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## 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.

# FOX COVE SECTION FOUR COVENANTS

A REPLAT OF  
THREE, AS F  
#98-10587 IF  
COUNTY, IN  
SECTION 11,  
CREEK TOW

We, GRF Design and Development, Inc., by Harold Gibson, 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 Fox Cove, Section Four. All streets shown and not heretofore dedicated are hereby dedicated to the public.

Front building 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.) or drainage easement (D.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. Perimeter drains around absorption fields are permitted within the easements labeled D. & U. E. or U. E. The easements labeled "Landscape Easements" are hereby granted to the Developer and Homeowners Association and are reserved for landscaping, trees, shrubs, flowers, signs and other incidentals associated with these items, and are to be maintained, repaired or replaced by the Homeowners Association. The lot owners in this addition shall take title to their lots subject to the rights of the Homeowners Association.

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 (Commissioner). 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.

Open channel and tile drains within all drain easements shall be regulated drains subject to Indiana Code 36-9-27 and its amendments.

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the drainage plan as approved for this plat by the Hancock County Drainage Board through its agents, the Hancock County Surveyor and the Hancock County Engineer, and the requirements of all drainage permits for this plat by said Hancock County Drainage Board.

The property shall be graded pursuant to the final construction plan and may not thereafter be changed without the written approval of the Hancock County Surveyor, whose decision may be appealed to the Hancock County Drainage Board.

3. Corner Lots. No fence or shrub planting within sight lines and elevated area formed by the street 40 feet from the intersection and 75 feet for arterials from the intersection sight line limitations of a street right-of-way alley line. No driveway of two (2) street center

4. Drains. No sump pump. No drainage structure

5. No trees in Right-of-Way. No trees to be planted in the Homeowners Association easements created

6. Driveways. All driveways all-weather surface gravel or stone drive

7. Utility Easements. T plat which are hereby utilities for the install facilities (hereinafter other structure or ob fields shall be erected owner shall take title of his lot, subject to in and along, across,

8. Minimum Living Space. Minimum living space of dwellings exclusive of porches, garages which other, accessory buildings less than 1900 square structure or 1200 square one-story, provided the minimum of 2200 square shall have a two or three

9. Architectural Design. No structures erected, placed or altered building plans, specific structures have been external design with respect to the topography. Architectural Control exterior shall be permitted. Ventless structure. No log home. No wood foundations

10. Building Location. No front line or nearer to setback lines shown closer to any front or side yard distance for

DULY ENTERED  
FOR TAXATION

OCT 12 1994

Joseph A. Scelton  
Auditor of Hancock County

LOVE  
FOUR  
PLATS

A REPEAT OF A PART OF LOT 63 IN FOX COVE, SECTION THREE, AS PER PLAT THEREOF RECORDED AS INSTRUMENT #98-10587 IN THE OFFICE OF THE RECORDER OF HANCOCK COUNTY, INDIANA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 5 EAST IN SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA.

INSTR. NO. 99-13807

- 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 (2) street center 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. **No trees in Right-of-ways and easements.** No trees or landscaping shall be planted in the Hancock County road right-of-way or in the drainage easements created and shown on the plat.
- 6. **Driveways.** All driveways shall be paved with concrete, asphalt, or other all-weather surface materials as provided by the owner or its assigns. No gravel or stone driveways will be permitted.
- 7. **Utility Easements.** There are strips of property as shown on the recorded plat which are hereby designated and reserved for use of the public utilities for the installation and maintenance of utilities and drainage facilities (hereinafter referred to as Utility Easement). No permanent or other structure or obstruction except for perimeter drains for absorption fields shall be erected or maintained on such Utility Easement but each owner shall take title to that part of the Utility Easement comprising a part of his lot, subject to the rights of such public utility for ingress and egress in and along, across, through, and over the Utility Easement.
- 8. **Minimum Living Space Areas.** The minimum square footage of living space of dwellings constructed on the residential lots in the Development exclusive of porches, terraces, garages, finished living area above garages which otherwise would be considered attic space, carports, accessory buildings or basements below ground level shall contain no less than 1900 square feet of ground floor living area for a one-story structure or 1200 square feet of ground floor living area if higher than one-story, provided that higher than one-story structures shall have a minimum of 2200 square feet of total floor living area and each dwelling shall have a two or three car attached garage.
- 9. **Architectural Design.** No building, fence, walls or other structure shall be erected, placed or altered on any building lot in this subdivision until the building plans, specifications and plot plan showing the location of such structures have been approved as to the conformity and harmony of external design with existing structures herein and as to the building with respect to the topography and finished ground elevations by the Architectural Control Committee. Only wood, masonry, brick or stone exteriors shall be permitted. Vinyl siding shall not be permitted on the exterior of the structure. Only masonry, brick or stone chimneys are permitted. Ventless fireplaces shall utilize flues which exit the roof of the structure. No log homes, modular or concrete homes shall be permitted. No wood foundations or wood basements shall be permitted.
- 10. **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.

