



*First American
Title Insurance Company*

Not Just for One Transaction, But for Life

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

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MODIFICATION OF CONDITION AND COVENANT, AND
LAND RESTRICTION AGREEMENT

This agreement is made this 29th day of December, 1972,
by and between the 116th Street Realty Corporation and Robert J.
Klein and Mary Lou Klein.

WITNESSETH:

That, on January 23, 1969 the parties hereto did execute
a certain land restriction agreement covering real estate located
in Marion County, Indiana, more particularly described in
Exhibit "A" attached hereto and made a part of this agreement,
and

That, said agreement limited development of that part of
that land which lies west of the new Dandy Trail in Marion County,
Indiana, to single family residences constructed on lots of not
less than one acre in size, and

That, the 116th Street Realty Corporation now desires to
develop said real estate under a different scheme, which scheme
is amenable to the said Robert J. Klein and Mary Lou Klein and

That, the parties hereto now desire to abrogate said land
restriction agreement and to replace it with a new agreement.

NOW THEREFORE, in consideration of the mutual promises herein
contained, it is hereby agreed:

1. The land restriction agreement dated January 23, 1969
and recorded in the Office of the Recorder of Marion County,
Indiana, as Instrument No. 69-42152 is hereby abrogated and
declared to be of no force or effect.
2. The 116th Street Realty Corporation agrees to develop
an 11.69 acre tract of real estate described in Exhibit "B" in
accordance with the Metropolitan Development Commission of Marion

73-33678

*Traders
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County, Indiana, as Docket #72AP-33.

3. The 116th Street Realty Corporation agrees to develop the 24.649 acre tract of real estate described in Exhibit "G" in accordance with a petition for zoning which has been filed with the Metropolitan Development Commission of Marion County, Indiana as Docket No. 72AP-32.

4. The rest and residue of the real estate described in Exhibit "A" may be developed pursuant to a multi-family zoning classification as that term is described in the zoning ordinance of Marion County, Indiana.

5. Robert J. Klein and Mary Lou Klein have the right to enforce this agreement by actions at law and in equity, for damages, specific relief, injunction or otherwise in order to insure protection of their property.

6. Robert J. Klein and Mary Lou Klein covenant and agree for themselves, their successors and assigns to release this restriction upon the completion of construction of all real estate described in Exhibits A, B and C.

7. The parties hereto acknowledge a certain Corporate Warranty Deed from 116th Street Realty Corporation to R. J. Klein and Mary Lou Klein, husband and wife, dated January 28, 1969, and recorded as Instrument No. 69-4534 in the Office of the Recorder of Marion County and a certain corrective Corporate Warranty Deed from 116th Street Realty Corporation to R. J. Klein and Mary Lou Klein under date of June 18, 1970, as Instrument No. 70-50133 in the Office of the Recorder of Marion County, Indiana, contained

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FAYE I. HOWERY
RECORDER
OF MARION CO.

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the following condition and covenant:

Subject to the condition, which shall be a covenant running with the land, that said real estate shall be used solely for one, single-family residence and shall not be divided or subdivided into any additional building plot or plots.

8. The 116th Street Realty Corporation hereby specifically acknowledges that a Warranty Deed from R. J. Klein and Mary Lou Klein to R. J. Klein & Associates, Inc. dated July 6, 1972, and recorded as Instrument No. 72-38604 in the Office of the Recorder of Marion County, Indiana split off and divided out a portion of the property referred to in said Instruments No. 69-4534 and 70-50123 and hereby consents to such conveyance free and clear of the said covenant running with the land quoted in paragraph 7 of this agreement; provided, however, that the residus of said tract not conveyed by the said Instrument No. 72-38604 shall not be further subdivided and shall only be used for single-family residential purposes. Except as provided for herein the said condition and covenant contained in Instrument No. 69-4534 and Instrument No. 70-50123 is released and dissolved.

IN WITNESS WHEREOF, the parties have set their hands on the date first above written.

By Robert J. Klein
Robert J. Klein

By Mary Lou Klein
Mary Lou Klein

116th STREET REALTY CORP.

