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Hancock County Drainage Board (Commissioners). Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roof or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts are installed as set out in 7.1-17 of the Hancock County Subdivision Control Ordinance.
2. Altering Drainage Swales: Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given 10 days notice by registered mail to repair said damage, after which time, if no action is taken, the Hancock County Drainage Board (Commissioners) will cause said repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.
3. Corner Lots: No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 and 8 feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points 40 feet from the intersection of said street lines (40 feet for minor streets and 75 feet for arterial streets) or in the case of a rounded property corner form the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within 10 feet of the intersection of a street right-of-way line with the edge of the driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two street lines.
4. Drains: No sump pump drains or other drains shall outlet on to the street. No drainage structures shall be located within driveway limits.
5. Right-of-way: No trees shall be planted in the Hancock County right-of-way.
6. Driveways: All driveways and vehicle parking areas shall be hard surfaced with either concrete, asphalt or brick. No gravel or stone driveways will be permitted.

7. Minimum living s lots in garages, ground l of groun square l one-stor have a m each dwe garage.
8. Resident be used i used as subdivis or other resident kennel, the subd
9. Building nearer t than the No acces side lot distance building feet, bu
10. Health C disposal the regu or other
11. Nuisance upon any thereon l neighborl Garbage i are not
12. Limitati complete the fina
13. Parking be parke line. No or repai thereof.
14. Storage shall be
15. Fencing any lot r All fenc
16. Antennas placed by
17. Design Re residence 85% brick exterior All exter of the g chimneys roof shal may be w intent of Colonial stone. r required. Developer process.

COVENANTS

- 18. Construction Methods: No modular or concrete homes will be permitted in this subdivision. No wood foundations shall be permitted.
- 19. Outbuildings: All outbuildings shall be constructed of new materials and be similar in appearance (similar in appearance shall mean same roof color and same trim color) with the residence on the lot on which the building is being built. No metal outbuilding shall be permitted.
- 20. Homeowners Association: Each lot owner shall be required to join the Homeowners Association for the purposes outlined in the Home owners Association By-laws.
- 21. Swimming Pools: Swimming pools must be placed behind the residence. All pools must be below ground.
- 22. Pets: No animals, livestock, or poultry of any kind shall be raised bred or kept on any lot, except dogs, cats and other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes. Any animal so kept will not be permitted to roam at large within the subdivision and shall be confined to the owners premises.
- 23. Lot Maintenance: All lots on which construction has not begun must be mowed and maintained by the lot owner. After construction, the structure, grounds and recreational equipment shall be maintained in a neat and attractive manner.
- 24. Duration of Covenants: The foregoing covenants, conditions and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2014 at which time said covenants and restrictions shall be automatically extended for successive periods of ten (10) years unless changed in whole or part by vote of these persons who are then the Owners of the majority of the numbered lots in the Development.
- 25. Enforcement of Covenants: The covenants may be enforced by any owner of any of the real estate in this subdivision, including the developer. However, such time as the developer no longer owns any property contained in this subdivision Section 8, the developer no longer has any right, obligation or standing to enforce any covenant herein.
- 26. Severability: Every one of the restrictions is hereby declared to be independent of and severable from the rest of the restrictions and of and from every other one of the restrictions, and of and from every combination of the restrictions. Therefore, if any of the restrictions shall be held to be invalid or to be unenforceable, or to lack the quality of running with the land that the holding shall be without effect on the validity, enforceability or running quality of any other one of the restrictions.

ST
CO
We,
ow
suc
sur
ow

I,
Cou
per
sub
per
own
fort
Give
1994

β

SIDE
GHT

C A B I N E T	B	S L I D E	240
INSTR NO		94-10725	

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

We, R & F Development, Inc., do hereby certify that we are the owners of the property described in the above caption and that as such owner, we have caused the said above described property to be surveyed and subdivided as shown on the herein drawn plat, as our own free and voluntary act and deed.

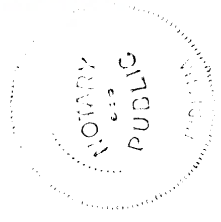
R & F DEVELOPMENT, INC.
BY: Steven R. Reilly
STEVEN R. REILLY, President

I, Stacie R. Austin, a notary public in and for said County and State, do hereby certify that STEVEN R. REILLY is personally known to me to be the same person whose name is subscribed to the above certificate, appeared before me this day in person and acknowledged that he signed the above certificate as his own free and voluntary act and deed for the purpose therein set forth.

