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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 TEN

(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 Ten. 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, and 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 7.1-47 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 ten (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 from 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 onto 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 space areas: The minimum square footage of living space of dwellings constructed on various residential lots in the development, exclusive of porches, terraces, garages, carports, accessory building, or basements below ground level shall contain no less than 1600 square feet of ground floor living area for a one-story structure or 1000 square feet of minimum ground floor area if higher than one-story, provided higher than one story structures shall have a minimum of 2000 square feet of total living area, and each dwelling shall have a two or three car, attached garage.

8. Residential: be used solely as residential subdivision or other residential use, kennel, ju the subdiv
9. Building L: nearer to than the m accessory side lot l distance f shall be l no case sh
10. Health Con: disposal i the regula or other c
11. Nuisances: upon any l thereon wh neighborho Garbage an are not vi
12. Limitation: completed the final
13. Parking Li: shall be p setback li be parked or on any
14. Storage Ta: shall be b
15. Fencing: any lot ne All fencir
16. Antennas: placed bef
17. Design Req: residence 85% brick exterior c All exteri of the gar chimneys r roof shall may be wa intent of Colonial stone. I required. Developer process.
18. Construct: be permit shall be
19. Outbuildi: new mater appearanc color) w building permitted
20. Homeowner: to join t in the H
21. Swimming: residence

8. Residential Use Only: All lots in this subdivision shall be used solely for residential purposes except for residences used as model homes during the sale and development of this subdivision. No motor home, trailer, tent, shack, basement, or other outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No dog kennel, junk yard or commercial business will be permitted in the subdivision.
9. Building Location: No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the plat. No accessory building shall be located closer to any front or side lot line than the required minimum front and side yard distance for the primary dwelling. No accessory building shall be located closer to any rear lot than 15 feet, but in no case shall it encroach upon any easement.
10. Health Concerns: All water systems and methods of sewage disposal in this subdivision are to be in compliance with the regulations or procedures by the State Board of Health or other civil authority having jurisdiction.
11. Nuisances: No noxious or offensive trade shall be permitted upon any lot in this subdivision nor shall anything be done thereon which may be a nuisance or annoyance to the neighborhood. No refuse will be maintained on the lot. Garbage and trash shall be kept in approved containers which are not visible from the street, except on collection day.
12. Limitation On Time: All residential construction must be completed within one year after the starting date, including the final grading.
13. Parking Limitations: No boat, camper, bus or trailer shall be parked closer to the street than the building setback line. No inoperative or unlicensed vehicle shall be parked on or repaired on any lot in this subdivision or on any street thereof.
14. Storage Tanks: All fuel storage tanks in this subdivision shall be buried below ground.
15. Fencing: No fence or wall shall be erected or placed on any lot nearer to any street than the front of the residence. All fencing must be maintained in good condition.
16. Antennas: Any external TV Antenna or satellite dish shall be placed behind the residence.
17. Design Requirements: Each one story and 1 1/2 story residence shall have an exterior constructed of no less than 85% brick or stone. Each 2 story residence shall have an exterior construction of no less than 50% brick or stone. All exterior siding shall be horizontal with the exception of the gables where vertical siding will be allowed. All chimneys must be brick or stone veneer on all sides. The roof shall be no less than 6/12 pitch. These requirements may be waived by the developers or their assigns. The intent of these waivers is to allow Farmhouse, Victorian, Colonial and similar designs to be built with less brick and stone. With these designs, a brick chimney is still required. Other requirements may be stipulated by the Developer on a case by case basis during this waiver process. All waivers will be in writing.
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.

COUNTRYSIDE

SECTION TEN

(COVENANTS)

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. **Park Maintenance.** Area labeled as Block A on the plat shall be maintained as outlined in the Homeowners Association By-Laws.
25. **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 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.
26. **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 10, the developer no longer has any right, obligation or standing to enforce any covenant herein.
27. **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.

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, Teresa S. Spegal, 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 4th day of September, 1999.

Teresa S. Spegal
Notary Public
Resident of Hancock County

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

*Amendment
to*

HANCOCK COUNTY RECORDER
02 JAN 14 PM 2:31
FILED

Joseph H. Light
SECRETARY OF STATE OF INDIANA

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

Reference # 020000921

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

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.

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.

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HANCOCK COUNTY RECORDS

FILED

02 JAN 14 PM 2:31

Joseph H. Logg
SECRETARY OF STATE OF INDIANA

ARTICLES OF INCORPORATION
OF

COUNTRYSIDE NEIGHBORHOOD ASSOCIATION, INC.

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.

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- (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.

Wilson

Carolyn Strass
HANCOCK COUNTY RECORDER

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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, Zip 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.

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Carlyle Thomas
HANCOCK COUNTY RECORDER

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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).

Carolyn Schannen
HANCOCK COUNTY RECORDER

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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