By H. B. Conrad
H. B. Conrad, President

By Thomas A. Moynahan
Thomas A. Moynahan, Secretary

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State,
personally appeared H.E. Conrad and Thomas A. Moynahan, the
President and Secretary, respectively of the 116th Street Realty
Corp., who acknowledged execution of the foregoing Land Restriction
Agreement and who, having been duly sworn, stated that the
representations therein contained are true.

Witness my hand and Notarial Seal this 29th day of December
1972.

John L. Cannon
Notary Public

My Commission Expires:

February 1, 1976

STATE OF INDIANA)
)SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State,
personally appeared Robert J. Klein and Mary Lou Klein, husband
and wife, who acknowledged execution of the foregoing Land
Restriction Agreement and who, having been duly sworn, stated
that the representations therein contained are true.

Witness my hand and Notarial Seal this 29 day of December
1972.

Charles M. [unclear]
Notary Public

My Commission Expires:

6-28-73

This instrument prepared by D. Richard Keppler, Attorney at Law.

EXHIBIT "A".

Part of Section 10, Township 16 North, Range 2 East, Marion County, State of Indiana, being more particularly described as follows:

Commencing at the Southeast corner of the North half of the aforementioned Section 10, running thence N 89° 44' 01" W along the South line thereof a distance of 1328.720 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 1169.000 feet; running thence S 07° 22' 59" W a distance of 314.450 feet; running thence S 80° 22' 59" W a distance of 15.700 feet; running thence N 07° 37' 01" W a distance of 17.300 feet to a point in the centerline of Dandy Trail; running thence N 87° 13' 00" W a distance of 300.165 feet; (this and the next 3 calls being upon and along said centerline) running thence S 82° 02' 42" W a distance of 139.000 feet; running thence N 55° 03' 16" W a distance of 255.63 feet; running thence N 49° 26' 48" W a distance of 19.300 feet; running thence N 12° 09' 25" W a distance of 48.56 feet; running thence N 59° 56' 35" E a distance of 55.70 feet; running thence N 85° 19' 30" E a distance of 49.30 feet; running thence S 82° 45' 31" E a distance of 40.51 feet; running thence N 73° 00' 32" E a distance of 51.21 feet; running thence S 58° 43' 30" E a distance of 34.35 feet; running thence N 62° 59' 44" E a distance of 43.68 feet; running thence N 84° 29' 59" E a distance of 61.85 feet; running thence N 87° 06' 19" E a distance of 52.91 feet; running thence S 89° 48' 02" E a distance of 71.39 feet; running thence N 50° 50' 53" W a distance of 58.41 feet; running thence N 18° 21' 39" E a distance of 79.52 feet; running thence N 54° 38' 09" E a distance of 71.95 feet; running thence S 68° 31' 38" W a distance of 73.16 feet; running thence S 42° 05' 08" W a distance of 71.03 feet; running thence N 85° 50' 37" W a distance of 141.50 feet; running thence N 76° 12' 46" W a distance of 93.94 feet; running thence N 04° 46' 57" W a distance of 39.82 feet; running thence N 15° 02' 51" E a distance of 65.96 feet; running thence S 46° 36' 47" W a distance of 47.93 feet; running thence S 30° 21' 49" W a distance of 98.47 feet; running thence N 65° 40' 52" W a distance of 135.71 feet; running thence N 00° 35' 52" W a distance of 77.69 feet; running thence N 08° 28' 24" W a distance of 110.68 feet; running thence N 10° 39' 46" E a distance of 91.08 feet; running thence N 01° 49' 56" W a distance of 113.97 feet; running thence N 20° 04' 51" E a distance of 54.76 feet; running thence N 44° 03' 06" E a distance of 77.81 feet; running thence N 34° 38' 28" E a distance of 62.74 feet; running thence N 26° 13' 09" E a distance of 45.78 feet; running thence N 68° 52' 16" E a distance of 20.57 feet; running thence S 66° 23' 55" E a distance of 35.27 feet; running thence S 46° 20' 37" E a distance of 31.77 feet; running thence N 17° 10' 47" W a distance of 49.53 feet; running thence N 24° 14' 21" E a distance of 20.13 feet; running thence N 72° 48' 11" E a distance of 51.55 feet; running thence N 71° 50' 51" W a distance of 101.54 feet; running thence N 05° 53' 41" E a distance of 147.88 feet; running thence W 60° 09' 23" E a distance of 99.23 feet; running thence S 62° 02' 43" E a distance of 74.39 feet; running thence S 73° 01' 28" E a distance of 38.84 feet; running thence N 31° 06' 40" W a distance of 107.89 feet; running thence N 37° 23' 20" E a distance of 122.57 feet; running thence N 23° 48' 28" E a distance of 26.39 feet; running thence N 56° 25' 45" E a distance of 44.51 feet; running thence N 89° 02' 12" E a distance of 49.01 feet; running thence N 59° 15' 29" E a distance of 47.35 feet; running thence N 88° 48' 10" W a distance of 74.07 feet; running thence N 64° 31' 47" W a distance of 71.12 feet; running thence N 89° 24' 09" W a distance of 172.62 feet; running thence S 42° 59' 26" W a distance of 139.94 feet; running thence S 70° 36' 22" W a distance of 57.65 feet; running thence N 18° 50' 37" W a distance of 100.63 feet; running thence N 07° 41' 04" W a distance of 71.743 feet; running thence N 89° 45' 53" E a distance of 583.582 feet to a point 1457.25 feet South of the North line of said Section 10; running thence N 85° 11' 52" E a distance of 347.330 feet to a point; said point being 2185.470 feet West of the East line and 1220.240 feet North of the South line of said half section, measured at right angles to said line; running thence N 89° 45' 44" E a distance of 852.854 feet to a point; said point being 1332.800 feet West of the East line and 1441.40 feet South of the North line of said half section; running thence S 00° 50' 58" W a distance of 1227.803 feet to the point of beginning; containing in all 53.740 acres.