Given under my hand and notarial seal this 11th day of October, 1994.

My commission Expires:
12-13-97

Stacie R. Austin
Notary Public Stacie R. Austin
Resident of Hancock County



0200921

Carolyn Kraus
HANCOCK COUNTY RECORDER
02 JAN 14 PM 2:31

ARTICLE VIII

Incorporators

The name and address of the Incorporator of the Corporation is as follows: Deborah E. Schannen, 5935 Countryside Court, New Palestine, IN 46163.

ARTICLE IX

Statement of Property and Value

A statement of the property and an estimate of the value thereof to be taken over by the Corporation at or upon its incorporation is as follows: none.

IN WITNESS WHEREOF, the undersigned, being the Incorporator designated in Article VIII, executes these Articles of Incorporation this 13th day of September, 1993.

The undersigned does hereby adopt these Articles of Incorporation, representing beforehand to the Secretary of State of the State of Indiana and all persons who it may concern, that a membership list of the above-named corporation for which a Certificate of Incorporation is hereby applied for has heretofore been opened in accordance with the Act and that at least one (1) person has signed such membership list.

I hereby verify and affirm subject to penalties of perjury that the facts contained herein are true.

Deborah E. Schannen

Deborah E. Schannen

This instrument was prepared by Deborah E. Schannen,
5935 Countryside Court, New Palestine, IN 46163

25
9)

CAROLYN GRASS 9P
HANCOCK COUNTY RECORDER
RDL Date 12/27/2002 Time 12:02:21
FEE: 25.00
I 020021264 Page 1 of 9

HANCOCK COUNTY RECORDER
02 JAN 14 PM 2:31
FILED

Joseph H. Smith
SECRETARY OF STATE OF INDIANA

**ARTICLES OF INCORPORATION
OF
COUNTRYSIDE NEIGHBORHOOD ASSOCIATION, INC.**

Reference # 02000921

The undersigned incorporator, desiring to form a corporation (hereinafter referred to as the "Corporation") pursuant to the provisions of the Indiana Not-For-Profit Act of 1991, as amended (hereinafter referred to as the "Act"), executes the following Articles of Incorporation.

**ARTICLE I
Name**

The name of the Corporation is Countryside Neighborhood Association, Inc. This Corporation is a mutual benefit corporation.

**ARTICLE II
Purposes and Powers**

Section 2.1. Purposes of the Corporation. The purposes for which the Corporation is formed are:

- (a) To provide a nonpartisan forum for members of the Corporation to discuss and act on community problems.
- (b) To advocate, plan, and implement programs that will improve the neighborhood, maintain its integrity, and promote the general welfare and safety of all residents.
- (c) To work with other autonomous neighborhood organizations to promote the welfare of the New Palestine community as a whole.
- (d) To encourage and promote fellowship among all residents of the neighborhood and surrounding area.

Section 2.2. Powers of the Corporation. The Corporation shall have (a) all powers now or hereafter authorized by or vested in corporations pursuant to the provisions of the Act and (b) all powers authorized by or vested in the

Corporation by the provisions of these Articles of Incorporation or by the provisions of its Bylaws as from time to time in effect.

**ARTICLE III
Term of Existence**

The period during which the Corporation shall continue is perpetual.

**ARTICLE IV
Registered Office and Agent**

The street address of the Corporation's registered office is 5935 Countryside Court, New Palestine, Indiana 46163, and the name of its registered agent at such office is Deborah E. Schannen.

**ARTICLE V
Membership**

There shall be one class of members--Members. There shall be one category of Members—Individual.

A. Qualifications: Any owner of real property located in the Countryside subdivision, New Palestine, is entitled to be a Member of the Corporation. Joint tenants or other joint owners of property within said boundaries shall be entitled to a single membership.

B. Fees: The membership dues shall be used for the purposes specified in the Bylaws and shall be in the amount and shall be assessed and be due and payable at the times specified in the Bylaws. A Member shall be deemed to be in good standing when such Member's membership dues and special assessments due and payable have been paid in full.

C. Rights and Privileges: Each Member in good standing shall be entitled to one vote on any question that comes before a meeting of the Members.

**ARTICLE VI
Directors**

Section 6.1. Number. The initial Board of Directors shall be comprised of eight (8) members, which number may be changed by amendment to the Bylaws. Under no circumstances shall the number of Directors specified in the Bylaws of the Corporation be less than three (3) or more than ten (10).

