

Gail G. Gibbs R.H.C.

No. 11104

DECLARATION OF COVENANTS
AND
RESTRICTIONS ON "THE HIGHLANDS"

Hendricks Co.

1. Declaration and agreement as to Covenants and building restrictions in respect to "The Highlands", a subdivision platted and recorded in Guilford Township, Hendricks County, in the State of Indiana.

This declaration and agreement made and entered into this 13 day of April, 1959, between Rosina K. Maxwell, parties of the first part and all purchasers, their heirs and assigns, of lots in said "The Highlands" suburban subdivision as parties of the second part.

Whereas the parties of the first part intend to sell and convey lots in said "The Highlands" suburban subdivision, by deeds subject to the restrictive covenants herein described to the end, that all the restrictions set forth herein shall be for the future benefit of all property owners in said subdivision.

The undersigned owners hereby declare that all lots in their plot are subject to the following restrictions:

1. Only single family residences and family garages shall be erected, built or placed thereon in "The Highlands" suburban subdivision. After the installation of the central sewage system, no septic tanks or other individual system of sewage disposal shall be installed. If any septic tanks are installed prior to the operation of a central disposal system, connections with the central sewage system must be made within two (2) years of its availability.

2. No residence shall contain less than twelve hundred (1,200) square feet of living space, completely enclosed porches to be counted.

Two story houses shall have no less than 960 sq. ft. on first floor. No double dwelling or an apartment building shall be constructed on any lot in this subdivision. No residences, except those having at (1,200) twelve hundred sq. feet above ground level exclusive of attic and garages, shall be built, erected, or placed thereon. No residence shall be more than thirty five feet (35) in height.

3. Garage space for not more than two (2) trucks will be allowed, in addition to garage space for passenger cars. All trucks, jeeps, etc. must be kept inside garage at all times. Parking of trucks on street is prohibited.
4. The roofs shall be of fire-proof or semi-fireproof materials. Materials for construction such as cinder blocks, cement concrete blocks, volcanic ash blocks, slag blocks and tile, must be covered with brick or stone veneer above ground.
5. No garage, basements, or other temporary quarters shall be used as living quarters.
6. No mercantile building shall be erected, built or placed on the above described real estate nor any business of any nature be permitted to carry on in a manufacturing, wholesaling or retailing way, without first securing, by written instrument, permission from at least 75 per cent of the owners of the above real estate.
7. No trailer, semi-trailer or large trucks shall be placed, set or parked upon said property at any time; and no tent, shack, garage or any other type of temporary shelter, including the basement part of an unfinished residential dwelling, shall be built, erected or placed thereon for use as a temporary or permanent residence or for any other purpose.
8. Building lines shall follow the zoning ordinances in effect in Hendricks County, unless exceptions are granted by that body.
9. No buildings shall be erected until plans and specifications for the building, its location on the lot and the ground level have been submitted to a committee composed of two (2) representatives of the property owners, their heirs and assigns, one representative of the Hall-Hottel Co., Inc., or their successor organization, cooperating in the development sale and management of the property, and two representatives of the owners of the balance of the total "Highlands" development. In case the committee shall not have taken any action within twenty (20) days after the filing of the said plans and specifications and of the plat, showing location of said structure, and if no suit has been filed by the Hendricks County Zoning Commission or by other residents of the suburban subdivision prior to the completion of the buildings, then the provisions of this declaration shall be deemed to have been complied with.
10. Roof drainage must not be connected to sanitary sewers, but must be routed through regular water channel. Velocity control to be formed by cisterns, drywells, or baffles.
11. Garbage and paper must not be burned in open containers.
12. Animals limited to household pets.
13. Ten (10) foot easements are established on property for the use of public utilities.
14. Private driveways shall be installed by the owners. Culverts shall be approved by the Hendricks County Commissioners.
15. There shall be no noxious trade carried on in "The Highlands" and nothing shall be done of an unlawful nature.
16. These covenants to run with the land for thirty (30) years, after which they may be changed or altered by a majority vote of the property owners.
17. Streets shown on this plat, if not heretofore dedicated to the public use, are, hereby, so dedicated.
18. No restriction of the free flow of water through the ravines and natural waterways of the said suburban subdivision shall be permitted. If drainage ditches are established on easements set aside for such purposes, no building or other obstructions shall be erected thereon.
19. Storage tanks for petroleum products and containers for gas must be placed within

buildings or buried under the ground.

20. No building shall be built, erected or placed within 5 feet of a property line.

21. These covenants are to run with this land and shall be binding on all parties claiming under them.

22. Invalidation of any one of these covenants by judgement or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law, of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 13th day of April, 1959.

Rosina K. Maxwell (Seal)
(Rosina K. Maxwell)

STATE OF INDIANA, HENDRICKS COUNTY, SS:

Personally appeared before me, the undersigned, a Notary Public, in and for said County and State, Rosina K. Maxwell who acknowledged the execution of the foregoing declaration of covenants and restrictions to be of her own free will.

Witness my hand and Notarial Seal this 13th day of April, 1959.

Norman S. Comer
(Norman S. Comer) Notary Public

(SEAL) My commission expires: January 17, 1963.
Entered for record June 30, 1959 at 2:34 p.m.

Gail G. Gibbs R.H.C.