SOUTHERN OAKS-SEC. 1 COVENANTS

THE UNDERSIGNED, SHELBY SERVICE CORPORATION, AN INDIANA CORPORATION, OWNERS OF RECORD OF THE FOREGOING DESCRIBED REAL ESTATE KNOWN AS SOUTHERN OAKS, SECTION I, HEREBY PLAT AND SUBDIVIDE THE SAME IN ACCORDANCE WITH THE PLAT AND CERTIFICATE.

THE STREETS CONTAINED HEREIN, IF NOT HERETOFORE DEDICATED, ARE HEREBY DEDICATED TO PUBLIC USE.

THERE ARE STRIPS OF GROUND MARKED UTILITY EASEMENTS SHOWN ON THE PLAT WHICH ARE HEREBY RESERVED FOR PUBLIC UTILITIES, FOR THE INSTALLATION AND MAINTENANCE OF POLES, MAINS, SEWERS, DRAINS, DUCTS, LINES AND WIRES. THERE ARE STRIPS OF GROUND MARKED DRAINAGE EASEMENTS SHOWN ON THE PLAT WHICH ARE HEREBY RESERVED FOR DRAINAGE PURPOSES, INCLUDING SEWERS. PURCHASERS OF LOTS IN THE SUBDIVISION SHALL TAKE TITLE SUBJECT TO THE EASEMENTS HEREBY CREATED AND SUBJECT AT ALL TIMES TO THE RIGHTS OF PROPER AUTHORITIES TO SERVICE THE UTILITIES AND THE EASEMENTS HEREBY CREATED, AND NO PERMANENT STRUCTURE OF ANY KIND, AND NO PART THEREOF, EXCEPT FENCES, SHALL BE BUILT, ERECTED OR MAINTAINED ON SAID UTILITY STRIPS.

THE LOTS OF THIS SUBDIVISION AND THE USE OF THE LOTS IN THIS SUBDIVISION BY PRESENT AND FUTURE OWNERS OR OCCUPANTS SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS, WHICH SHALL RUN WITH THE LAND.