Section 6.2. Initial Board of Directors. The name and post office address of the members of the first Board of Directors of the Corporation are as follows:

<u>Name</u>	<u>Address</u>	<u>City, State, Zio Code</u>
Phil Appleman	5855 Countryside Ct.	New Palestine, IN 46163
Ron Buses	5428 W. Granite Ct.	New Palestine, IN 46163
Terry Buses	5428 W. Granite Ct.	New Palestine, IN 46163
Jeff Cloyd	5815 Country Way	New Palestine, IN 46163
Pam Cloyd	5815 Country Way	New Palestine, IN 46163
Karl Leimgruber	5825 Country Way	New Palestine, IN 46163
Deborah E. Schannen	5935 Countryside Ct.	New Palestine, IN 46163
Michael A. Schannen	5935 Countryside Ct.	New Palestine, IN 46163

Section 6.3. Removal of Directors. A member of the Board of Directors may be removed by the Board of Directors for failure to perform the duties prescribed in the Bylaws for the office held by such Director, for failure to attend two consecutive quarterly meetings of the Board of Directors without adequate excuse, as determined by the Board of Directors, or for such other just cause as determined by the Board of Directors. In addition, any one or more of the Directors may be removed, with or without cause, at a meeting of the Members called expressly for that purpose, by a vote of a majority of the Members then entitled to vote at an election of Directors.

ARTICLE VII Bylaws

The Members of the Corporation shall have the exclusive power to make, alter, amend or repeal, or to waive provisions of, the Bylaws of the Corporation in the manner prescribed in the Bylaws. Any provisions for the regulation of the business and management of the affairs of the Corporation not stated in these Articles of Incorporation may be stated in the Bylaws.

ARTICLE VIII Incorporators

The name and address of the Incorporator of the Corporation is as follows:
Deborah E. Schannen, 5935 Countryside Court, New Palestine, IN 46163.

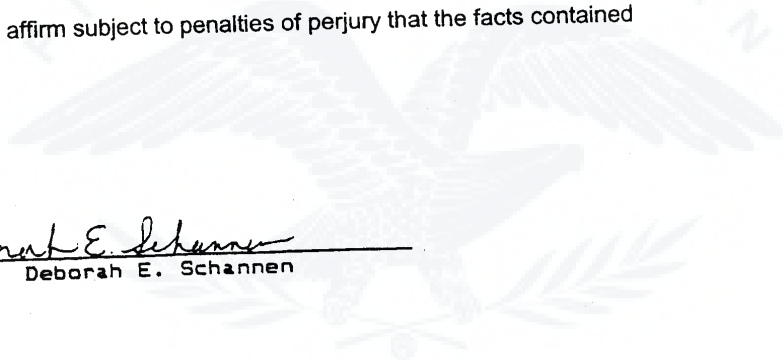
ARTICLE IX Statement of Property and Value

A statement of the property and an estimate of the value thereof to be taken over by the Corporation at or upon its incorporation is as follows: none.

IN WITNESS WHEREOF, the undersigned, being the Incorporator designated in Article VIII, executes these Articles of Incorporation this 13th day of September, 1993.

The undersigned does hereby adopt these Articles of Incorporation, representing beforehand to the Secretary of State of the State of Indiana and all persons who it may concern, that a membership list of the above-named corporation for which a Certificate of Incorporation is hereby applied for has heretofore been opened in accordance with the Act and that at least one (1) person has signed such membership list.

I hereby verify and affirm subject to penalties of perjury that the facts contained herein are true.


Deborah E. Schannen
Deborah E. Schannen

This instrument was prepared by Deborah E. Schannen, 5935 Countryside Court, New Palestine, IN 46163

Adopted October 5, 1993
Amended November 7, 2002

BY LAWS OF THE
COUNTRYSIDE NEIGHBORHOOD ASSOCIATION, INC.

Article 1
General

Section 1. The name of this Corporation shall be Countryside Neighborhood Association, Inc.

Section 2. The purposes of the Corporation shall be as follows:

- A. To provide a nonpartisan forum for members of the Corporation to discuss and act on community problems.
- B. To advocate, plan, and implement programs that will improve the neighborhood, maintain its integrity, and promote the general welfare and safety of all residents.
- C. To work with other autonomous neighborhood organizations to promote the welfare of the New Palestine community as a whole.
- D. To encourage and promote fellowship among all residents of the neighborhood and surrounding area.

