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Subdivision Covenants and Restrictions

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DECLARATION OF COVENANTS AND RESTRICTIONS
OF
FOX HOLLOW ESTATES

The undersigned, Fox Hollow Estates, LTD of Hendricks County, in the State of Indiana, being the owners of record of all the within described real estate, do hereby lay off, plat and subdivide into lots such tracts in accordance with the within plat. For the purpose of (i) establishing minimum standards pertaining to the development, use, and maintenance of the within described real estate and (ii) insuring the stability of land and improvement values in Fox Hollow Estates, said owners declare that the standards, covenants and restrictions contained in this Declaration shall be imposed on, apply to, and run with the within described real estate and shall insure to the benefit of, and be a charge upon, the owners and occupants of such real estate.

The within plat shall be known and designated as Fox Hollow Estates a subdivision in Brown Township, Hendricks County, in the State of Indiana.

The following standards, covenants and restrictions are established for Fox Hollow Estates:

1. Land Use. Lots may be used only for residential purposes and only one (1) single family dwelling and a private garage may be constructed thereon. No portion of any lot may be sold or subdivided such that there will be thereby no greater number of houses in Fox Hollow Estates than the number of original lots shown on the plat. No structure of any kind shall be used for the purpose of carrying on a business, trade, or profession, nor shall anything be done there on which shall be or become a nuisance to the neighborhood.

2. Building Control. Prior to construction of any structure upon a lot, the building plans therefor, including plot plans, site storm drainage and grading plan, specifications, plan for landscaping, and any other data or information which may be requested, must be submitted to the Architectural Committee and be delivered to the person or persons requesting such approval.

The Architectural Committee is authorized to determine whether the proposed structures, plans and specifications show conformity and harmony of external design with existing structures and review the proposed site storm drainage plans conformity to the overall project and lot drainage plan as specified in the approved final construction plans for Fox Hollow Estates.

No charge will be made to any purchaser of a lot for examination of plans or for giving approval for construction thereon. In the event the Architectural Committee does not

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indicate in writing its approval or disapproval of plans submitted for its review within a period of fifteen (15) days after submission of all requested data, the Architectural Committee is deemed to have approved such plans.

3. Building Location and Grade Line Elevation. No building may be erected between the building line shown on the plat and the front lot line; and no structure or part hereof may be built or erected nearer than five (5) feet to any side yard line or nearer than twenty (20) feet to any rear lot line or not less than twenty percent (20%) of the lot width. A minimum grade line elevation shown on the plat, is hereby established for each lot and no grade line can be constructed lower than said minimum without the written consent of the Architectural Committee and applicable governmental authority. Demonstration of adequate storm water drainage with both on lot and overall project drainage plans shall be a prime requisite of alternative grade line elevations.

4. Easements for Drainage, Sewage, Utilities and Access. Lots are subject to drainage easements, sewer easements and utility easements, either separately or in combination of the three (3) as shown on the Plat, which are reserved for the use of the lot owners, public utility companies and governmental agencies as follows:

(A) Drainage easements (DE) are created to provide paths and courses for area and local storm drainage, either overland or in adequate underground conduit, to serve the needs of the subdivision and adjoining ground and/or public drainage systems and it shall be the individual responsibility of each land owner to maintain the drainage across his own lot. Under no circumstances shall such easement be blocked in any manner by the construction or reconstruction of any improvement, nor shall any grading restrict, in any manner, the water flow. Said areas are subject to construction or reconstruction to any extent necessary to obtain adequate drainage at any time by any governmental authority having jurisdiction over drainage or by Developer. Said easements are for the mutual use and benefit of owners of all lots in Fox Hollow Estates.

(B) Sewer Easements (SE) are created for the use of the appropriate authority providing either storm or sanitary waste disposal systems to serve Fox Hollow Estates and the adjacent areas for the purpose of installation and maintenance of sewers that are a part of said system.

(C) Utility easements (UE) are created for the use of all public utility companies, not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines and wires, as well as for all uses specified in the case of sewer easements. All such easements mentioned herein include the right of reasonable ingress and egress for the exercise

of other rights reserved. No structure, including fences, shall be built on any drainage, sewer, or utility easement.

5. Maintenance of Lots and Improvements. The Owner of any Lot shall at all times maintain the Lot and any improvements situated thereon in such a manner as to prevent the Lot or improvements from becoming unsightly, unsafe, and specifically, such Owner shall:

- (A) Mow the Lot at such times as may be reasonably required in order to prevent the unsightly growth of vegetation and noxious weeds;
- (B) Remove all debris or rubbish;
- (C) Prevent the existence of any other condition that reasonably tends to detract from or diminish the aesthetic appearance of the Real Estate;
- (D) Cut down and remove dead trees;
- (E) Where applicable, prevent debris and foreign material from entering drainage areas;
- (F) Keep the exterior of all improvements in such a state of repair or maintenance as to avoid their becoming unsightly; and
- (G) Regularly treat or cause to be treated, the lawn areas against weed and insect infestation.

