

This document referred to as Document No. 9749460 Rec. 11-14-97

OWNER/SUBDIVIDER
C.P. MORGAN COMMUNITIES, L.P.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR
SCHNEIDER ENGINEERING CORP.
3020 NORTH POST RD.
INDIANAPOLIS, INDIANA 46226-0068
(317) 898-8282

BROOKSTON PLACE

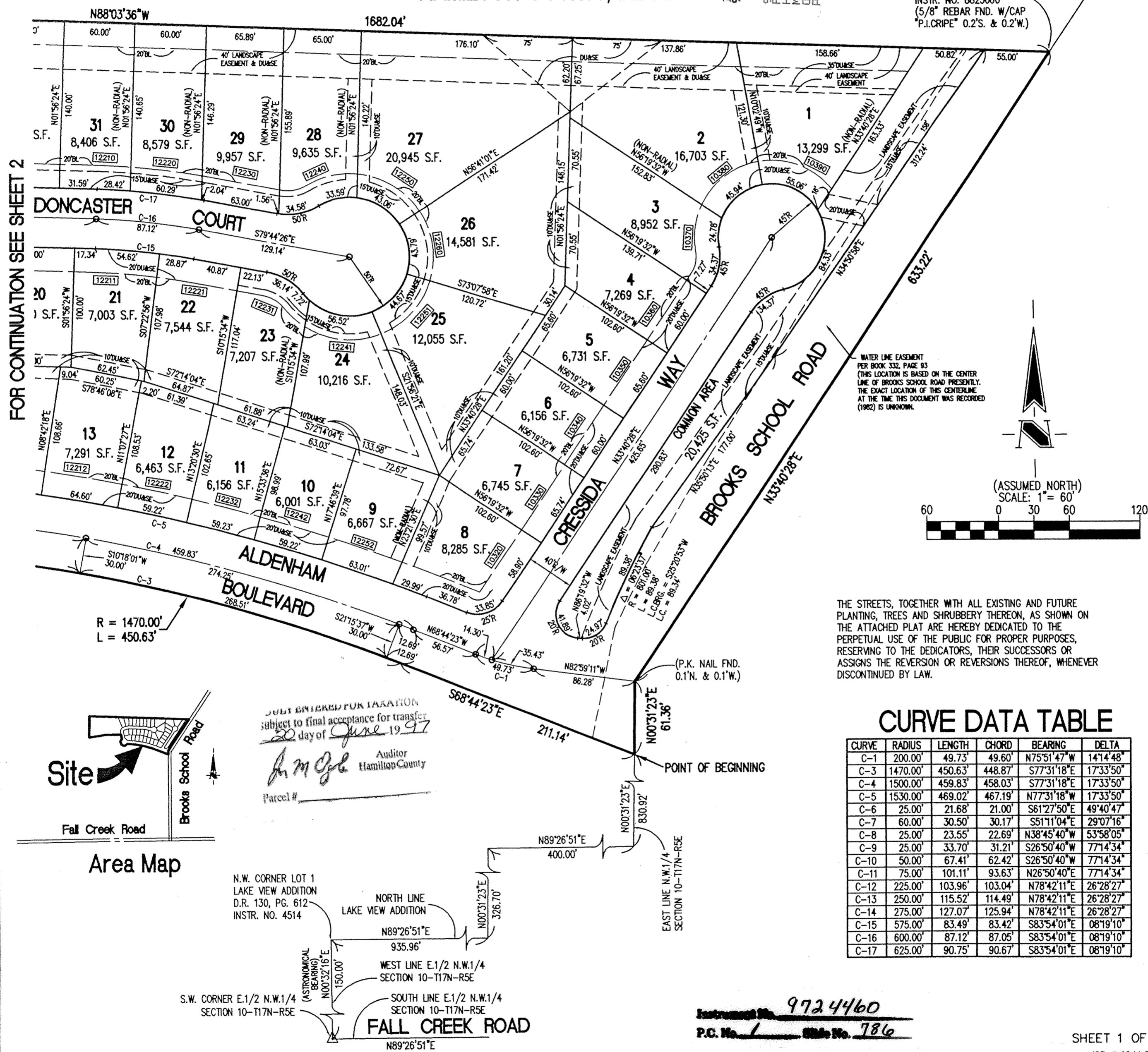
SECTION 1
SECONDARY PLAT
PART OF THE E.1/2 N.W.1/4
AND PART OF THE W.1/2 N.E.1/4
SECTION 10-T17N-R5E
HAMILTON COUNTY, INDIANA

THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR-INDIANA #S0560
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226-0068
TELEPHONE (317) 898-8282

Instrument No. 9709724460
Filed for Record in
HAMILTON COUNTY, INDIANA
On 06-20-1997 at 01:18 pm.
PLAT 29.00

- LEGEND**
- ☒ — INDICATES CONCRETE MONUMENT
 - — INDICATES 5/8" REBAR W/CAP
 - — INDICATES CENTERLINE MONUMENTATION
 - B.L. — BUILDING LINE
 - SF — SQUARE FOOTAGE
 - D.&.S.E. — DRAINAGE AND SEWER EASEMENT
 - D.U.&.S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
 - D.E. — DRAINAGE EASEMENT
 - L.E. — LANDSCAPE EASEMENT
 - 00000 — INDICATES LOT ADDRESS

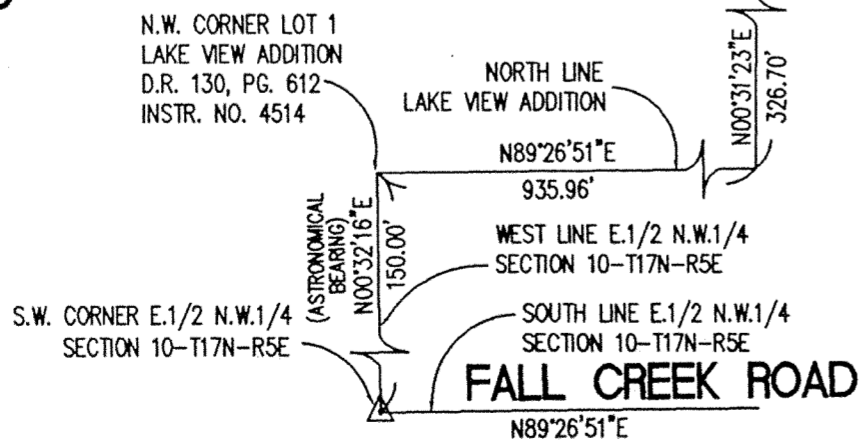
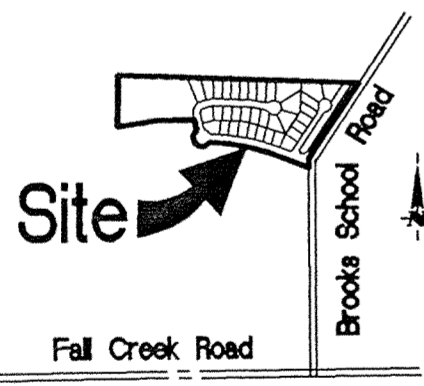
S.E. CORNER 3.100 ACRE
MANSUR DEV. CORP.
INSTR. NO. 8825060
(5/8" REBAR FND. W/CAP
"P.CRIPE" 0.2'S. & 0.2'W.)



CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	200.00'	49.73'	49.60'	N75°51'47"W	147°48'
C-3	1470.00'	450.63'	448.87'	S77°31'18"E	173°35'0"
C-4	1500.00'	459.83'	458.03'	S77°31'18"E	173°35'0"
C-5	1530.00'	469.02'	467.19'	N77°31'18"W	173°35'0"
C-6	25.00'	21.68'	21.00'	S61°27'50"E	49°40'47"
C-7	60.00'	30.50'	30.17'	S51°11'04"E	29°07'16"
C-8	25.00'	23.55'	22.69'	N38°45'40"W	53°58'05"
C-9	25.00'	33.70'	31.21'	S26°50'40"W	77°14'34"
C-10	50.00'	67.41'	62.42'	S26°50'40"W	77°14'34"
C-11	75.00'	101.11'	93.63'	N26°50'40"E	77°14'34"
C-12	225.00'	103.96'	103.04'	N78°42'11"E	26°28'27"
C-13	250.00'	115.52'	114.49'	N78°42'11"E	26°28'27"
C-14	275.00'	127.07'	125.94'	N78°42'11"E	26°28'27"
C-15	575.00'	83.49'	83.42'	S83°54'01"E	08°19'10"
C-16	600.00'	87.12'	87.05'	S83°54'01"E	08°19'10"
C-17	625.00'	90.75'	90.67'	S83°54'01"E	08°19'10"

JOY ENTERED FOR TAXATION
subject to final acceptance for transfer
20 day of June 19 97
Auditor
Hamilton County



Instrument No. 9724460
P.C. No. 1 Slide No. 786

BROOKSTON PLACE

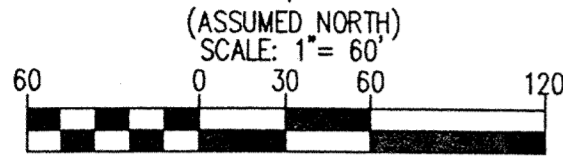
SECTION 1 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 AND PART OF THE W.1/2 N.E.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

