

12. **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 holding shall be without effect upon the validity, enforceability or "running" quality of any other one of the Restrictions.

IN WITNESS WHEREOF, the Developer has caused this Declaration of Covenants, Conditions and Restrictions for Heritage Park to be executed as of the date written above.

C. P. MORGAN COMMUNITIES, L.P.
By: C. P. MORGAN INVESTMENT CO., INC.,
an Indiana corporation, its general partner

By: *Mark W. Boyce*
Mark W. Boyce, Vice-President

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)


Before me, a Notary Public in and for said County and State, personally appeared Mark W. Boyce, Vice-President of C. P. Morgan Investment Co., Inc., the general partner of C. P. Morgan Communities, L.P., who acknowledged the execution of the foregoing Declaration of Covenants, Conditions and Restrictions for Heritage Park on behalf of such partnership, and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notarial Seal this 9TH day of October, 1996.

Barbara Jean Stuphagen
(*Special Salt Notary*) Notary Public

My Commission Expires:
4 March 2000

My County of Residence
HAMILTON



This Instrument was prepared by Lewis E. Willis, Jr., Attorney.

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LAND DESCRIPTION

EXHIBIT A

Part of the Southeast Quarter of Section 26, Township 17 North, Range 4 East in Lawrence Township, Marion County, Indiana; being described as follows:

Commencing at a Harrison Monument marking the Southeast corner of said Southeast Quarter; thence North 00 degrees 05 minutes 17 seconds East (assumed bearing) along the East line thereof a distance of 1082.46 feet to the Point of Beginning; thence North 89 degrees 50 minutes 48 seconds West a distance of 45.00 feet; thence North 44 degrees 54 minutes 43 seconds West a distance of 14.26 feet to a point on a non-tangent curve, the radius point of which bears North 01 degrees 48 minutes 32 seconds East a distance of 175.00 feet; thence Northwesterly along said curve an arc distance of 74.37 feet to a point which bears South 26 degrees 09 minutes 28 seconds West from said radius point; thence North 63 degrees 50 minutes 32 seconds West a distance of 105.07 feet to the point of curvature of a curve, the radius point of which bears South 26 degrees 09 minutes 28 seconds West a distance of 175.00 feet; thence Northwesterly along said curve an arc distance of 79.43 feet to a point which bears North 00 degrees 09 minutes 12 seconds East from said radius point; thence North 89 degrees 50 minutes 48 seconds West a distance of 377.20 feet; thence South 00 degrees 09 minutes 12 seconds West a distance of 95.00 feet; thence North 89 degrees 50 minutes 48 seconds West a distance of 145.94 feet; thence South 58 degrees 04 minutes 03 seconds West a distance of 27.45 feet; thence South 33 degrees 26 minutes 30 seconds West a distance of 269.66 feet to the South line of a 13.14 acre tract of land described in a deed recorded as Instrument No. 89-63131 in the Office of the Recorder of Marion County, Indiana, the next three courses being along the South, West and North lines of said 13.14 acre tract; thence North 89 degrees 52 minutes 48 seconds West parallel with the South line of the aforesaid Southeast Quarter a distance of 651.41 feet to a point distant 839.54 feet Northerly (measured parallel with the East line of said Southeast Quarter) from the South line of said Southeast Quarter and distant 1644.02 feet Westerly (measured parallel with the South line of said Southeast Quarter) from the East line of said Southeast Quarter; thence North 00 degrees 10 minutes 48 seconds East a distance of 478.90 feet to an iron pin; thence South 89 degrees 56 minutes 38 seconds East a distance of 1187.92 feet to an iron pin; thence South 00 degrees 05 minutes 17 seconds West parallel with the East line of said Southeast Quarter a distance of 0.22 feet to the Westerly extension of the North line of a tract of land described in a deed recorded as Instrument No. 82-45689; thence South 89 degrees 52 minutes 48 seconds East parallel with the South line of said Southeast Quarter a distance of 257.34 feet; thence South 00 degrees 05 minutes 17 seconds West parallel with the East line of said Southeast Quarter a distance of 119.80 feet to the point of curvature of a curve, the radius point of which bears South 20 degrees 58 minutes 39 seconds West a distance of 219.40 feet; thence Southeasterly along said curve an arc distance of 19.84 feet to a point which bears North 26 degrees 09 minutes 28 seconds East from said radius point; thence South 63 degrees 50 minutes 32 seconds East a distance of 83.55 feet to the point of curvature of a curve, the radius point of which bears North 26 degrees 09 minutes 28 seconds East a distance of 125.00 feet; thence Southeasterly along said curve an arc distance of 51.81 feet to a point which bears South 02 degrees 24 minutes 33 seconds West from said radius point; thence North 45 degrees 05 minutes 17 seconds East a distance of 13.99 feet; thence South 89 degrees 50 minutes 48 seconds East a distance of 45.00 feet to the East line of said Southeast Quarter Section; thence South 00 degrees 05 minutes 17 seconds West along said East line a distance of 70.00 feet to the Point of Beginning. Containing 11.227 acres, more or less.

HERITAGE PARK