Section 3. The fiscal year of the Corporation shall begin on the first day of January and end on the last day of December next succeeding.

Section 4. No Member shall receive any earnings from the Corporation, except as otherwise permitted by law. All Directors and officers shall serve without compensation.

Article II
Membership

Section 1. There shall be one class of members—Members. There shall be one category of Members—Individual.

A. Qualifications: Any owner of real property located in Countryside subdivision, New Palestine, Indiana is entitled to be a Member of the Corporation. Joint tenants or other joint owners of property within said boundaries shall be entitled to a single membership.

B. Fees: The membership dues, which shall be used for the administration of the Corporation and neighborhood improvement projects, shall be \$20.00 annually per Member, and shall be assessed and be due and payable when a Member becomes a Member and on each January 1 beginning in 1995 thereafter. A Member shall be deemed to be in good standing when such Member's membership dues and special assessments due and payable have been paid in full.

C. Rights and Privileges: Each Member in good standing shall be entitled to one vote on any question that comes before a meeting of the Members.

Section 2. The annual meeting of the Members shall be held each year (beginning in 1994) on such day in the month of February and at such place and time as the Board of Directors shall specify.

Special meetings of the Members may be called at any time by the President, a majority of the Board of Directors or by written petition signed by no fewer than one-tenth (1/10) of the Members in good standing. A special meeting shall be held at the time and place specified by the caller or callers of the special meeting.

Section 3. A written notice, stating the place, day and hour and purpose of any meeting of the Members shall be delivered to the last address of each Member as shown in the records of the Corporation at least ten (10) days before the date of the meeting. Attendance at any meeting, in person or by proxy, shall constitute a waiver of notice of such meeting.

Section 4. At all meetings of the Members, ten percent (10%) of the Members in good standing shall constitute a quorum. If a quorum exists, action on any matter to be considered at the meeting is approved if the votes properly cast in favor of the action exceed the votes properly cast opposing the action. Any meeting of the Members, including annual or special meetings and any adjournments thereof, may be adjourned to a later date although less than a quorum is present.

Article III Board of Directors

Section 1. The Board of Directors shall consist of five (5) directors. The officers of the Corporation shall also be directors. The Board of Directors shall manage the affairs of the Corporation and shall be charged with implementation of the policies, business and activities of the Corporation.

Section 2. Meetings of the Board of Directors shall be held not less often than four times per calendar year, at such time, date and place as shall be determined by a majority of the Directors. Special meetings of the Board of Directors may be called by the President or two of the Directors upon not fewer than three (3) days' written or telephonic notice to each Director specifying the time, place and purpose of such meeting. Attendance at any meeting of the Board shall constitute a waiver of notice of such meeting and the time, place and call thereof.

Section 3. A majority of the Board of Directors shall constitute a quorum for the transaction of any business, and the act of a majority of the Directors present at a meeting at which a quorum is present shall be the act of the Board of Directors.

Section 4. Any action required or permitted to be taken at any meeting of the Board of Directors may be taken without a meeting if the action is taken by all members of the Board. The action must be evidenced by one (1) or more written consents describing the action taken, signed by each Director, and included in the minutes or filed with the corporate records reflecting the action taken. Action taken under this Section 4 is effective when the last Director signs the consent, unless the consent specifies

a different prior or subsequent effective date, in which case the action is effective on or as of the specified date.

Section 5. Nomination and Election of Directors. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting of the members of the Association. The Nominating Committee shall consist of any three members of the Board of Directors. The Nominating Committee shall be appointed prior to each annual meeting of the members until the close of the next annual meeting, and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but no less than the number of vacancies that are to be filled. Such nominations may be made only from among members of the Association, or persons deemed to be members eligible to serve as a director thereof or otherwise eligible to serve on the Board of Directors in accordance with the Articles of Incorporation of the Association.

Election to the Board of Directors shall be by secret written ballot at the annual meeting of the members of the Association. At such elections the members or their proxies may cast, in respect to each vacancy, as many votes as they are entitled to exercise under the provisions of the Articles of Incorporation. The person receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

Article IV Officers

Section 1. The officers of the Corporation shall be a President, a Vice President, a Secretary and a Treasurer. Each officer shall be elected at the annual meeting of the Members and shall serve until the next annual meeting and until the officer's successor is elected and qualified. All officers shall be Members in good standing. Any officer may be elected to successive terms. No person may serve in more than one office at the same time.