6. Developer's Right to Perform Certain Maintenance. In the event that any Owner of a Lot shall fail to maintain his Lot and any improvements situated thereon in accordance with the provisions of these Restrictions, Developer shall have the right, but not the obligation, by and through its agents and employees or contractors, to enter upon said Lot and repair, mow, clean or perform such other acts as may be reasonably necessary to make such Lot and improvement situated thereon, if any, conform to the requirements of these Restrictions. The cost thereof shall be an expense of the Lot owner, and such land owner shall have a lien against said real estate for the expense thereof. Neither the Declarant, nor any of its agents, employees, or contractors, shall be liable for any damage which may result from any maintenance work performed hereunder.

7. All streets and alleys shown and not heretofore dedicated are hereby dedicated to the public.

8. Front and side building lines are established as shown on this plat between which lines and the property lines of the street no structure shall be erected or maintained. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the street, 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 points twenty-five (25) feet from the intersection of said street lines, or in the case of a rounded property corner,

from the intersection of the street lines extended. The same sight line limitations shall apply to any lot within ten (10) feet from the intersection of a street line with the edge of a driveway, pavement or alley line. No trees shall be permitted to remain within such distance of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

ARCHITECTURAL GUIDELINES

As noted previously, any new building or improvement or any addition to an existing building or an exterior alteration or change to an existing building must have the prior written approval of the Architectural Committee before any work is undertaken. The Developer has established the following guidelines for specific types of construction and improvements. Any addition, exterior alteration or change to an existing building shall be compatible with the design character of the original building. Any new detached structures shall be compatible with the existing structure.

1. Fences, Walls, and Screening. It is the goal of the Developer to keep all fencing or screening as harmonious as possible with the architectural character of the community. No fence or screen will be approved if its installation will obstruct necessary sight lines for vehicular traffic. Undue obstructions of view of other amenities from adjoining properties will be taken into consideration by the Developer when reviewing fences for approval. Fences shall not be nearer to the front of a home than the rear foundation line of a home except decorative fences. Front fences may be placed parallel to the front foundation of a home only if they do not cause unreasonable visual barriers and they are of identical materials as the main structure.

The Developer discourages fencing of the entire back yard due to the effect that this fencing may have on the feeling of spaciousness desired by other property owners. Fences may be privately installed but must be constructed to professional levels of quality. Non-professionally installed fences will be inspected by the Developer after completion in order to insure that the final product is of a professional quality and final approval of the fence shall be deemed withheld until successful completion of this final review. All fences or screens will be submitted to the Architectural Committee for approval.

A. Height Restriction. The Developer is of the opinion that the environmental integrity of the community will be materially lessened if the open nature of the community is damaged by proliferation of fences of excessive height.

The Architectural Committee, therefore, may approve near perimeter fences up to four (4) feet in height which otherwise meet

these guidelines. The Architectural Committee will give consideration, to a variance in this height limit where the rear line of the lot abuts a major arterial roadway or other clearly unique circumstances exist. The use of six (6) foot fences around small patio areas of a backyard of a home in order to secure privacy for the immediate patio area may be permitted. The specific fence height restrictions are as follows:

(1) Property fencing and walls above grade shall not exceed four (4) feet above grade unless otherwise approved by the Architectural Committee.

(2) The Architectural Committee will not ordinarily approve a proposed fence which exceeds four (4) feet in height unless the rear line of that Lot abuts a major arterial roadway or offers some other circumstances clearly unique to that lot.

B. Materials and Finish.

(1) Wood fencing or screening will be allowed if the design is in conformity with the architectural design of the community.

(2) The installation of a chain link or other galvanized metal fencing will not be permitted unless it is vinyl coated or covered with similar coated material.

(3) All fencing or screening should preferably have finished materials on both sides. If only one (1) side has finished materials, that side must face the public side or adjoining property.

(4) Walls above grade should be constructed of natural stone masonry or attractive timber.

2. Size of Dwelling. The ground floor area of the main structure, shall be not less than 1700 square feet in the case of a one story structure. In the case of a multiple story structure a minimum of 2100 square feet total. The square footage of a residence as referred to on such plat shall not include porches, terraces, garages, or basements.

3. Garages and Driveways. Every house in the Real Estate must have at least a two (2) car attached garage or detached in unusual situations, and of the same architectural design and materials as the house. All driveways must be paved from their point of connection with the abutting street or road to a point of connection with the garage apron.

4. Exterior Construction.