First American Title Insurance Company
Indianapolis Downtown—Corporate
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Subdivision Covenants and Restrictions

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This agreement is made this 21st day of December, 1972, by and between the 116th Street Realty Corporation and Robert J. Klein and Mary Lou Klein.

WHEREAS:

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 Bandy 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. 69-43152 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 "A" in accordance with the Metropolitan Development Commission of Marion
3. The 116th Street Realty Corporation agrees to develop the 36.649 acre tract of real estate described in Exhibit "A" in accordance with a petition for zoning which has been filed with the Metropolitan Development Commission of Marion County, Indiana at Docket No. 72AP-33.

4. The rent and refund 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 enforce 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 24, 1969, and recorded as Instrument No. 69-6534 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 15, 1970, as Instrument No. 70-50115 in the Office of the Recorder of Marion County, Indiana, contained
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 acknowledge that a Warranty Deed from N. J. Klein and Mary Lou Klein to N. J. Klein & Associates, Inc. dated July 4, 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. 69-4554 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 residue 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. 69-4554 and Instrument No. 70-50123 is released and dissolved.

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

[Signature]

Robert J. Klein

Mary Lou Klein

116th STREET REALTY CORP.

[Signature]

B. H. Conrad, President

[Signature]

Thomas J. Marvin, Secretary
STATE OF INDIANA
COUNTY OF MARION

Before me, a Notary Public in and for said County and State, personally appeared N.E. Conroe and Thomas A. McNamara, the President and Secretary, respectively of the 118th 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.

[Signature]
Notary Public

My Commission Expires: February 1, 1976

STATE OF INDIANA
COUNTY OF MARION

Before me, a Notary Public in and for said County and State, personally appeared Robert J. Klein and MaryLou 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 29th day of December, 1972.

[Signature]
Notary Public

My Commission Expires: 6-20-73

this instrument prepared by B. Richard Keppler, Attorney at Law.
BOUNDARY DESCRIPTIVE.

Land in Marion County, State of Indiana, being part of Section 10, Township 15 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 59° 44' 01" W, along the north line of said north half-section, a distance of 667,728 feet to the point of beginning of the real estate described herein; running thence S 53° 12' 53" W a distance of 324,480 feet; running thence S 63° 23' 20" W a distance of 15,700 feet; running thence S 82° 33' 16" W a distance of 297,363 feet; running thence S 80° 31' 43" W a distance of 367,992 feet; running thence S 80° 09' 03" W a distance of 133,000 feet; running thence S 80° 17' 36" W a distance of 64,000 feet; running thence S 77° 30' 57" W a distance of 93,100 feet; running thence S 73° 32' 36" W a distance of 32,400 feet; running thence S 70° 26' 39" W a distance of 178,800 feet; running thence N 64° 16' 57" W a distance of 69,400 feet; running thence N 23° 14' 27" W a distance of 19,400 feet; running thence S 64° 10' 43" W a distance of 1,150 feet; running thence N 32° 23' 43" W a distance of 3,550 feet; running thence N 65° 23' 18" W a distance of 159,260 feet; running thence N 47° 49' 13" W a distance of 16,300 feet; running thence N 41° 45' 50" W a distance of 57,255 feet; running thence N 34° 50' 37" W a distance of 37,155 feet; running thence N 28° 47' 12" W a distance of 146,500 feet; running thence N 22° 20' 01" W a distance of 104,000 feet; running thence N 25° 06' 18" W a distance of 15,200 feet; running thence N 23° 10' 20" W a distance of 40,200 feet; running thence N 21° 11' 24" W a distance of 35,300 feet; running thence N 20° 12' 20" W a distance of 49,300 feet; running thence N 19° 13' 26" W a distance of 60,150 feet; running thence N 18° 15' 22" W a distance of 51,350 feet; running thence N 17° 17' 20" W a distance of 43,000 feet; running thence N 16° 19' 28" W a distance of 41,150 feet; running thence N 15° 21' 36" W a distance of 41,650 feet; running thence N 14° 23' 44" W a distance of 33,400 feet; running thence N 13° 25' 52" W a distance of 32,325 feet; running thence N 12° 28' 00" W a distance of 44,525 feet; running thence N 10° 30' 30" W a distance of 35,600 feet; running thence N 8° 30' 51" W a distance of 71,325 feet; running thence N 7° 44' 27" W a distance of 281,325 feet to the point of beginning, containing in all, 11,400 acres.
BOUNDARY "C"

Land in Monroe County, State of Indiana, being part of Section 10, Township 15 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° 46' 57" W, along the south line of said north half section, a distance of 325.415 feet to the point of beginning of the real estate described herein; continuing thence along the same line a distance of 121.028 feet; running thence E 31° 46' 57" W a distance of 251.177 feet; running thence S 34° 40' 55" W a distance of 88.615 feet; running thence E 18° 23' 39" S a distance of 73.932 feet; running thence N 15° 56' 03" E a distance of 73.180 feet; running thence S 13° 35' 38" W a distance of 71.050 feet; running thence S 25° 30' 27" S a distance of 511.900 feet; running thence N 1° 55' 46" S a distance of 59.940 feet; running thence N 94° 43' 57" W a distance of 39.815 feet; running thence N 59° 02' 17" S a distance of 55.920 feet; running thence S 49° 26' 43" W a distance of 99.470 feet; running thence W 65° 43' 59" S a distance of 87.311 feet; running thence S 1° 33' 00" E a distance of 294.404 feet; running thence N 51° 44' 40" S a distance of 158.846 feet to a point on the curve to the right, said curve having a radius of 28,900 feet and being subtended by a chord having a bearing of N 25° 49' 01" W and a length of 71.438 feet; running thence northeasterly, around said curve, a distance of 79.685 feet; running thence N 94° 24' 44" E a distance of 339.708 feet; running thence E 45° 15" W a distance of 37.185 feet; running thence S 0° 41' 81" E a distance of 246.251 feet; running thence N 27° 20' 67" W a distance of 49.530 feet; running thence E 54° 14' 23" S a distance of 55.130 feet; running thence E 57° 45' 31" E a distance of 53.566 feet; running thence W 73° 50' 51" S a distance of 101.940 feet; running thence N 0° 58' 30" E a distance of 147.900 feet; running thence E 50° 00' 22" W a distance of 26.350 feet; running thence S 23° 49' 02" W a distance of 54.240 feet; running thence E 22° 40' 25" N a distance of 40.815 feet; running thence S 29° 00' 22" W a distance of 44.615 feet; running thence N 0° 28' 40" E a distance of 47.070 feet; running thence N 20° 12' 07" E a distance of 71.120 feet; running thence N 17° 25' 25" W a distance of 57.635 feet; running thence N 33° 25' 22" W a distance of 53.170 feet; running thence N 37° 25' 25" W a distance of 131.570 feet; running thence N 45° 10' 56" W a distance of 84.610 feet; running thence N 59° 15' 22" N a distance of 84.610 feet; running thence N 50° 47' 04" W a distance of 71.785 feet; running thence S 85° 40' 22" W a distance of 147.680 feet, said point being 118.472 feet west of the south line and 179.248 feet north of the south line of said half section, running thence S 85° 42' 19" E a distance of 31.704 feet; running thence S 24° 38' 00" S a distance of 141.100 feet; running thence S 66° 58' 35" S a distance of 66.265 feet to the point of beginning, containing 311.323 acres.