Section 2. The duties of the officers shall be as follows:

A. President:

- (1) The President shall preside at all meetings of the Directors and of the Members and serve as Chairman of the Board of Directors.
- (2) The President shall act as general administrative head of the Corporation, shall exercise general supervisory control over the affairs of the Corporation and the officers, and shall make interim decisions subject to confirmation by the Directors.
- (3) The President shall have the power to appoint all standing committees subject to confirmation by the Directors and shall be an ex-officio member of all committees.
- (4) The President shall have the deciding vote in case of a tie during any meeting of the Members or the Board of Directors.
- (5) The President shall represent the Corporation before the public.
- (6) The President shall perform such other duties as the Board of Directors may prescribe.

B. Vice President:

- (1) The Vice President shall serve as President pro-tem in the absence of the President.
- (2) The Vice President shall assume the powers and duties of the President in the absence of the President or for the remainder of the term of office, if a vacancy in the office of President occurs.
- (3) The Vice President shall represent the interests of the neighborhood and work for the involvement and participation of all Members of the Corporation in its programs and projects.
- (4) The Vice President shall perform such other duties as the President or the Board of Directors may prescribe.

C. Secretary:

- (1) The Secretary shall keep or cause to be kept minutes of all meetings of the Members and Board of Directors. The Secretary shall keep a complete and accurate list of all Members entitled to vote at meetings of the Members.
- (2) The Secretary shall note whether meetings were regular or special, how authorized and the proceedings thereof.
- (3) The Secretary shall give and serve, or cause to be given or served all notices, and shall file and preserve all important documents, records, reports and communications.
- (4) The Secretary shall perform such other duties of the Board of Directors or President may prescribe.
- (5) The minutes and other records of the Corporation shall, upon reasonable notice, be open to inspection by any Member in good standing.

D. Treasurer:

- (1) The Treasurer shall keep and maintain adequate accounts of the properties and business transactions of the Corporation including liabilities, receipts, disbursements, gains, losses, capital and surplus.
- (2) The Treasurer shall disburse the funds of the Corporation as directed by the Board of Directors.
- (3) The Treasurer shall deposit all monies and other valuables in the name and to the credit of the organization with such depositories as may be ordered by the Board. A duplicate deposit slip shall be retained for filing by the Treasurer. The books of the account shall be at all reasonable times open to inspection by any member of the Board and, upon reasonable notice, by any Member in good standing.
- (4) The Treasurer and anyone other officer shall have the power to sign all checks written in the name of the Corporation.

020021267

Section 3. A nominating committee of three (3) Members in good standing shall be appointed by the President in November of each year for the purpose of selecting and presenting a single slate of candidates for all offices for election at the annual meeting. The slate shall be included in the notice of the annual meeting. Additional nominations may be made by Members in good standing from the floor at the annual meeting. The Board of Directors shall establish a method for absentee voting and Members in good standing may cast absentee ballots for the election of the officers according to that method.

Section 5. Any officer may be removed from his or her position and from the Board of Directors by the Board of Directors for failure to perform the duties of that position outlined in these Bylaws, for failure to attend two (2) consecutive quarterly meetings of the Board of Directors without adequate excuse, as determined by the Board of Directors, or for such other just cause as determined by the Board of Directors. In addition, anyone or more of the members of the Board of Directors may be removed, with or without cause, at a meeting of the Members called expressly for that purpose, by a vote of a majority of the Members then entitled to vote at an election of Directors.

Article V
Amendment of Bylaws

Section 1. The power to amend, alter, add to and repeal these Bylaws is vested in the Board of Directors of the Association; provided, however, that no amendment or other change shall be made in these Bylaws which conflicts with the terms and provisions of the Articles of Incorporation unless the same is adopted by and approved by the members of the Association and others entitled by the terms of the Articles of Incorporation to vote on amendments to the Articles as provided in, and in accordance with the requirements of, the Articles.

Section 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles of Incorporation shall control.

Article VI
Special Assessments

The Board of Directors may propose, at any meeting of the Members, special assessments to cover the cost of (i) services to be provided to the neighborhood and to be contracted for by the Corporation, and (ii) special neighborhood improvement projects. The Members shall vote on the adoption of each proposed special assessment.