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## Subdivision Covenants and Restrictions

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SEC II



**DESCRIPTION**

A PART OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 15 NORTH, RANGE 1 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN HENRICKS COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 00 DEGREES 00 MINUTES WEST (ASSUMED BEARING) 223.20 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES WEST 320.00 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT NO. 3 IN ZEPHYR ESTATES (AMENDED) AS RECORDED IN THE RECORDS OF THE RECORDER OF HENRICKS COUNTY, INDIANA; THENCE NORTH 00 DEGREES 00 MINUTES WEST 444.20 FEET ALONG THE WEST LINE OF SAID ZEPHYR ESTATES (AMENDED) 664.47 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 89 DEGREES 50 MINUTES 30 SECONDS WEST 449.80 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES WEST 265.97 FEET; THENCE NORTH 89 DEGREES 39 MINUTES EAST 449.80 FEET TO THE PLACE OF BEGINNING, CONTAINING 6.87 ACRES, MORE OR LESS.

**RESTRICTIVE COVENANTS**

WE, THE UNDERSIGNED, ROBERT W. TURNER AND MARTHA JEAN TURNER, HUSBAND AND WIFE, AS SOLE OWNERS AND PROPRIETORS OF THE ABOVE DESCRIBED REAL ESTATE LYING WITHIN HENRICKS COUNTY, INDIANA, DO HEREBY STATE THAT SAID TRACT IS TO BE SUBDIVIDED INTO SIX (6) LOTS, NUMBERED 5 TO 10 INCLUSIVE, AND THAT THE SUBDIVISION WILL BE KNOWN AS ZEPHYR ESTATES SECOND SECTION, AND HEREBY AND BY THIS INDENTURE RESTRICTS THE ABOVE REAL ESTATE AS TO THE WHOLE OR ANY PART THEREOF, TO ANY OF THEIR GRANTEES, ASSIGNS, SUCCESSORS, HEIRS OR LEGAL REPRESENTATIVES AND TO ANY PERSON OR PERSONS, CORPORATIONS, FIRMS, ASSOCIATIONS AND/OR ANYONE WHO MAY OBTAIN TITLE TO ANY PORTION OF THE ABOVE REAL ESTATE AS TO THE FOLLOWING TERMS, STIPULATIONS, CONDITIONS, RESTRICTIONS AND COVENANTS, TO-WIT:

