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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; THENCE SOUTH 89 DEGREES 50 MINUTES WEST 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 RESTRICT 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 ENCRGACH 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
FREEZE AND ADLANSKY
CIVIL ENGINEERS
FRANKLIN, INDIANA

8016

ENTERED FOR RECORD
SEP 14 1973

Mary Margaret Parker
MARIETTA HENRIETTA COUNTY

SE COR NE 1/4
SECTION 5-10-10

15. **UTILITIES.** UTILITIES SHALL BE PERMITTED BETWEEN THE FRONT LOT LINE AND MINIMUM SETBACK LINE ONLY IF THE UTILITY IS NECESSARY TO THE PROPERTY INVOLVED.

16. **ADVERTISING SIGNS.** ADVERTISING SIGNS MAY BE ERECTED ON THE LOT, BUT SHIELDED FROM PUBLIC VIEW AS MUCH AS POSSIBLE. ALL SIGNS SHALL BE EITHER MOUNTED OR LOCATED WITHIN THE HOUSE OR GARAGE AREA SO LONG AS THEY ARE COMPLETELY CONCEALED FROM PUBLIC VIEW.

17. **SIGNS.** NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW, ON ANY LOT, EXCEPT ONE SIGN NOT EXCEEDING THREE FEET SQUARE WITH CONVEYANCE, THE PROPERTY FOR SALE, FOR RENT, OR SIGNS USED BY A BUILDING TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

18. **TERMS.** THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE THAT THESE COVENANTS ARE EXECUTED. AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LAND HAS BEEN RECORDED, EXPRESSLY PROVIDING SAID COVENANTS IN WHOLE OR IN PART.

19. **ENFORCEMENT.** ENFORCEMENT SHALL BE BY PROCEEDINGS OF LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS WHOSE NEGLIGENCE OR MISFEASANCE TO VIOLATE THE COVENANTS EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES.

20. **SEVERABILITY.** VIOLATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO MANNER AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

21. **WITNESS MY HAND AND SEAL.** AS SIGNED AND PROPRIETORS, HAVE HEREUNTO SET THEIR HAND AND SEAL THIS 27th DAY OF JULY, 1973.

SIGNED Robert W. Turner
ROBERT W. TURNER

SIGNED Mary Margaret Parker
MARY MARGARET PARKER

WITNESSED AND SIGNED TO BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID HENRIETTA COUNTY, STATE OF MICHIGAN THIS 27th DAY OF JULY, 1973.

Elly Sue Wynn
ELLY SUE WYNN, NOTARY PUBLIC

MY COMMISSION EXPIRES
August 1974

I CERTIFY THAT THE ABOVE MENTIONED DEED IS TRUE AND ACCURATE AND CORRECT. THIS DEED IS THE FIRST DEED OF SAID (2) LOTS, NUMBERED 5 TO 10 INCLUSIVE.

SIGNED UNDER MY HAND AND SEAL THIS 27th DAY OF JULY, 1973.



Elly Sue Wynn
ELLY SUE WYNN, NOTARY PUBLIC
222 S. 10th St., Farmington, Michigan

UNDER THE AUTHORITY GRANTED BY CHAPTER 272, ACTS OF 1967 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MICHIGAN AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF HENRIETTA, AS FOLLOWS:

APPROVED BY THE HENRIETTA COUNTY PLANNING COMMISSION BY A VOTE OF 5 TO 0 ON THE 27th DAY OF JULY, 1973.

Robert W. Turner
ROBERT W. TURNER, COUNTY CLERK

Elly Sue Wynn
ELLY SUE WYNN, SECRETARY