LEGEND

- ☒ — INDICATES CONCRETE MONUMENT
- — INDICATES 5/8" REBAR W/CAP
- — INDICATES CENTERLINE MONUMENTATION
- B.L. — BUILDING LINE
- SF — SQUARE FOOTAGE
- D.&.S.E. — DRAINAGE AND SEWER EASEMENT
- D.U.&.S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
- D.E. — DRAINAGE EASEMENT
- L.E. — LANDSCAPE EASEMENT
- 00000 — INDICATES LOT ADDRESS

Instrument
9709724460

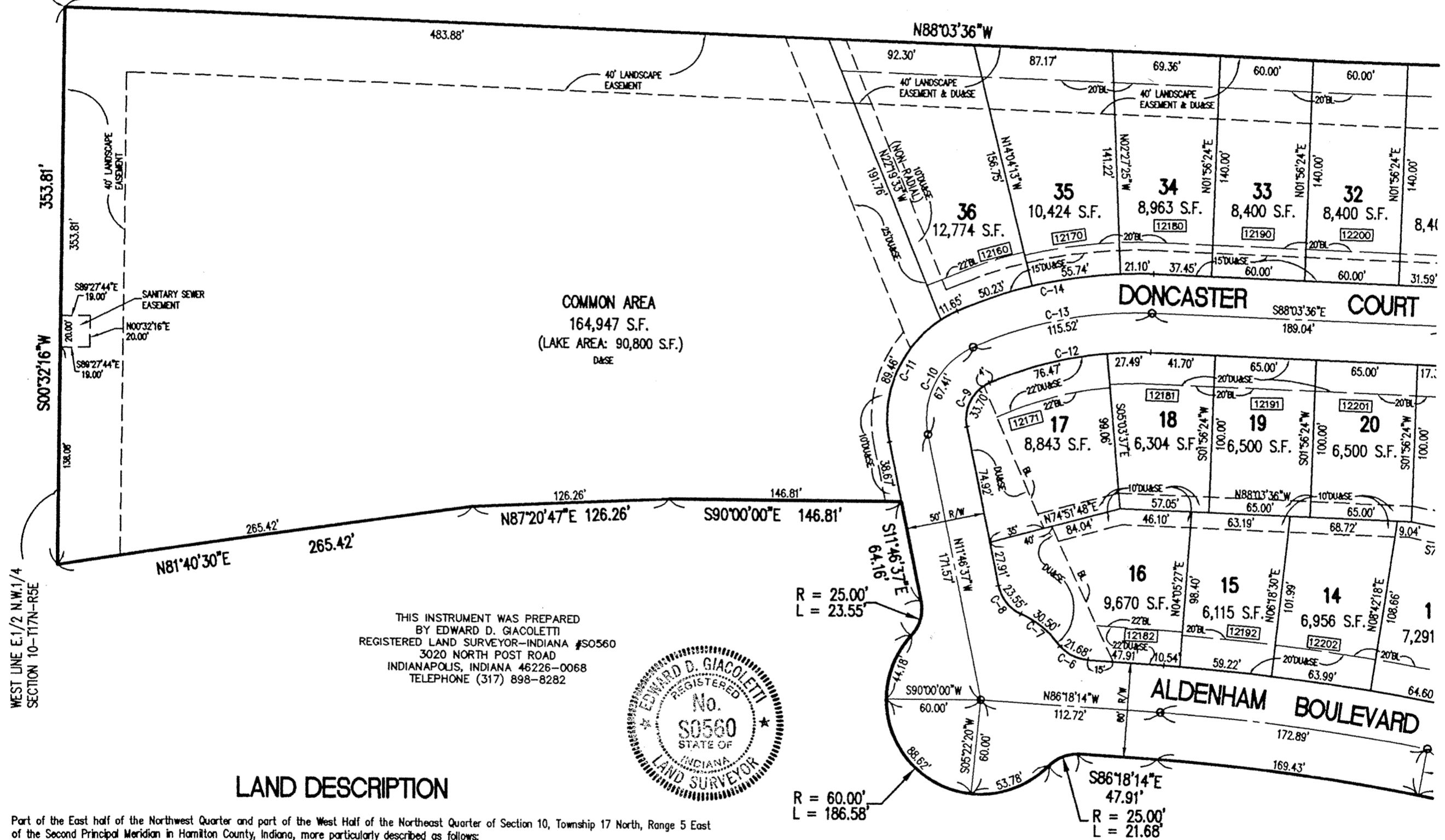
9709724460 Record in
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 06-20-1997 At 01:18 pm.
PLAT 29.00



(5/8" REBAR FND. W/CAP
"MSE" 0.2'S. & 0.1'W.)

OWNER/SUBDIVIDER
C.P. MORGAN COMMUNITIES, LP.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR
SCHNEIDER ENGINEERING CORP.
3020 NORTH POST RD.
INDIANAPOLIS, IN. 46226-0068
(317) 898-8282



THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR-INDIANA #S0560
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226-0068
TELEPHONE (317) 898-8282



LAND DESCRIPTION

Part of the East half of the Northwest Quarter and part of the West Half of the Northeast Quarter of Section 10, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot 1 in Lake View Addition, the plat of which is recorded in Deed Record 130, page 612 as Instrument #4514 in the Office of the Recorder of Hamilton County, Indiana, which said beginning point lies North 00 degrees 32 minutes 16 seconds East (astronomical bearing) along the West line of the East Half of the said Northwest Quarter a distance of 150.00 feet from the Southwest corner thereof; thence North 89 degrees 26 minutes 51 seconds East along the North line of said Lake View Addition a distance of 935.96 feet (937.20 feet-deed) to a point which lies 400.00 feet West along the North line of said Lake View Addition from a point on the East line of said Northwest Quarter which lies North 00 degrees 31 minutes 23 seconds East along said East line a distance of 150.00 feet from the Southeast corner thereof; thence North 00 degrees 31 minutes 23 seconds East, parallel with the East line of said northwest Quarter, a distance of 400.00 feet to the said East line; thence North 00 degrees 31 minutes 23 seconds East along said East line a distance of 830.92 feet to the Point of Beginning; thence continuing North 00 degrees 31 minutes 23 seconds East along said East line a distance of 61.36 feet to a point which lies South 00 degrees 31 minutes 23 seconds West along said East line a distance of 1254.00 feet from the Northeast corner of the said Northwest Quarter; thence North 33 degrees 40 minutes 28 seconds East (along a line running in the general Northeasterly direction of Brooks School Road and lying Easterly thereof, and if extended, would intersect the North line of the said Northeast Quarter Section) at a point North 89 degrees 17 minutes 04 seconds East a distance of 831.00 feet from the Northwest corner of the said Northeast Quarter Section) a distance of 633.22 feet to the Southeast corner of a 3.100 acre tract of land conveyed to Mansur Development Corp. per Warranty Deed recorded as Instrument #8825060 in the said recorder's Office; thence North 88 degrees 03 minutes 36 seconds West along the Southerly line of said "Mansur" tract and its extension thereof a distance of 1682.04 feet to the West line of the East Half of the said Northwest Quarter Section; thence South 00 degrees 32 minutes 16 seconds West along the said West line a distance of 353.81 feet; thence North 81 degrees 40 minutes 30 seconds East a distance of 265.42 feet; thence North 87 degrees 20 minutes 47 seconds East a distance of 126.26 feet; thence South 00 degrees 00 minutes 00 seconds East a distance of 146.81 feet; thence South 11 degrees 46 minutes 37 seconds East a distance of 64.16 feet to a curve having a radius of 25.00 feet, the radius point which bears South 78 degrees 13 minutes 23 seconds West; thence southerly along said curve an arc distance of 23.55 feet to a point of reversed curvature of a curve having a radius of 60.00 feet, the radius point which bears South 47 degrees 48 minutes 32 seconds East; thence southerly, easterly and northerly along said curve an arc distance of 186.58 feet to a point of reversed curvature of a curve having a radius of 25.00 feet, the radius point of which bears South 45 degrees 59 minutes 01 seconds East; thence northeasterly along said curve an arc distance of 21.68 feet to a point which bears North 03 degrees 41 minutes 46 seconds East from said radius point; thence South 86 degrees 18 minutes 14 seconds East a distance of 47.91 feet to a curve having a radius of 1470.00 feet, the radius point of which bears South 03 degrees 41 minutes 46 seconds West; thence easterly along said curve an arc distance of 450.63 feet to a point which bears North 21 degrees 15 minutes 37 seconds East from said radius point; thence South 68 degrees 44 minutes 23 seconds East a distance of 211.14 feet to the Point of Beginning, containing 15.080 acres, more or less.

THIS SUBDIVISION CONSISTS OF 36 LOTS NUMBERED 1 THROUGH 36 AND COMMON AREAS, TOGETHER WITH STREETS, EASEMENTS AND PUBLIC WAYS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF LOTS AND COMMON AREAS AND WIDTHS OF STREETS AND EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 9709712092 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE CROSS-REFERENCED SURVEY ON ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION. I FURTHER CERTIFY THAT THE SAID SUBDIVISION WAS PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

Edward D. Giacoletti
EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR
INDIANA - #S0560

COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD MARCH 12, 1997

FISHERS TOWN PLAN COMMISSION

John Zerbo
PRESIDENT JOHN ZERBO
Wesley Bucher
SECRETARY WES BUCHER

Instrument No. 9724460
P.C. No. 1 Slide No. 786

SHEET 2 OF 3
JOB # 1244.001

FOR CONTINUATION SEE SHEET 1

BROOKSTON PLACE

SECTION 1 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 AND PART OF THE W.1/2 N.E.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

PLAT COVENANTS, CONDITIONS AND RESTRICTIONS

The undersigned, C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President as Owner of the within described real estate, do hereby lay off, plat and subdivide the same into lots and streets in accordance with the within plat. The within plat shall be known and designated as Brookston Place Section 1, a subdivision in Hamilton County, Indiana.