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# FOX COVE SECTION FOUR COVENANTS

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SECTION 11, TOWNSHIP  
CREEK TOWNSHIP

11. 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, boat, garage, basement, or other outbuildings shall be used for temporary or permanent residential purposes on any lot in the subdivision. No commercial business of any kind will be permitted in this subdivision. Only one single family dwelling with attached garage shall be permitted on one lot.
12. Limitation on Time. All residential construction on any lot must be completed within one (1) year after the starting date, including final grading and hard-surfaced driveway.
13. Parking Limitations. No inoperative or unlicensed vehicle shall be parked on or repaired on any lot or on the driveway thereof. No camper, trailer, mobile home, boat, truck, school bus or other vehicle of any kind may be parked in the subdivision unless such vehicle is kept in the garage, except for personal automobiles, vans and pick-up trucks.
14. Architectural Control Committee. The Architectural Control Committee shall be composed initially of the Developer, and after completion of the development, by a committee of three (3) homeowners designated by the Developer for the term of one (1) year and serving thereafter until their successors are elected by a majority vote of the homeowners in the development. The purpose of the Committee shall be to enhance and protect the value, desirability, and attractiveness of the development as a whole and to ensure that all buildings, fences, walls or other structures are harmonious with the overall architectural character of the development.
15. Water Systems. All water systems and methods of sewage treatment and disposal in this subdivision are to be in compliance with the regulations or procedures of the State Board of Health or other civil authority having jurisdiction.
16. Fuel Tanks. No fuel storage tanks, above or below ground, shall be allowed in this subdivision.
17. 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.
18. 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 any lot. Garbage and trash will be kept in approved containers which are not visible from the street, except on collection day.
19. Outbuildings. Outbuildings or accessory buildings shall be permitted on any lot only if approved by the Architectural Control Committee. The approval for such structures shall be in the same manner as is required for a primary residence. The maximum size of any outbuilding or accessory structure shall not exceed 600 square feet. All outbuildings and accessory structures shall be required to have exteriors similar in appearance to the primary residence. No metal outbuildings shall be approved or constructed.
20. Antennas. Only digital satellite systems not exceeding 18" in diameter shall be permitted in the development. Said system shall be allowed only if located on the rear of the primary residence.
21. Solar Technology. No devices for solar technology of any kind will be allowed in this subdivision.
22. Swimming Pools. Swimming pools must be placed behind the residence. Above ground pools will not be permitted.
23. Pets. No animal kept on any lot, except as otherwise provided, shall be kept, provided that such animal is kept for purposes other than for the subdivision.
24. Fencing. Fencing shall be placed around the residence and a Chainlink fence shall be maintained in accordance with the requirement in the subdivision building setback.
25. Mailboxes. The standardized material, and payment for all mailboxes shall be in accordance with the requirements of the United States Postal Service.
26. Sidewalks. Each lot shall be required to construct a concrete sidewalk four (4) feet wide with expansion joints at the frontage of their lots and at joints each six (6) feet apart on the subgrade. The sidewalk shall be graded to the street of-way line, (not to the curb). The Homeowner shall be responsible for the upkeep of the sidewalk and shall be done by the adjacent property owner.
27. Builders. All home improvements shall be approved by the Homeowner's Association.
28. Homeowner's Association. The Homeowner's Association shall be formed and shall be in accordance with the Homeowner's Association By-Laws.
29. Sump pumps. Sump pumps installed in storm waters shall be discharged into a storm sewer. Sump pumps shall be installed to receive sewage shall be installed to receive sewage shall be used for one function. Sump pumps shall be used for one function. Footing drains shall be installed in designated storm sewer. Footing drains shall be connected to the storm sewer. No roof downspout shall be connected to the storm sewer. No sump pump, shall be connected to any storm sewer.
30. Duration of Covenants. These covenants shall be binding on the Developer and shall be binding on the Homeowner. At any time, a majority affirmative vote of the Homeowners of this subdivision, and does not own the property, the Developer shall be bound by the Covenants by the Homeowner and other provisions.

DULY ENTERED  
FOR TAXATION

OCT 12 1999

*Joseph D. Sattler*  
Auditor of Hancock County

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#98-10587 IN THE OFFICE OF THE RECORDER OF HANCOCK COUNTY, INDIANA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 5 EAST IN SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA.