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EXHIBIT "B"

Land in Marion County, State of Indiana, being part of Section 10, Township 16 North, Range 2 East, more particularly described as follows:

Commencing at the southeast corner of the north half of the aforementioned section running thence N 89° 44' 01" W, along the south line of said north half-section, a distance of 2487.720 feet to the point of beginning of the real estate described herein; running thence S 07° 22' 59" W a distance of 314.450 feet; running thence S 80° 22' 59" W a distance of 15.700 feet; running thence S 08° 22' 19" E a distance of 592.353 feet; running thence S 80° 52' 42" W a distance of 367.982 feet; running thence S 81° 02' 42" W a distance of 132.650 feet; running thence N 38° 57' 18" W a distance of 54.000 feet; running thence S 77° 38' 57" W a distance of 91.100 feet; running thence N 78° 58' 33" W a distance of 32.400 feet; running thence N 20° 59' 27" E a distance of 175.600 feet; running thence N 04° 56' 57" E a distance of 85.600 feet; running thence N 23° 14' 27" E a distance of 18.600 feet; running thence S 86° 18' 42" E a distance of 1,200 feet; running thence N 22° 21' 42" E a distance of 3,900 feet; running thence N 05° 32' 18" W a distance of 138,200 feet; running thence N 47° 36' 12" E a distance of 16,300 feet; running thence N 45° 25' 03" W a distance of 37,100 feet; running thence N 09° 33' 03" W a distance of 88,200 feet; running thence N 28° 47' 18" W a distance of 160,500 feet; running thence N 05° 29' 18" W a distance of 108,000 feet; running thence N 85° 03' 18" W a distance of 91,650 feet; running thence N 49° 26' 48" W a distance of 19,300 feet; running thence N 12° 08' 28" W a distance of 48,860 feet; running thence N 89° 56' 28" E a distance of 55,700 feet; running thence N 85° 19' 30" E a distance of 49,300 feet; running thence S 82° 45' 31" E a distance of 40,510 feet; running thence N 73° 00' 32" E a distance of 51,210 feet; running thence S 58° 23' 30" E a distance of 34,350 feet; running thence N 62° 59' 44" E a distance of 43,680 feet; running thence N 84° 29' 59" E a distance of 61,680 feet; running thence S 87° 05' 19" E a distance of 92,210 feet; running thence S 89° 48' 02" E a distance of 71,390 feet; running thence N 71° 46' 37" E a distance of 286,337 feet to the point of beginning; containing in all, 11,690 acres.