Public Streets:

The streets and public rights-of-way shown hereon, subject to construction standards and acceptance, are hereby dedicated to the public use, to be owned and maintained by the governmental body having jurisdiction.

Residential Uses:

All lots in this subdivision shall be used solely for residential purposes. No business buildings shall be erected on said lots, and no business may be conducted on any part hereof other than the home occupations permitted in the Zoning Ordinance of the Town of Fishers, Indiana.

Building Location:

No building or structure shall be located on any lot nearer to the front lot line or nearer to the side street lot line (corner lots) than the minimum building setback lines as shown on the within plat.

Drainage, Utility and Sewer Easements:

There are strips of ground as shown on the within plat marked "DU&SE" (drainage utility and sewer easement) which are reserved for the nonexclusive use of public utility companies, including cable television companies but not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines, wires, sewers and drainage, subject at all times to the proper authorities and to the easements herein reserved. No permanent or other structures shall be erected or maintained on said strips except for fences, patios, decks, driveways and walkways. The owners of such lots in this addition, however, shall take their title subject to the nonexclusive rights of the public utilities and other owners of said lots in this addition to said easements herein granted for ingress and egress in, along and through the strips so reserved.

Drainage Easements:

There are areas of ground on the plat marked "drainage easements". The drainage easements are hereby created and reserved: (I) for the use of Developer during the "development period", as such term is defined in the declaration of covenants, conditions and restrictions, for access to and installation, repair or removal of a drainage system, either by surface drainage or appropriate underground installations for the real estate and adjoining property and (II) for the nonexclusive use of the Association (as defined in the declaration), the Fishers Department of Public Works or any other applicable governmental authority for access to and maintenance, repair and replacement of such drainage system and common areas; provided, however, the owner of any lot in the subdivision subject to a drainage easement shall be required to keep the portion of said drainage easement on his lot free from obstructions so that the surface water drainage will be unimpeded. The delineation of the drainage easement areas on the plat shall not be deemed a limitation on the right of any entity for whose use any such easement is created and reserved to go on any lot subject to such easement temporarily to the extent reasonably necessary for the exercise of the rights granted to by this paragraph. No permanent or other structures shall be erected or maintained on said drainage easements except for fences, patios, decks, driveways and walkways. The owners of such lots in this subdivision, however, shall take their title subject to the nonexclusive rights of the Fishers Department of Public Works and other owners of said lots in this addition to said easements herein granted for ingress and egress in, along and through the strips so reserved.

Developer's Right to Perform Certain Maintenance:

In the event that any owner of a lot shall fail to maintain his lot and any improvements situated thereon in accordance with these restrictions, Developer shall have the right, but not obligation, by and through its agents and employees or contractors, to enter upon said lot and repair, mow, clean or perform such other acts as may be reasonably necessary to make such lot and improvement situated thereon, if any, conform to the requirements of these restrictions. The cost thereof shall be an expense of the lot owners and the Developer may seek collection of costs in any reasonable manner including placing a lien against said real estate for the expense thereof. Neither the Developer, nor any of its agents, employees or contractors shall be liable for any damage which may result from any maintenance work performed hereunder. Upon completion of the development period, the Association shall succeed to the rights of the Developer.

Common Area:

There are areas of ground on the plat marked "Common Area". The common areas are hereby created and reserved:

- I. For the common visual and aesthetic enjoyment of the owners; and
- II. For the use by the Developer during the development period for the installation of retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands; and
- III. For the use as retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands; and
- IV. For the ownership and use of the Association for the management and control of retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands, and the installation, maintenance and repair of improvements thereto.

Sight Distance at Intersections:

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between three (3) feet and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points forty (40) feet from the intersection of said street right-of-way lines or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within ten (10) feet of the intersections of a street right-of-way line with the edge of the driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersection unless the foliage is maintained at sufficient height to prevent obstruction of the sight line.

Entry Sign:

There is an entry sign located at the entry of the subdivision. This entry sign shall be maintained by the Association and is not the responsibility of the Town of Fishers, Indiana.

Driveways:

All driveways will be paved by the builder at the time of the original construction. Maintenance of the driveways thereafter, including resurfacing or repaving, shall conform with and be uniform to the surface provided at the time of original construction.

Sidewalks:

Each residence constructed on a lot shall have a continuous sidewalk from the driveway to the front porch.

Signs:

No sign of any kind shall be displayed to the public view on any lot, except that one sign of not more than six (6) square feet may be displayed at any time for the purpose of advertising the property for sale or rent, except the Developer may use larger signs during the sale and development of this subdivision.

Mailboxes:

The mailboxes initially installed by the Developer include a newspaper holder/box. No additional newspaper boxes or attachments may be added to the mailbox structure.

Animals:

No farm animals, fowls or domestic animals for commercial purposes shall be kept or permitted on any lot or lots in this subdivision. No noxious, unlawful or otherwise offensive activity shall be carried out on any lot in this subdivision, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Motor Vehicles and Trailers:

All motor vehicles belonging to members of a household shall have permanent parking spaces in garages or driveways and no disabled vehicle shall be openly stored on any residential lot. Only passenger cars, station wagons or small trucks (pickups, vans of a size not larger than may be parked within the garage) shall be regularly parking on or adjacent to a lot. Also, no boat, trailer, camper or motor home of any kind (including, but not in limitation thereof, house trailers, camper trailers or boat trailers) shall be kept or parked upon said lot except within a garage or other approved structure.

Trash and Waste:

No lot shall be used or maintained as a dumping ground for trash, rubbish, garbage or other waste. All trash, rubbish, garbage or other waste shall be kept in sanitary containers. All equipment for storage or disposal of such materials shall be kept clean and shall not be stored on any lot in open public view. All trash, rubbish, garbage or other waste shall be regularly removed from a lot and shall not be allowed to accumulate thereon.

Storage Tanks:

Any gas or oil storage tanks used in connection with a lot shall be either buried or located in a garage or house such that they are completely concealed from public view.

Water and Sewage:

No private or semi-private water supply and/or sewage disposal system (septic tanks, absorption fields or any other method of sewage disposal) shall be located or constructed on any lot or lots in the subdivision.

Swingsets:

Wooden swingset structures are permitted, however metal structures are not permitted.

Lighting:

Area flood lights that carry light to the neighboring lots and cause a nuisance are not permitted.

Antennas:

No antenna in this subdivision shall exceed five (5) feet above a roof peak.

Satellite Dishes:

No satellite dishes shall be installed or permitted in this subdivision except those with a diameter of thirty-six (36) inches or less. These shall be located out of view from the street.

Gutters and Downspouts:

All gutters and downspouts in this subdivision shall be painted or of a colored material other than gray galvanized.

Awnings:

No metal, fiberglass or similar type material awnings or patio covers shall be permitted in this subdivision.

Swimming Pools:

No above ground swimming pools shall be permitted in this subdivision.

Solar Heat Panels:

No solar heat panels shall be permitted on roofs of any structures in this subdivision. All such panels will be enclosed within fenced areas and shall be concealed from the view of neighboring lots and the streets.

Storage Sheds and Mini-Barns:

No detached storage sheds or mini-barns shall be installed or permitted in this subdivision.

Modular Homes:

Modular homes shall not be permitted in this subdivision.

Street Access:

All lots shall be accessed from the interior streets of this subdivision. There shall be no direct lot access to Brooks School Road or any other public street that is not an interior street.

Drainage Swales:

Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated easements, are not to be altered, dug out, filled in, tied or otherwise changed without the written permission of the Fishers Department of Public Works. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Fishers Department of Public Works. Culverts must be protected especially at the ends by head walls or metal end sections, and, if damaged enough to retard the water flow, must be replaced. Any property owner altering, changing or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail, after which time, if no action is taken, the Fishers Department of Public Works may cause said repairs to be accomplished and the bill for said repairs will be sent to the affected property owner for immediate payment.

Fencing:

No fence shall be higher than six (6) feet. No fencing shall extend forward at a point which is ten (10) feet behind the furthest back front corner of the residence. All fencing shall be constructed of wood. No fences, except those fences installed initially by the Developer, shall be erected without the prior written consent of the Development Control Committee.

All drainage, utility and sewer easements on the within plat are also reserved for use by Hamilton Southeastern Utilities for the installation, use, maintenance, repair and removal of sanitary sewers. All drainage easements, utility easements and sewer easements shall include the right of ingress / egress for Hamilton Southeastern Utilities.

Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of sanitary sewer manhole castings.

The Homeowner's Association and / or individual lot owner is responsible for all repairs and replacement to retaining / landscaping / entrance walls and landscaping which are located within a sanitary sewer or utility easement due to the construction or maintenance of the sanitary sewer facilities.

The discharge of clear water sources (foundation drains, sump pumps, roof drains, etc.) to the sanitary sewers is prohibited.

Grade changes across sanitary sewer facilities must be approved in writing by Hamilton Southeastern Utilities, Inc.

The drip line of all trees must be located a minimum of ten (10) feet from the center of sanitary sewers and manholes.

No landscaping, mounding, lighting, fencing, signage, retaining / landscaping / entrance walls, irrigation lines, etc. shall be placed within ten (10) feet of the center of the sanitary sewer infrastructure.