T E  
INSTR. NO. 99-13807

- 23. Pets. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that 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 owner's premises.
- 24. Fencing. Fencing shall not exceed six (6) feet in height and no fence shall be placed closer to the front lot line than the rear of the primary residence and approved by the Architectural Control Committee. Chainlink fencing must be of the dark vinyl coated type. All fencing must be maintained in good condition. On corner lots an additional requirement is that fences may not be placed closer to the street than the building setback line on the side of the residence.
- 25. Mailboxes. The Architectural Control Committee shall require a standardized mailbox for each residence and shall establish a design, material, and paint specification for the mailbox which shall be standard for all mailboxes in this subdivision. All mailboxes and posts shall meet the requirements of the Hancock County Ordinance governing mailboxes.
- 26. Sidewalks. Each homeowner (lot owner) shall be responsible for constructing a four (4) foot wide concrete sidewalk of 4,000 strength plain cement four (4) inches thick, sloped 1/4 inch per foot toward the street with expansion joints each forty-eight (48) feet, along the entire street frontage of their respective lot. The sidewalk shall also have traverse joints each six (6) feet and be placed on an acceptable compacted subgrade. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one (1) foot inside the street right-of-way line, (not on the lot) and parallel to the street right-of-way line. The Homeowners Association shall be responsible for maintenance and upkeep of the sidewalk after initial construction except for any damage done by the adjoining lot owner.
- 27. Builders. All homes in this subdivision shall be built by custom builders approved by the Developer or the Architectural Control Committee if the so assigned by the Developer.
- 28. Homeowner's Association. Each lot owner shall be required to join the Homeowner's Association for the purposes outlined in the Homeowner's Association By-Laws.
- 29. Sump pumps installed to receive and discharge groundwaters or other storm waters shall be connected to the storm sewer where possible or discharged into a designated storm drainage channel. Sump pumps installed to receive and discharge floor drain flow or other sanitary sewage shall be connected to the sanitary sewers. A sump pump shall be used for one function only, either the discharge of stormwaters or the discharge of sanitary sewage.  
  
Footing drains shall be connected to storm sewers where possible or designated storm drainage channels. No footing drains or drainage tile shall be connected to the sanitary sewer.  
  
No roof downspouts, roof drains, nor roof drainage piping shall be connected to the storm drainage system. No down spouts or roof drains shall be connected to the sanitary sewers.  
  
No sump pump, footing drain, roof downspout, or basement drain shall be connected to any street underdrain.

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HANCOCK COUNTY CLERK  
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*Paul J. Hoover*

30. Duration of Covenants. The foregoing covenants are to run with the land and shall be binding on all parties and all persons claiming under them. At any time, a covenant may be changed in whole or in part upon i) an affirmative vote of eighty percent (80%) of the then owners of lots in the subdivision, and ii) with the consent of the Developer. If the Developer does not own one or more lots in the subdivision, the consent of the Developer shall not be required. Invalidation of any of the foregoing Covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

DULY ENTERED FOR TAXATION  
OCT 12 1999

*Joseph A. Sattler*  
Auditor of Hancock County

TAXES CURRENT  
AS OF 10-12-99  
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*Ann McDaniel*



COVE  
FOUR  
PLAT

A REPEAT OF A PART OF LOT 63 IN FOX COVE, SECTION THREE, AS PER PLAT THEREOF RECORDED AS INSTRUMENT #98-10587 IN THE OFFICE OF THE RECORDER OF HANCOCK COUNTY, INDIANA, AND A PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 15 NORTH, RANGE 5 EAST IN SUGAR CREEK TOWNSHIP, HANCOCK COUNTY, INDIANA.

INSTR. NO. 99-13807

DECLARATION OF RESTRICTION ON WETLAND EASEMENT USE

We, the undersigned, owners and developers of the within plat and subdivision, by, Harold Gibson, President, do hereby certify that the President is authorized to act on behalf of the corporation in this matter and do hereby plat, accept and impose the following DECLARATION OF RESTRICTION ON WETLAND EASEMENT USE for the PFO1A (forested) wetlands in Fox Cove, Section 4, as shown on the plat herein labeled as "wildlife and nature preserve".

The "wetland easement" areas will have the following land use restrictions placed upon them to protect the natural wetland characteristics.

- 1. The areas will not be filled or dredged without first obtaining the necessary permits from the U.S. Army Corps of Engineers, Indiana Department of Environmental Management, and the Hancock County Planning & Building Staff Officials.
2. Trees, shrubs and other vegetation within the wetland areas will not be cut or removed.
3. No buildings, or roads shall be built within the wetland areas without obtaining the necessary permits (see #1).

The undersigned does hereby agree and approve the above restrictions. Furthermore, any owner taking title to any lot which is subject to the wetland easement shall take title subject to the restrictions above and agree to the same by taking title to said lot.

GRF Design and Development, Inc.
by: Harold Gibson, President

STATE OF INDIANA )
) ss:
COUNTY OF HANCOCK )

Before me, Teresa Spegal, a Notary Public in and for the above state and county this 11th day of Oct., 1999, appeared Harold Gibson, President of GRF Design and Development, Inc. and acknowledge execution of the above DECLARATION OF RESTRICTION ON WETLAND EASEMENT USE as an authorized agent for said corporation and as owner of the property described on the plat herein.

Teresa Spegal
Notary Public
My Commission Expires: 1-2-08

DULY ENTERED FOR TAXATION

OCT 12 1999

Joseph D. Settelles
Auditor of Hancock County

TAXES CURRENT AS OF 10-12-99
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Ann McDaniel