1. FULLY PROTECTIVE RESIDENTIAL AREA. THE FOLLOWING COVENANTS, IN THEIR ENTIRETY SHALL APPLY TO ALL OF ZEPHYR ESTATES. SAID SUBDIVISION BEING LOCATED IN HENRICKS COUNTY, INDIANA.
2. LAND USE AND BUILDING TYPE. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES, NOR SHALL ANY LOT BE FURTHER SUBDIVIDED. NO BUILDING SHALL BE ERRECTED, ALTERED, PLACED, OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED, SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN THREE CARS.
3. DWELLING QUALITY AND SIZE. THE GROUND FLOOR AREA OF THE HOUSE, EXCLUSIVE OF ONE STORY OPEN PORCHES AND GARAGES, SHALL NOT BE LESS THAN 1260 SQUARE FEET FOR A STRUCTURE OF MORE THAN ONE STORY. THE FRONT ELEVATION OF ALL HOUSES SHALL CONSIST OF A MINIMUM OF 65% OF THE AREA IN INDIANA LIMESTONE OR BRICK.
4. UTILITY BUILDING. A UTILITY BUILDING MAY BE CONSTRUCTED ON EACH LOT, THE MAXIMUM SIZE IS TO BE NO MORE THAN 20 FEET BY 20 FEET, OR ITS EQUIVALENT SQUARE FOOTAGE. THIS UTILITY BUILDING IS TO BE CONSTRUCTED IN SUCH MANNER AS TO MEET THE STANDARDS OF CONSTRUCTION AS USED IN THE CONSTRUCTION OF THE HOUSE EXCEPT THAT IT MAY BE CONSTRUCTED OF 100% WOOD, IF SO DESIRED BY THE LAND OWNER.
5. LOT AREA AND WIDTH. NO DWELLING SHALL BE ERRECTED OR PLACED UPON ANY LOT HAVING A WIDTH OF LESS THAN 100 FEET AT THE BUILDING LINE, NOR SHALL ANY BUILDING BE ERRECTED OR PLACED ON ANY LOT HAVING AN AREA OF LESS THAN 20,000 SQUARE FEET.
6. BUILDING LOCATION. NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET LINES THAN THE MINIMUM BUILDING SET-BACK LINES SHOWN ON THE RECORDED PLAT. IN ANY EVENT NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER THAN 50 FEET TO THE FRONT LOT LINE, NOR SHALL ANY BUILDING BE LOCATED NEARER THAN 12 FEET TO AN INTERIOR LOT LINE, EXCEPT THAT A 5 FOOT SIDE YARD SHALL BE PERMITTED FOR AN ACCESSORY BUILDING LOCATED A MINIMUM OF 45 FEET BEHIND THE MINIMUM SET-BACK LINE. NO DWELLING SHALL BE LOCATED ON ANY INTERIOR LOT NEARER THAN 35 FEET TO THE REAR LOT LINE. FOR THE PURPOSE OF THIS COVENANT, EAVES, STEPS, AND OPEN PORCHES SHALL NOT BE CONSIDERED AS PART OF A BUILDING, PROVIDED HOWEVER, THAT THIS SHALL NOT BE CONSTRUCTED TO PERMIT ANY PORTION OF A BUILDING, OR A LOT, TO ENCRUGH UPON ANOTHER LOT.
7. EASEMENT. EASEMENT FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE RECORDED PLAT AND OVER THE REAR SEVEN AND ONE-HALF (7½) FEET FOR EACH LOT.
8. NUISANCES. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
9. TEMPORARY STRUCTURE. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDINGS SHALL BE USED ON ANY LOT AT ANY TIME, AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.
10. LIVESTOCK AND POULTRY. NO ANIMALS, LIVESTOCK, OR POULTRY OF ANY KIND SHALL BE RAISED, BRED, OR KEPT ON ANY LOT, EXCEPT THAT EGGS, CATS, A PONY, HORSE, OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, OR BRED, OR MAINTAINED FOR ANY COMMERCIAL PURPOSE AND DO NOT CREATE OR CONSTITUTE A NUISANCE.
11. GARBAGE AND REFUSE DISPOSAL. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH. TRASH, GARBAGE OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE DISPOSAL OR STORAGE OF SUCH MATERIALS SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION AND SHALL NOT BE SO USED AS TO CREATE AN OFFENSIVE SIGHT OR ODOR.
12. WATER SUPPLY. NO INDIVIDUAL WATER SUPPLY SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED, AND EQUIPPED IN ACCORDANCE WITH STANDARDS AND RECOMMENDATIONS OF THE HENRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEM SHALL BE OBTAINED FROM THAT AUTHORITY.
13. SEWAGE DISPOSAL. NO INDIVIDUAL SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS DESIGNED, LOCATED, AND CONSTRUCTED IN ACCORDANCE WITH REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE HENRICKS COUNTY BOARD OF HEALTH. APPROVAL OF SUCH SYSTEM, AS INSTALLED SHALL BE OBTAINED FROM SUCH AUTHORITY.
14. SIGHT DISTANCE AT INTERSECTIONS. NO FENCE, WALL, HEDGE OR SHrub PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELEVATIONS BETWEEN TWO AND SIX FEET ABOVE THE ROADWAY 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 THEM AT POINTS TWENTY-FIVE FEET FROM THE INTERSECTION OF THE STREET LINES, OR IN THE CASE OF A BOUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET PROPERTY LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN TEN FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OR ALLEY PAVEMENT. NO TREES SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTIONS, UNLESS THE FOLIAGE LINE IS MAINTAINED AT A SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.

PREPARED BY  
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