Enforcement:

Violation or threatened violation of these covenants and restrictions shall be grounds for an action by the Developer, Association, any person or entity have any right, title or interest in the real estate (or any part thereof) and all persons or entities claiming under them against the person or entity violating or threatening to violate any such covenants or restrictions. Available relief in any such action shall include recovery of damages or other sums due for such violation, injunctive relief against any such violation or threatened violation, declaratory relief and the recovery costs and attorneys' fees incurred by any party successfully enforcing these covenants and restrictions, provided, however, that neither the Developer nor the Association shall be liable for damages or any kind to any person for failing to enforce or carry out such covenants and restrictions.

The Fisher Town Plan Commission, its successors and assigns, shall not have right, power or authority to enforce any covenants, commitments, restrictions or other limitations contained in this plat other than those covenants, commitments, restrictions or limitations that expressly run in favor of the Fishers Town Plan Commission; provided further that nothing herein shall be construed to prevent the Fishers Town Plan Commission from enforcing any provisions of the Subdivision Control Ordinance, as amended, or any conditions attached to approval of this plat by the Plat Committee.

Term:

The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties claiming under them. These covenants shall be in full force and effect for a period of twenty-five (25) years from recording date. At which time said covenants shall be automatically extended for successive period of ten (10) years unless by vote of the majority of the then owners of the lots, it is agreed to change the covenants in whole or in part. Invalidation of any of the covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

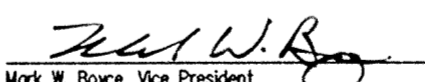
The foregoing Real Estate is subject to the provisions of the Declaration of Covenants and Restrictions of Brookston Place Instrument Number 9709724460 in the Office of the Recorder of Hamilton County, Indiana.

Development Standards:

- The following development standards apply to Brookston Place Section 1:
- a. Minimum lot width measured at building setback line: fifty five (55) feet.
 - b. Minimum lot size: five thousand five hundred (5,500) square feet.
 - c. Minimum front yard setback: twenty (20) feet.
 - d. Minimum rear yard setback: twenty (20) feet, unless otherwise noted on the final plat.
 - e. Minimum side yard setback: five (5) feet, with a minimum of fifteen (15) feet between buildings.
 - f. Minimum house size: one story - eighteen hundred fifty (1,850) square feet; two story - twenty-one hundred (2,100) square feet.

IN WITNESS WHEREOF, C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President, have hereunto caused its and their names to be subscribed this 10th day of June, 1997.

The C.P. Morgan Investment Co., Inc., General Partner


Mark W. Boyce, Vice President

STATE OF INDIANA }
COUNTY OF Hamilton } SS:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President, and acknowledged the execution of the foregoing instrument as its voluntary act and deed and affixed their signature thereto.

Witness my signature and Notarial Seal this 10th day of June, 1997

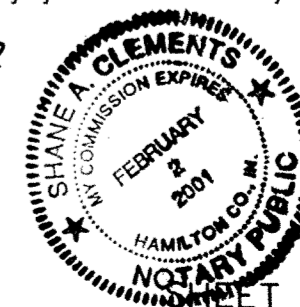
NOTARY PUBLIC: 

My Commission Expires: 2/2/01 My County of Residence: Hamilton

This Instrument prepared by C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President.

Instrument No. 9724460
P.C. No. 1 Slide No. 286

9709724460
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 06-20-1997 At 01:18 pm.
PLAT 29.00



PAGE 3 OF 3

JOB # 1244.001

5/22/97

BROOKSTON PLACE

SECTION 2 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

OWNER/SUBDIVIDER
C.P. MORGAN COMMUNITIES, LP.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR
SCHNEIDER ENGINEERING CORP.
3020 NORTH POST RD.
INDIANAPOLIS, IN. 46226-0068
(317) 898-8282

THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GIACOILETTI
REGISTERED LAND SURVEYOR-INDIANA #S0560
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226-0068
TELEPHONE (317) 898-8282

LAND DESCRIPTION

Part of the East half of the Northwest Quarter of Section 10, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot 1 in Lake View Addition, the plat of which is recorded in Deed Record 130, page 612 as Instrument #4514 in the Office of the Recorder of Hamilton County, Indiana, which said beginning point lies North 00 degrees 32 minutes 16 seconds East (astronomical bearing) along the West line of the said Northwest Quarter a distance of 150.00 feet from the Southwest corner thereof; thence continuing North 00 degrees 32 minutes 16 seconds East along said West line a distance of 907.07 feet to the Point of Beginning; thence continuing North 00 degrees 32 minutes 16 seconds East a distance of 554.92 feet to the southwest corner of Brookston Place Section 1, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 9709724460 in said Office of the Recorder (the next nine described courses being along the south line thereof); thence North 81 degrees 40 minutes 30 seconds East a distance of 265.42 feet; thence North 87 degrees 20 minutes 47 seconds East a distance of 126.26 feet; thence South 90 degrees 00 minutes 00 seconds East a distance of 146.81 feet; thence South 11 degrees 46 minutes 37 seconds East a distance of 64.16 feet to a curve having a radius of 25.00 feet, the radius point which bears South 78 degrees 13 minutes 23 seconds West; thence southerly along said curve an arc distance of 23.55 feet to a point of reversed curvature of a curve having a radius of 60.00 feet, the radius point which bears South 47 degrees 48 minutes 32 seconds East; thence southerly, easterly and northerly along said curve an arc distance of 186.58 feet to a point of reversed curvature of a curve having a radius of 25.00 feet, the radius point of which bears South 45 degrees 59 minutes 01 seconds East; thence northeasterly along said curve an arc distance of 21.68 feet to a point which bears North 03 degrees 41 minutes 46 seconds East from said radius point; thence South 86 degrees 18 minutes 14 seconds East a distance of 47.91 feet to a curve having a radius of 1470.00 feet, the radius point of which bears South 03 degrees 41 minutes 46 seconds West; thence easterly along said curve an arc distance of 44.34 feet to a point which bears North 05 degrees 25 minutes 28 seconds East from said radius point; thence South 10 degrees 20 minutes 37 seconds West a distance of 195.06 feet; thence South 01 degrees 04 minutes 01 seconds West a distance of 55.30 feet; thence South 04 degrees 30 minutes 34 seconds East a distance of 233.67 feet; thence South 03 degrees 09 minutes 22 seconds West a distance of 48.30 feet; thence South 16 degrees 59 minutes 54 seconds West a distance of 145.33 feet; thence South 10 degrees 04 minutes 27 seconds West a distance of 102.65 feet; thence South 00 degrees 30 minutes 00 seconds West a distance of 273.39 feet; thence South 19 degrees 29 minutes 04 seconds West a distance of 31.38 feet; thence North 89 degrees 30 minutes 00 seconds West a distance of 388.85 feet; thence North 00 degrees 30 minutes 00 seconds East a distance of 654.55 feet; thence North 89 degrees 30 minutes 00 seconds West a distance of 100.00 feet; thence South 00 degrees 30 minutes 00 seconds West a distance of 22.36 feet; thence North 89 degrees 30 minutes 00 seconds West a distance of 170.16 feet to the Point of Beginning, containing 15.091 acres, more or less.

- ### LEGEND
- ☒ — INDICATES CONCRETE MONUMENT
 - — INDICATES 5/8" REBAR W/CAP
 - — INDICATES CENTERLINE MONUMENTATION
 - B.L. — BUILDING LINE
 - SF — SQUARE FOOTAGE
 - D.&S.E. — DRAINAGE AND SEWER EASEMENT
 - D.U.&S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
 - D.E. — DRAINAGE EASEMENT
 - L.E. — LANDSCAPE EASEMENT
 - 00000 — INDICATES LOT ADDRESS

THIS SUBDIVISION CONSISTS OF 57 LOTS NUMBERED 37 THROUGH 44, 120 THROUGH 133 AND 174 THROUGH 208 AND A COMMON AREA, TOGETHER WITH STREETS, EASEMENTS AND PUBLIC WAYS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF LOTS AND COMMON AREA AND WIDTHS OF STREETS AND EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 9709712092 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE CROSS-REFERENCED SURVEY ON ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION. I FURTHER CERTIFY THAT THE SAID SUBDIVISION WAS PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Edward D. Giacoiletti
EDWARD D. GIACOILETTI
REGISTERED LAND SURVEYOR
INDIANA - #S0560



9809803087
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 01-21-1998 At 02:18 pm.
PLAT 28.00