- 1. FRONT BUILDING LINES ARE HEREBY ESTABLISHED AS SHOWN ON THE FOREGOING PLAT, BETWEEN WHICH LINES AND THE PROPERTY LINES OF THE SEVERAL STREETS SHALL BE ERECTED AND MAINTAINED NO PERMANENT OR OTHER STRUCTURES, OR PARTS THEREOF.
- 2. ALL LOTS IN THIS SUBDIVISION SHALL BE DESIGNATED AS RESIDENTIAL LOTS. NO FAMILY DWELLING SHALL EXCEED TWO AND ONF-HALF STORIES OR THIRTY-FIVE FEET IN HEIGHT WITH THE USUAL ACCESSORY BUILDING.
- 3. NO RESIDENCE SHALL BE ERECTED OR MAINTAINED ON ANY LOT IN THIS SUBDIVISION HAVING A GROUND FLOOR AREA OF LESS THAN 1100 SQUARE FEET, IF A ONE-STORY STRUCTURE, OR 700 SQUARE FEET IN THE CASE OF A TWO-STORY STRUCTURE.
- 4. ALL RESIDENCES CONSTRUCTED WITHIN THE DEVELOPMENT SHALL HAVE ATTACHED TWO-CAR GARAGES. ALL DRIVEWAYS SHALL BE HARD SURFACED WITH EITHER CONCRETE OR ASPHALT
- 5. EVERY BUILDING OR PART THEREOF SHALL BE SO LOCATED AS TO PROVIDE A SIDF YARD ON EACH SIDE OF SAID BUILDING IN ACCORDANCE WITH THE MARION COUNTY ZONING ORDINANCE OF 1966, AS AMENDED, IN D-3 CLASSIFICATION, EXCEPT THAT IN THE CASE WHERE THE SAME PERSON OR PERSONS OWN TWO ADJOINING LOTS NOT SEPERATED BY A UTILITY OR DRAINAGE EASEMENT AS SHOWN ON THE PLAT, THEN THIS RESTRICTION SHALL APPLY TO THE LOT LINES OF THE EXTREME BOUNDARIES OF THE MULTIPLE LOTS.
- 6. NO TRAILER, TENT SHACK, BASEMENT, GARAGE OR TEMPORARY STRUCTURE OF ANK KIND SHALL BE USED FOR TEMPORARY OR PERMANENT RESIDENTIAL PURPOSES, NOR SHALL ANY STRUCTURE OF A TEMPORARY NATURE, OR OUT BUILDING OF ANY KIND NOT CONNECTED TO THE MAIN RESIDENCE, INCLUDING BUT NOT NECESSARILY LIMITED TO ANY TRAILER, TENT, BASEMENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING, BE CONSTRUCTED OR MOVED ONTO OR USED ON ANY LOT IN THE DEVELOPMENT. NO BOAT, TRAILER, OR CAMPER OF ANY KIND SHALL BE KEPT OR PARKED UPON SAID LOT EXCEPT WITHIN GARAGE OR OTHER APPROVED STRUCTURE, NO OBNOXIOUS OR OFFENSIVE TRADES SHALL BE CARRIED ON UPON ANY LOT OR LOTS IN THIS ADDITION, NOR SHALL ANYTHING BE DONE WHICH SHALL BE OR BECOME A NUISANCE TO THE NEIGHBORHOOD.
- 7. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS SIGHT LINES AT ELE-VATIONS BETWEEN 2 AND 6 FEET ABOVE THE STREET 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 POINTS 25 FEET FROM THE INTERSECTION OF SAID STREET LINES, OR IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OF THE STREET LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY TO ALL LOTS WITHIN 10 FEET FROM THE INTERSECTION OF A STREET LINE WITH THE EDGE OF A DRIVE WAY PAVEMENT OR ALLEY LINE. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCE OR SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED ATTACK. HE CHILD TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES. NO FENCES SHALL BE PERMITTED TO BE CONSTRUCTED BETWEEN THE FRONT SET BACK LINE AND THE STREET CURB. NO HOUSE FOOTING DRAIN, OR ROOF WATER DRAIN SHALL BE DISCHARGED INTO THE SANITARY SEWERS.
- 8. THE EXTERIOR WALLS OF AND RESIDENCE CONSTRUCTED IN THE DEVELOPMENT SHALL BE OF BRICK OR STONE TO THE EXTENT OF AT LEAST FORTY PERCENT (40%) OF THE SOLID WALL AREA.

- 9. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY BUILDING PLOT IN THI SUBDIVISION UNTIL THE BUILDING PLANS, SPECIFICATIONS AND PLOT PLAN SHOWING THE LOCATION OF SUCH BUILDING HAVE BEEN APPROVED IN WRITING AS TO THE CONFORMITY AN HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES IN THIS SUBDIVISION, AND AS TO LOCATION OF THE BUILDING WITH RESPECT TO THE TOPOGRAPHY AND FINISHED GROUND ELEVATION BY THOMAS E. OCHS, OR BY A REPRESENTATIVE OR REPRESENTATIVES DESIGNATION. BY HIM. IF SAID REPRESENTATIVES SHALL FAIL TO ACT UPON ANY PLANS SUBMITTED FOR HIS APPROVAL WITHIN 30 DAYS, THEN THE OWNER MAY PROCEED WITH THE BUILDING PLANS SUBMITTED, PROVIDED SUCH PLANS ARE NOT CONTRARY TO THESE COVENINTS. NEITHER BE OCHS WOR HIS REPRESENTATIVES SHALL BE ENTITLED TO ANY COMPENSATION FOR SURVICES PERFORMED PURSUANT TO THIS COVENANT.
- 10. ALL AREAS ENCLOSED WITHIN DRAINAGE EASEMENTS ON THE PLAT ARE HEREBY DESIGNATED AS STORMWATER MOVEMENT/DETENTION OR RETENTION AREAS, AND IT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF THOSE AREAS TO MAINTAIN SUCH AREAS IN SUCH CONDITION THAT THE FLOW OF STORM DRAINAGE WATERS ON, ACROSS, AND FROM SUCH AREAS SHALL NOT BE IMPEDED, DIVERTED OR ACCELERATED. SUCH USE FOR STORM WATER MOVEMENT OR DETENTION OF DETENTION OR OR RETENTION OR DETENTION IS HEREBY DECLARED TO BE AN EASEMENT AND SERVITUDE UPCOME LAND FOR THE BENEFIT OF THE OWNERS OF OTHER LAND INCLUDED WITH THE PLAT.