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EXHIBIT "C"

Land in Marion County, State of Indiana, being part of Section 10, Township 16 North, Range 2 East, more particularly described as follows:

Commencing at the southeast corner of the North half of the aforementioned section, running thence N 89° 44' 01" W, along the south line of said north half-section, a distance of 2365.612 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 122.038 feet; running thence S 71° 46' 37" W a distance of 286.337 feet; running thence N 30° 50' 53" W a distance of 88.410 feet; running thence N 15° 22' 34" E a distance of 79.620 feet; running thence W 54° 38' 49" E a distance of 71.950 feet; running thence S 68° 32' 38" W a distance of 73.160 feet; running thence S 42° 03' 08" W a distance of 71.050 feet; running thence N 85° 30' 37" W a distance of 141.500 feet; running thence N 76° 12' 46" W a distance of 93.940 feet; running thence N 04° 46' 57" W a distance of 39.830 feet; running thence N 15° 02' 51" E a distance of 65.960 feet; running thence S 46° 36' 47" W a distance of 47.930 feet; running thence S 30° 23' 49" W a distance of 88.470 feet; running thence N 65° 40' 52" W a distance of 87.211 feet; running thence N 37° 12' 00" E a distance of 254.806 feet; running thence W 74° 14' 40" E a distance of 185.849 feet to a point of a curve to the right; said curve having a radius of 50,000 feet and being subtended by a chord having a bearing of N 39° 49' 42" E and a length of 71.428 feet; running thence northeasterly, around said curve, a distance of 79.558 feet; running thence N 15° 24' 44" E a distance of 189.704 feet; running thence S 68° 45' 17" W a distance of 37.195 feet; running thence W 89° 04' 51" W a distance of 246.221 feet; running thence W 17° 20' 47" W a distance of 49.530 feet; running thence N 24° 14' 21" E a distance of 20.130 feet; running thence N 72° 45' 11" E a distance of 51.860 feet; running thence N 71° 50' 51" W a distance of 101.540 feet; running thence N 05° 53' 41" E a distance of 147.950 feet; running thence N 60° 09' 23" E a distance of 89.230 feet; running thence S 61° 02' 43" E a distance of 74.330 feet; running thence S 73° 01' 25" E a distance of 38.340 feet; running thence N 31° 05' 40" W a distance of 107.990 feet; running thence N 37° 33' 20" E a distance of 132.570 feet; running thence N 23° 49' 28" E a distance of 26.290 feet; running thence N 56° 28' 45" E a distance of 44.510 feet; running thence S 89° 02' 12" E a distance of 48.010 feet; running thence N 39° 15' 29" E a distance of 47.130 feet; running thence N 88° 48' 10" E a distance of 74.070 feet; running thence N 64° 31' 47" W a distance of 71.120 feet; running thence W 89° 24' 09" W a distance of 172.620 feet; running thence S 43° 53' 26" W a distance of 139.940 feet; running thence S 70° 36' 22" W a distance of 67.630 feet; running thence W 15° 50' 37" W a distance of 160.630 feet; running thence N 07° 41' 04" W a distance of 71.743 feet; running thence N 89° 45' 52" E a distance of 583.382 feet to a point 1457.260 feet south of the north line of said section 10; running thence N 89° 11' 52" E a distance of 347.330 feet to a point; said point being 2385.470 feet west of the east line and 1220.240 feet north of the south line of said half section, measured at right angles to said line; running thence W 89° 45' 44" E a distance of 31.708 feet; running thence S 01° 36' 00" E a distance of 548.400 feet; running thence S 20° 58' 35" W a distance of 687.868 feet to the point of beginning; containing in all, 22.655 acres.