Instrument No. 9803087
P.C. No. 2 Slide No. 71

COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

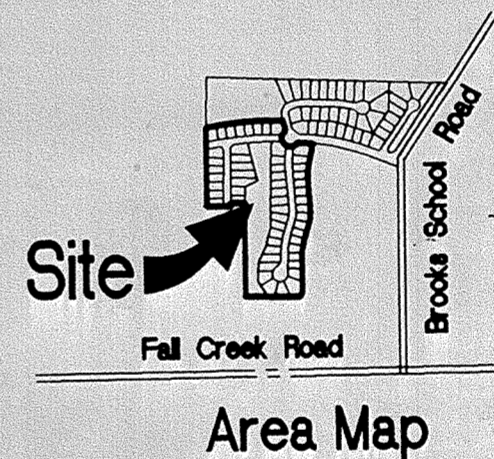
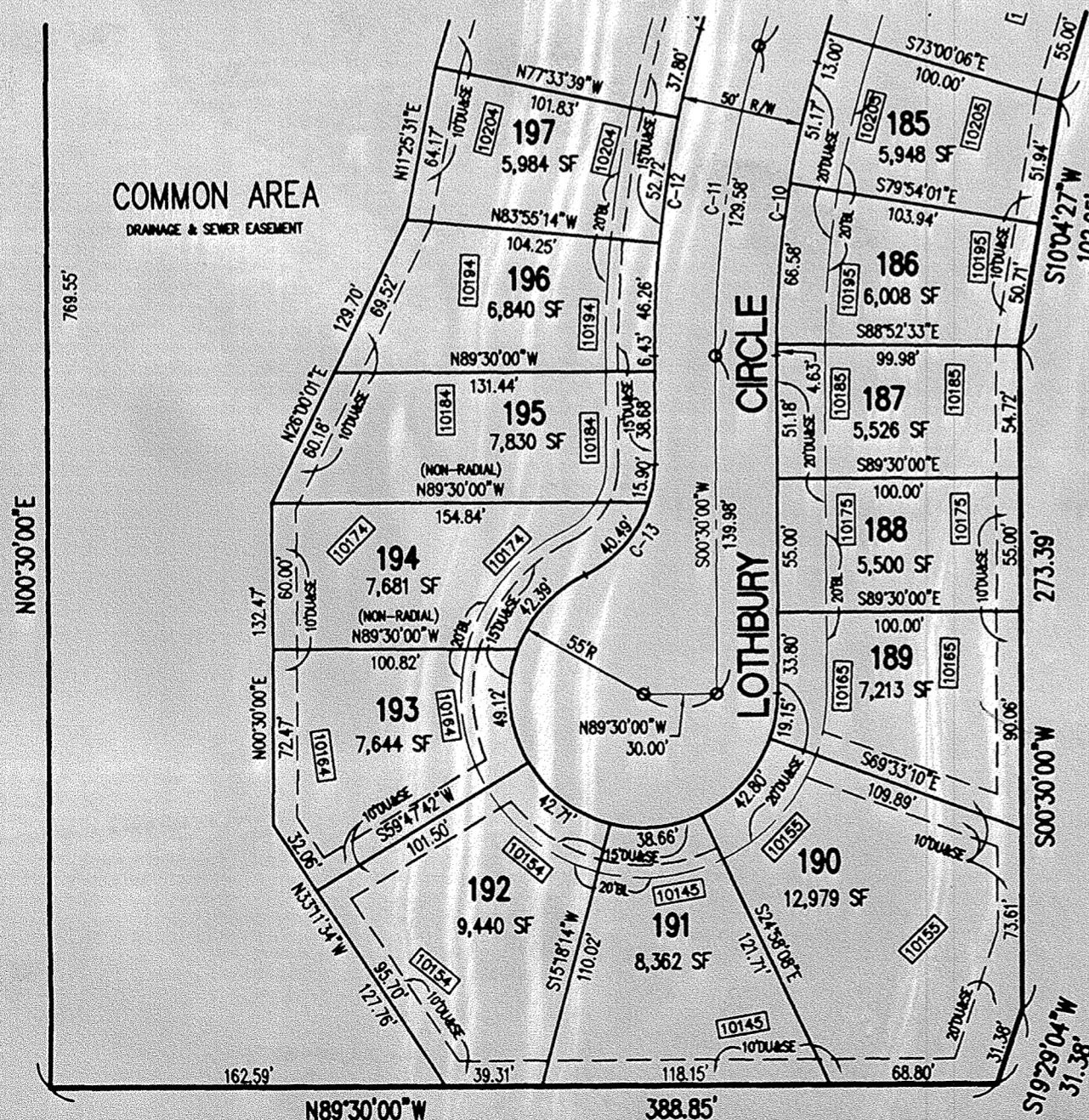
ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD MARCH 12 1997

FISHERS TOWN PLAN COMMISSION

John D. Zeiler
PRESIDENT
James L. ...
SECRETARY

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
21 day of Jan 19 98
J. M. Cogh Auditor
Hamilton County
Parcel # _____

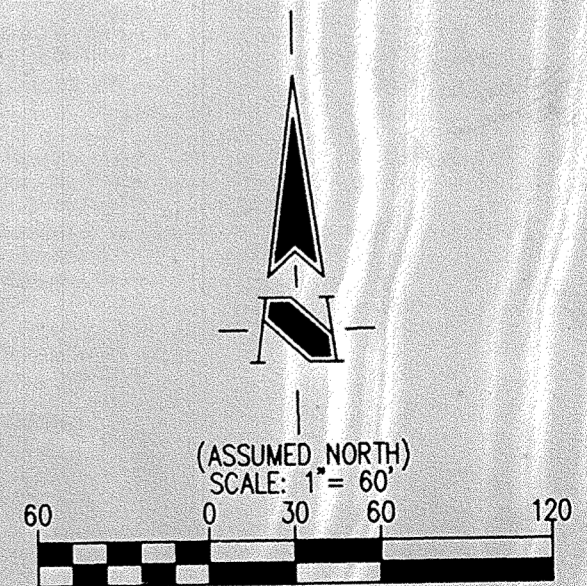
FOR CONTINUATION SEE SHEET 2



THE STREETS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES AND SHRUBBERY THEREON, AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	1475.00'	214.32'	214.13'	S85°50'15"W	08°19'30"
C-2	1500.00'	217.95'	217.76'	S85°50'15"W	08°19'30"
C-3	1525.00'	221.58'	221.39'	S85°50'15"W	08°19'30"
C-4	275.00'	47.43'	47.37'	S00°25'53"W	09°52'54"
C-5	300.00'	51.74'	51.68'	S00°25'53"W	09°52'54"
C-6	325.00'	56.05'	55.98'	S00°25'53"W	09°52'54"
C-7	325.00'	122.00'	121.28'	S06°14'40"W	21°30'27"
C-8	300.00'	112.61'	111.95'	S06°14'40"W	21°30'27"
C-9	275.00'	103.23'	102.62'	S06°14'40"W	21°30'27"
C-10	425.00'	122.38'	121.96'	S08°44'57"W	16°29'54"
C-11	450.00'	129.58'	129.13'	S08°44'57"W	16°29'54"
C-12	475.00'	136.78'	136.30'	S08°44'57"W	16°29'54"
C-13	50.00'	56.39'	53.45'	S32°48'42"W	64°37'23"



BROOKSTON PLACE

SECTION 2 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

LEGEND

- ☒ — INDICATES CONCRETE MONUMENT
- — INDICATES 5/8" REBAR W/CAP
- — INDICATES CENTERLINE MONUMENTATION
- B.L. — BUILDING LINE
- SF — SQUARE FOOTAGE
- D.&S.E. — DRAINAGE AND SEWER EASEMENT
- D.U.&S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
- D.E. — DRAINAGE EASEMENT
- L.E. — LANDSCAPE EASEMENT
- 00000 — INDICATES LOT ADDRESS

OWNER/SUBDMIDER

C.P. MORGAN COMMUNITIES, LP.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR

SCHNEIDER ENGINEERING CORP.
3020 NORTH POST RD.
INDIANAPOLIS, IN. 46226-0068
(317) 898-8282

THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GACOLETTI
REGISTERED LAND SURVEYOR-INDIANA #S0560
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226-0068
TELEPHONE (317) 898-8282

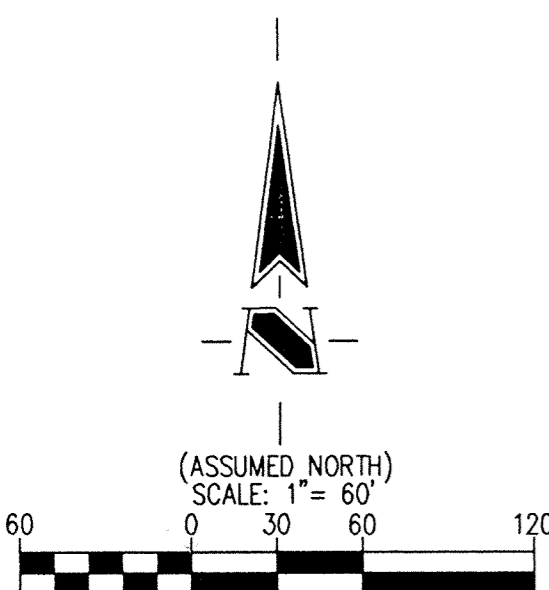
BROOKSTON PLACE SECTION 1
INSTRUMENT NO. 9709724460