 UPSTREAM OR DOWNSTREAM, AFFECTED BY SUCH USE, AND FOR ANY PROPER AGENCY OR DEPARTMENT OF THE CITY OF INDIANAPOLIS. THE CITY OF INDIANAPOLIS IS HEREBY GIVEN THE RIGHT TO OBTAIN ACCESS TO SUCH AREAS TO PERFORM MAINTENANCE, AND TO PERFORM SUCH MAINTENANCE AS MAY BE NECESSARY TO PROTECT SUCH EASEMENT AND SERVITUDE RIGHTS.
- 11. THE RIGHT TO ENFORCE EACH AND ALL OF THE LIMITATIONS, CONDITIONS AND RESTRICTIONS SET FORTH HEREIN, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL OF ANY BUILDING ERECTED OR ALTERED IN VIOLATION THEREOF THE INJUNCTION OR OTHER LEGAL PROCESS, IS HEREBY RESERVED TO EACH AND EVERY OWNER OF THE SEVERAL LOTS IN THIS SUBDIVISION, THEIR GRANTEES AND ASSIGNS, WHO SHALL BE ENTITLED TO SUCH INJUNCTIVE RELIEF WITHOUT BEING REQUIRED TO SHOW ANY DAMAGES, TOGETHER WITH REASONABLE ATTORNEY'S FEES. THE METROPOLITAN PLATS COMMISSION OF MARION COUNTY, INDIANA, SHALL ALSO HAVE THE RIGHT OF ENFORCEMENT OF THE FOREGOING COVENANTS.
- 12. THESE RESTRICTIONS CONSTITUTE COVENANTS RUNNING WITH THE LAND AND SHALL BE I EFFECT FOR A PERIOD OF 25 YEARS FROM DATE, PROVIDED THAT AT THE EXPIRATION OF SUCH TERM THESE RESTRICTIONS SHALL BE AUTOMATICALLY RENEWED THEREAFTER FOR PERIODS OF 25 YEARS EACH, UNLESS AT LEAST ONE YEAR PRIOR TO THE EXPIRATION OF EACH 25 YEAR PERIOD, THE OWNER OR OWNERS OF A MAJORITY OF THE LOTS IN THIS ADDITION SHALL EXECUTE AND ACKNOWLEDGE A DECLARATION IN WRITING WAIVING RENEWALS AND SAID WRITTEN DECLARATION SHALL BE RECORDED IN LAND RECORDS OF MARION COUNTY, INDIANA, IN WHICH EVENT THE PROVISIONS ABOVE SET FORTH FOR RENEWALS SHALL BE NUL
- 13. 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
- THERE IS ADDITIONAL RIGHT-OF-WAY ALONG THE PRESENT STOP 11 ROAD IN THIS PLAN FOR FUTURE RIGHT-OF-WAY IMPROVEMENT BY THE PUBLIC AUTHORITY AS A PRIMARY THOROGOG FARE. AT SUCH TIME, AS SUCH IMPROVEMENT OCCURS, ACCESS MAY BE AFFORDED TO LOTS THROUGH #12, INCLUSIVE, BY A MARGINAL ACCESS ROAD CONSTRUCTED IN CONJUNCTION WIT THE PRIMARY THOROUGHFARE OR BY DIRECT ACCESS TO STOP 11 ROAD, WHICHEVER THE PUBLIC AUTHORITIES MAY DEEM THE MOST PERSIBLE.

WITNESS MY SIGNATURE THIS 5 DAY OF Carguet , 1977

THOMAS E. OCHS, PRESIDENT SHELBY SERVICE CORPORATION

COUNTY OF MARION)

SS:

STATE OF INDIANA)

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED THE ABOVE AND ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED AND AFFIXED HIS SIGNATURE THERETO.

MY COMMISSION EXPIRES June 29 1981

Colosco Cm Bastlere NOTARY PUBLIC

DOLORES M. BANTLETT