$\Delta = 53^{\circ}58'05"$
 $R = 25.00'$
 $L = 23.55'$

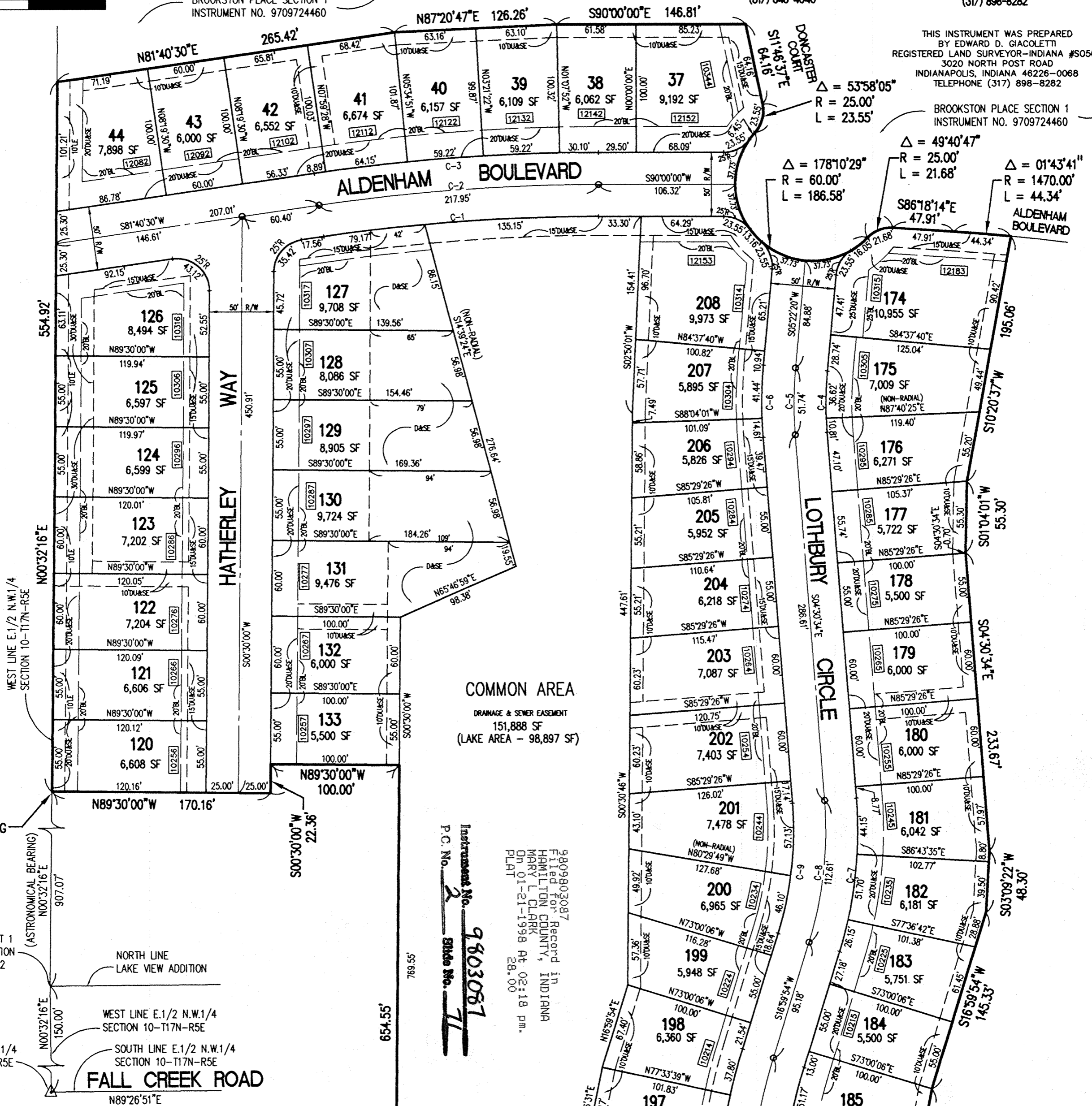
$\Delta = 178^{\circ}10'29"$
 $R = 60.00'$
 $L = 186.58'$

$\Delta = 49^{\circ}40'47"$
 $R = 25.00'$
 $L = 21.68'$

$\Delta = 01^{\circ}43'41"$
 $R = 1470.00'$
 $L = 44.34'$



BROOKSTON PLACE SECTION 1
INSTRUMENT NO. 9709724460



Instrument No. **9603067**
P.C. No. **2**
Slide No. **71**

Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 01-21-1998 At 02:18 pm.
28.00

POINT OF BEGINNING
(ASTRONOMICAL BEARING)
N00°32'16"E
907.07'

N.W. CORNER LOT 1
LAKE VIEW ADDITION
D.R. 130, PG. 612
INSTR. NO. 4514
POINT OF COMMENCEMENT

NORTH LINE
LAKE VIEW ADDITION

WEST LINE E.1/2 N.W.1/4
SECTION 10-T17N-R5E

SOUTH LINE E.1/2 N.W.1/4
SECTION 10-T17N-R5E

S.W. CORNER E.1/2 N.W.1/4
SECTION 10-T17N-R5E

FOR CONTINUATION SEE SHEET 1

BROOKSTON PLACE

SECTION 2 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

PLAT COVENANTS, CONDITIONS AND RESTRICTIONS

The undersigned, C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President as Owner of the within described real estate, do hereby lay off, plat and subdivide the same into lots and streets in accordance with the within plat. The within plat shall be known and designated as Brookston Place Section 2, a subdivision in Hamilton County, Indiana.

Public Streets:

The streets and public rights-of-way shown hereon, subject to construction standards and acceptance, are hereby dedicated to the public use, to be owned and maintained by the governmental body having jurisdiction.

Residential Uses:

All lots in this subdivision shall be used solely for residential purposes. No business buildings shall be erected on said lots, and no business may be conducted on any part hereof other than the home occupations permitted in the Zoning Ordinance of the Town of Fishers, Indiana.

Building Location:

No building or structure shall be located on any lot nearer to the front lot line or nearer to the side street lot line (corner lots) than the minimum building setback lines as shown on the within plat.

Drainage, Utility and Sewer Easements:

There are strips of ground as shown on the within plat marked "DU&SE" (drainage utility and sewer easement) which are reserved for the nonexclusive use of public utility companies, including cable television companies but not including transportation companies, for the installation and maintenance of mains, ducts, poles, lines, wires, sewers and drainage, subject at all times to the proper authorities and to the easements herein reserved. No permanent or other structures shall be erected or maintained on said strips except for fences, patios, decks, driveways and walkways. The owners of such lots in this addition, however, shall take their title subject to the nonexclusive rights of the public utilities and other owners of said lots in this addition to said easements herein granted for ingress and egress in, along and through the strips so reserved.

Drainage Easements:

There are areas of ground on the plat marked "drainage easements". The drainage easements are hereby created and reserved: (i) for the use of Developer during the "development period", as such term is defined in the declaration of covenants, conditions and restrictions, for access to and installation, repair or removal of a drainage system, either by surface drainage or appropriate underground installations for the real estate and adjoining property and (ii) for the nonexclusive use of the Association (as defined in the declaration), the Fishers Department of Public Works or any other applicable governmental authority for access to and maintenance, repair and replacement of such drainage system and common areas; provided, however, the owner of any lot in the subdivision subject to a drainage easement shall be required to keep the portion of said drainage easement on his lot free from obstructions so that the surface water drainage will be unimpeded. The delineation of the drainage easement areas on the plat shall not be deemed a limitation on the right of any entity for whose use any such easement is created and reserved to go on any lot subject to such easement temporarily to the extent reasonably necessary for the exercise of the rights granted to by this paragraph. No permanent or other structures shall be erected or maintained on said drainage easements except for fences, patios, decks, driveways and walkways. The owners of such lots in this subdivision, however, shall take their title subject to the nonexclusive rights of the Fishers Department of Public Works and other owners of said lots in this addition to said easements herein granted for ingress and egress in, along and through the strips so reserved.

Developer's Right to Perform Certain Maintenance:

In the event that any owner of a lot shall fail to maintain his lot and any improvements situated thereon in accordance with these restrictions, Developer shall have the right, but not obligation, by and through its agents and employees or contractors, to enter upon said lot and repair, mow, clean or perform such other acts as may be reasonably necessary to make such lot and improvement situated thereon, if any, conform to the requirements of these restrictions. The cost thereof shall be an expense of the lot owners and the Developer may seek collection of costs in any reasonable manner including placing a lien against said real estate for the expense thereof. Neither the Developer, nor any of its agents, employees or contractors shall be liable for any damage which may result from any maintenance work performed hereunder. Upon completion of the development period, the Association shall succeed to the rights of the Developer.

Common Area:

There are areas of ground on the plat marked "Common Area". The common areas are hereby created and reserved:

- I. For the common visual and aesthetic enjoyment of the owners; and
- II. For the use by the Developer during the development period for the installation of retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands; and
- III. For the use as retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands; and
- IV. For the ownership and use of the Association for the management and control of retention and detention ponds or lakes, entryways, trails, playgrounds, community gardens and nature parklands, and the installation, maintenance and repair of improvements thereto.

Sight Distance at Intersections:

No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between three (3) feet and twelve (12) feet above the street shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines and a line connecting points forty (40) feet from the intersection of said street right-of-way lines or in the case of a rounded property corner, from the intersection of the street right-of-way lines extended. The same sight line limitations shall apply to any lot within ten (10) feet of the intersections of a street right-of-way line with the edge of the driveway pavement or alley line. No tree shall be permitted to remain within such distances of such intersection unless the foliage is maintained at sufficient height to prevent obstruction of the sight line.

Entry Sign:

There is an entry sign located at the entry of the subdivision. This entry sign shall be maintained by the Association and is not the responsibility of the Town of Fishers, Indiana.

Driveways:

All driveways will be paved by the builder at the time of the original construction. Maintenance of the driveways thereafter, including resurfacing or repaving, shall conform with and be uniform to the surface provided at the time of original construction.

Sidewalks:

Each residence constructed on a lot shall have a continuous sidewalk from the driveway to the front porch.

Signs:

No sign of any kind shall be displayed to the public view on any lot, except that one sign of not more than six (6) square feet may be displayed at any time for the purpose of advertising the property for sale or rent, except the Developer may use larger signs during the sale and development of this subdivision.

Mailboxes:

The mailboxes initially installed by the Developer include a newspaper holder/box. No additional newspaper boxes or attachments may be added to the mailbox structure.

Animals:

No farm animals, fowls or domestic animals for commercial purposes shall be kept or permitted on any lot or lots in this subdivision. No noxious, unlawful or otherwise offensive activity shall be carried out on any lot in this subdivision, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Motor Vehicles and Trailers:

All motor vehicles belonging to members of a household shall have permanent parking spaces in garages or driveways and no disabled vehicle shall be openly stored on any residential lot. Only passenger cars, station wagons or small trucks (pickups, vans of a size not larger than may be parked within the garage) shall be regularly parking on or adjacent to a lot. Also, no boat, trailer, camper or motor home of any kind (including, but not in limitation thereof, house trailers, camper trailers or boat trailers) shall be kept or parked upon said lot except within a garage or other approved structure.

Trash and Waste:

No lot shall be used or maintained as a dumping ground for trash, rubbish, garbage or other waste. All trash, rubbish, garbage or other waste shall be kept in sanitary containers. All equipment for storage or disposal of such materials shall be kept clean and shall not be stored on any lot in open public view. All trash, rubbish, garbage or other waste shall be regularly removed from a lot and shall not be allowed to accumulate thereon.

Storage Tanks:

Any gas or oil storage tanks used in connection with a lot shall be either buried or located in a garage or house such that they are completely concealed from public view.

Water and Sewage:

No private or semi-private water supply and/or sewage disposal system (septic tanks, absorption fields or any other method of sewage disposal) shall be located or constructed on any lot or lots in the subdivision.

Swingsets:

Wooden swingset structures are permitted, however metal structures are not permitted.

Lighting:

Area flood lights that carry light to the neighboring lots and cause a nuisance are not permitted.

Antennas:

No antenna in this subdivision shall exceed five (5) feet above a roof peak.

Satellite Dishes:

No satellite dishes shall be installed or permitted in this subdivision except those with a diameter of thirty-six (36) inches or less. These shall be located out of view from the street.

Gutters and Downspouts:

All gutters and downspouts in this subdivision shall be painted or of a colored material other than gray galvanized.

Awnings:

No metal, fiberglass or similar type material awnings or patio covers shall be permitted in this subdivision.

Swimming Pools:

No above ground swimming pools shall be permitted in this subdivision.

Solar Heat Panels:

No solar heat panels shall be permitted on roofs of any structures in this subdivision. All such panels will be enclosed within fenced areas and shall be concealed from the view of neighboring lots and the streets.

Storage Sheds and Mini-Barns:

No detached storage sheds or mini-barns shall be installed or permitted in this subdivision.

Modular Homes:

Modular homes shall not be permitted in this subdivision.

Street Access:

All lots shall be accessed from the interior streets of this subdivision. There shall be no direct lot access to Brooks School Road or any other public street that is not an interior street.

Drainage Swales:

Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated easements, are not to be altered, dug out, filled in, tiled or otherwise changed without the written permission of the Fishers Department of Public Works. Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Driveways may be constructed over these swales or ditches only when appropriate sized culverts or other approved structures have been permitted by the Fishers Department of Public Works. Culverts must be protected especially at the ends by head walls or metal end sections, and, if damaged enough to retard the water flow, must be replaced. Any property owner altering, changing or damaging these drainage swales or ditches will be held responsible for such action and will be given ten (10) days notice by registered mail, after which time, if no action is taken, the Fishers Department of Public Works may cause said repairs to be accomplished and the bill for said repairs will be sent to the affected property owner for immediate payment.

Fencing:

No fence shall be higher than six (6) feet. No fencing shall extend forward at a point which is ten (10) feet behind the furthest back front corner of the residence. All fencing shall be constructed of wood. No fences, except those fences installed initially by the Developer, shall be erected without the prior written consent of the Development Control Committee.

All drainage, utility and sewer easements on the within plat are also reserved for use by Hamilton Southeastern Utilities for the installation, use, maintenance, repair and removal of sanitary sewers. All drainage easements, utility easements and sewer easements shall include the right of ingress / egress for Hamilton Southeastern Utilities.

Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of sanitary sewer manhole castings.

The Homeowner's Association and / or individual lot owner is responsible for all repairs and replacement to retaining / landscaping / entrance walls and landscaping which are located within a sanitary sewer or utility easement due to the construction or maintenance of the sanitary sewer facilities.

The discharge of clear water sources (foundation drains, sump pumps, roof drains, etc.) to the sanitary sewers is prohibited.

Grade changes across sanitary sewer facilities must be approved in writing by Hamilton Southeastern Utilities, Inc.

The drip line of all trees must be located a minimum of ten (10) feet from the center of sanitary sewers and manholes.

No landscaping, mounding, lighting, fencing, signage, retaining / landscaping / entrance walls, irrigation lines, etc. shall be placed within ten (10) feet of the center of the sanitary sewer infrastructure.

No improvements shall be permitted on the west side of the existing woven wire fence/tree row along Lots 44 and Lots 120 through 126.

Enforcement:

Violation or threatened violation of these covenants and restrictions shall be grounds for an action by the Developer, Association, any person or entity having any right, title or interest in the real estate (or any part thereof) and all persons or entities claiming under them against the person or entity violating or threatening to violate any such covenants or restrictions. Available relief in any such action shall include recovery of damages or other sums due for such violation, injunctive relief against any such violation or threatened violation, declaratory relief and the recovery costs and attorneys' fees incurred by any party successfully enforcing these covenants and restrictions, provided, however, that neither the Developer nor the Association shall be liable for damages or any kind to any person for failing to enforce or carry out such covenants and restrictions.

The Fisher Town Plan Commission, its successors and assigns, shall not have right, power or authority to enforce any covenants, commitments, restrictions or other limitations contained in this plat other than those covenants, commitments, restrictions or limitations that expressly run in favor of the Fishers Town Plan Commission; provided further that nothing herein shall be construed to prevent the Fishers Town Plan Commission from enforcing any provisions of the Subdivision Control Ordinance, as amended, or any conditions attached to approval of this plat by the Plat Committee.

Term:

The within covenants, limitations and restrictions are to run with the land and shall be binding on all parties claiming under them. These covenants shall be in full force and effect for a period of twenty-five (25) years from recording date. At which time said covenants shall be automatically extended for successive period of ten (10) years unless by vote of the majority of the then owners of the lots, it is agreed to change the covenants in whole or in part. Invalidation of any of the covenants by judgment of court order shall in no way affect any of the other provisions which shall remain in full force and effect.

The foregoing Real Estate is subject to the provisions of the Declaration of Covenants and Restrictions of Brookston Place Instrument Number 9709720573 in the Office of the Recorder of Hamilton County, Indiana.

Development Standards:

The following development standards apply to Brookston Place Section 1:

- a. Minimum lot width measured at building setback line: fifty five (55) feet.
- b. Minimum lot size: five thousand five hundred (5,500) square feet.
- c. Minimum front yard setback: twenty (20) feet.
- d. Minimum rear yard setback: twenty (20) feet, unless otherwise noted on the final plat.
- e. Minimum side yard setback: five (5) feet, with a minimum of fifteen (15) feet between buildings.
- f. Minimum house size Lots 37-44: one story - eighteen hundred fifty (1,850) square feet; two story - twenty-one hundred (2,100) square feet; Lots 120-133 & 174-208: one story - thirteen hundred (1,300) square feet; two story - seventeen hundred (1,700) square feet.

IN WITNESS WHEREOF, C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President, have hereunto caused its and their names to be subscribed this 20th day of November, 1997.

The C.P. Morgan Investment Co., Inc., General Partner

Mark W. Boyce, Vice President

STATE OF INDIANA)
COUNTY OF Hamilton) SS:

9809803087
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 01-21-1998 At 02:18 pm.
PLAT 28.00

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared C.P. Morgan Communities L.P., by C.P. Morgan Investment Co., Inc., General Partner, by Mark W. Boyce, Vice President, and acknowledged the execution of the foregoing instrument as its voluntary act and deed and affixed their signature thereto.

Witness my signature and Notarial Seal this 20th day of November, 1997

NOTARY PUBLIC:

My Commission Expires: Aug 25, 2001 My County of Residence: _____

KATHY L LUND
NOTARY PUBLIC STATE OF INDIANA
HANGOVER COUNTY
MY COMMISSION EXP. AUG. 25, 2001

This Instrument prepared by C.P. Morgan Communities L.P.,
by C.P. Morgan Investment Co., Inc., General Partner,
by Mark W. Boyce, Vice President.

Instrument No. 9803087
P.C. No. 2 Slide No. 71

SHEET 3 OF 3
JOB # 1244.001

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	35.00'	55.59'	49.93'	S45°00'00"E	91°00'00"
C-2	60.00'	95.29'	85.59'	S45°00'00"E	91°00'00"
C-3	85.00'	135.00'	121.25'	S45°00'00"E	91°00'00"
C-4	55.00'	162.78'	109.54'	N44°30'60"W	169°34'05"

BROOKSTON PLACE

SECTION 3 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

LEGEND R 2 SLIDE 142

- ☒ — INDICATES CONCRETE MONUMENT
- — INDICATES 5/8" REBAR W/CAP
- — INDICATES CENTERLINE MONUMENTATION
- B.L. — BUILDING LINE
- S.F. — SQUARE FOOTAGE
- D.&.S.E. — DRAINAGE AND SEWER EASEMENT
- D.U.&.S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
- D.E. — DRAINAGE EASEMENT
- L.E. — LANDSCAPE EASEMENT
- S.E. — SEWER EASEMENT
- L.C.A. — LIMITED COMMON AREA
- — INDICATES LOT ADDRESS
- (N.R.) — NON-RADIAL

LAND DESCRIPTION

Part of the East half of the Northwest Quarter of Section 10, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northwest corner of Lot 1 in Lake View Addition, the plat of which is recorded in Deed Record 130, page 612 as Instrument #4514 in the Office of the Recorder of Hamilton County, Indiana, which said beginning point lies North 00 degrees 32 minutes 16 seconds East (astronomical bearing) along the West line of the East Half of the said Northwest Quarter a distance of 150.00 feet from the Southwest corner thereof; thence North 89 degrees 26 minutes 51 seconds East along the North line of said Lake View Addition a distance of 696.67 feet; thence North 00 degrees 30 minutes 00 seconds West a distance of 161.38 feet; thence South 89 degrees 30 minutes 00 seconds West a distance of 32.36 feet; thence North 00 degrees 30 minutes 00 seconds West a distance of 101.30 feet to the southeast corner of Brookston Place Section 2, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 9809803087 in said Recorder's Office (the next five described courses being along the south and west line thereof); thence North 89 degrees 30 minutes 00 seconds West a distance of 388.85 feet; thence North 00 degrees 30 minutes 00 seconds East a distance of 654.55 feet; thence North 89 degrees 30 minutes 00 seconds West a distance of 100.00 feet; thence South 00 degrees 30 minutes 00 seconds West a distance of 22.36 feet; thence North 89 degrees 30 minutes 00 seconds West a distance of 170.16 feet to the West line of said East Half Quarter Section; thence South 00 degrees 32 minutes 16 seconds West along said west line a distance of 907.07 feet to the Point of Beginning, containing 8.179 acres, more or less.

THIS SUBDIVISION CONSISTS OF 45 LOTS NUMBERED 95 THROUGH 119 AND 134 THROUGH 153 TOGETHER WITH BLOCKS, STREETS, EASEMENTS AND PUBLIC WAYS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF LOTS AND BLOCKS AND WIDTHS OF STREETS AND EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 9709712092 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE CROSS-REFERENCED SURVEY ON ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION. I FURTHER CERTIFY THAT THE SAID SUBDIVISION WAS PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

Edward D. Giacoletti
EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR
INDIANA - #50560



9809841626
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L. CLARK
On 07-29-1998 At 03:29 pm.
PLAT 23.00

COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD FEBRUARY 12 1997.

FISHERS TOWN PLAN COMMISSION

John Zerbo
PRESIDENT JOHN ZERBO

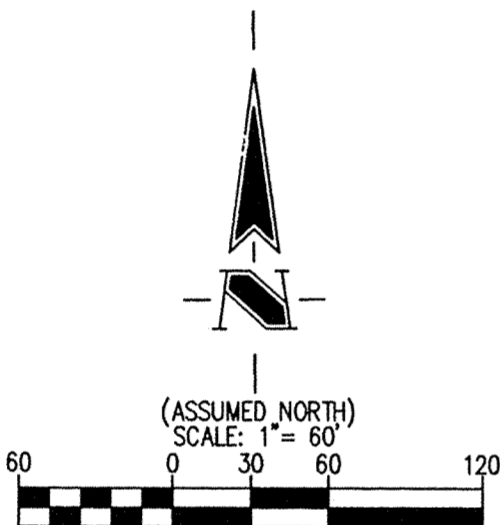
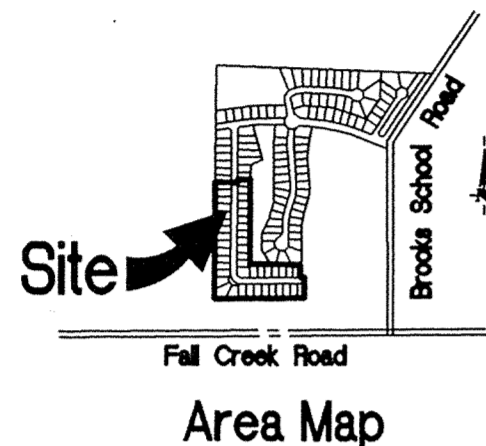
Wes Bucher
SECRETARY WES BUCHER

BROOKSTON PLACE SECTION 2
INSTR. NO. 9809803087

DULY ENTERED FOR TAXATION
Subject to final acceptance for transfer
29 day of July 1998

M. J. G.
Hamilton County

Parcel #



OWNER/SUBDIVIDER
C.P. MORGAN COMMUNITIES, LP.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR
THE SCHNEIDER CORPORATION
3020 NORTH POST RD.
INDIANAPOLIS, IN. 46226-6518
(317) 898-8282

N.W. CORNER LOT 1
LAKE VIEW ADDITION
D.R. 130, PG. 612
INSTR. NO. 4514
POINT OF BEGINNING

FALL CREEK ROAD
N89°26'51"E

BRUSHFIELD LANE

THE STREETS, TOGETHER WITH ALL EXISTING AND FUTURE PLANTING, TREES AND SHRUBBERY THEREON, AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO THE PERPETUAL USE OF THE PUBLIC FOR PROPER PURPOSES, RESERVING TO THE DEDICATORS, THEIR SUCCESSORS OR ASSIGNS THE REVERSION OR REVERSIONS THEREOF, WHENEVER DISCONTINUED BY LAW.

THIS INSTRUMENT WAS PREPARED BY EDWARD D. GIACOLETTI REGISTERED LAND SURVEYOR-INDIANA #50560 3020 NORTH POST ROAD INDIANAPOLIS, INDIANA 46226-6518 TELEPHONE (317) 898-8282

Rev 7-22-99
 This document referred to in Document No. 4943271 Lot 136
 to the Document No. 4943271 Plat covered
 Rev 7-22-99
 This document referred to in Document No. 4943271 Lot 136
 to the Document No. 4943271 Plat covered
 Rev 7-22-99
 This document referred to in Document No. 4943271 Lot 136
 to the Document No. 4943271 Plat covered

This document referred to in Document No. *Cert of Correct*
 9847626 *Rev 8-26-98*

BROOKSTON PLACE

SECTION 4
 SECONDARY PLAT
 PART OF THE E.1/2 N.W.1/4
 SECTION 10-T17N-R5E
 HAMILTON COUNTY, INDIANA

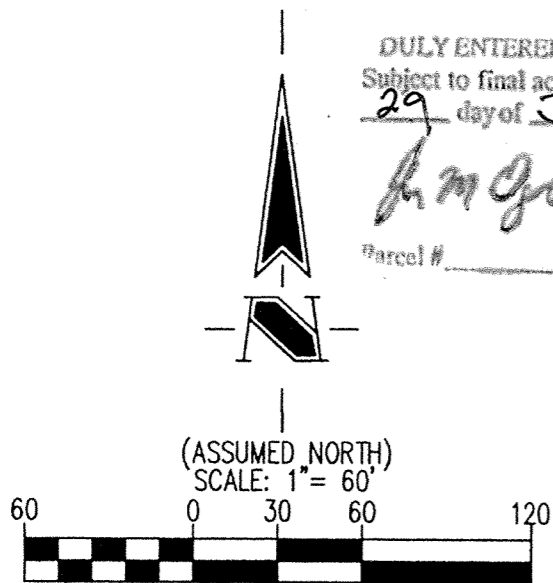
OWNER/SUBDIVIDER
 C.P. MORGAN COMMUNITIES, LP.
 301 EAST CARMEL DRIVE, SUITE E-300
 CARMEL, INDIANA 46032-2892
 (317) 848-4040

SURVEYOR *PC 2 Slide 143*
 THE SCHNEIDER CORP.
 3020 NORTH POST RD.
 INDIANAPOLIS, IN. 46226-6518
 (317) 898-8282

THIS INSTRUMENT WAS PREPARED BY EDWARD D. GIACOLETTI REGISTERED LAND SURVEYOR-INDIANA #S0560 3020 NORTH POST ROAD INDIANAPOLIS, INDIANA 46226-6518 TELEPHONE (317) 898-8282

WATER LINE EASEMENT PER BOOK 332, PAGE 93 (THIS LOCATION IS BASED ON THE CENTER LINE OF BROOKS SCHOOL ROAD PRESENTLY. THE EXACT LOCATION OF THIS CENTERLINE AT THE TIME THIS DOCUMENT WAS RECORDED (1982) IS UNKNOWN.)

FOR CONTINUATION SEE SHEET 2



DULY ENTERED FOR TAXATION
 Subject to final acceptance for transfer
 29 day of July 1998

Amcga
 Hamilton County



LEGEND

- ⊗ — INDICATES CONCRETE MONUMENT
- — INDICATES 5/8" REBAR W/CAP
- — INDICATES CENTERLINE MONUMENTATION
- B.L. — BUILDING LINE
- SF — SQUARE FOOTAGE
- D.&S.E. — DRAINAGE AND SEWER EASEMENT
- D.U.&S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
- D.E. — DRAINAGE EASEMENT
- L.E. — LANDSCAPE EASEMENT
- S.E. — SEWER EASEMENT
- L.C.A. — LIMITED COMMON AREA
- — INDICATES LOT ADDRESS

N.W. CORNER LOT 1
 LAKE VIEW ADDITION
 D.R. 130, PG. 612
 INSTR. NO. 4514
 POINT OF COMMENCEMENT

S.W. CORNER E.1/2 N.W.1/4
 SECTION 10-T17N-R5E

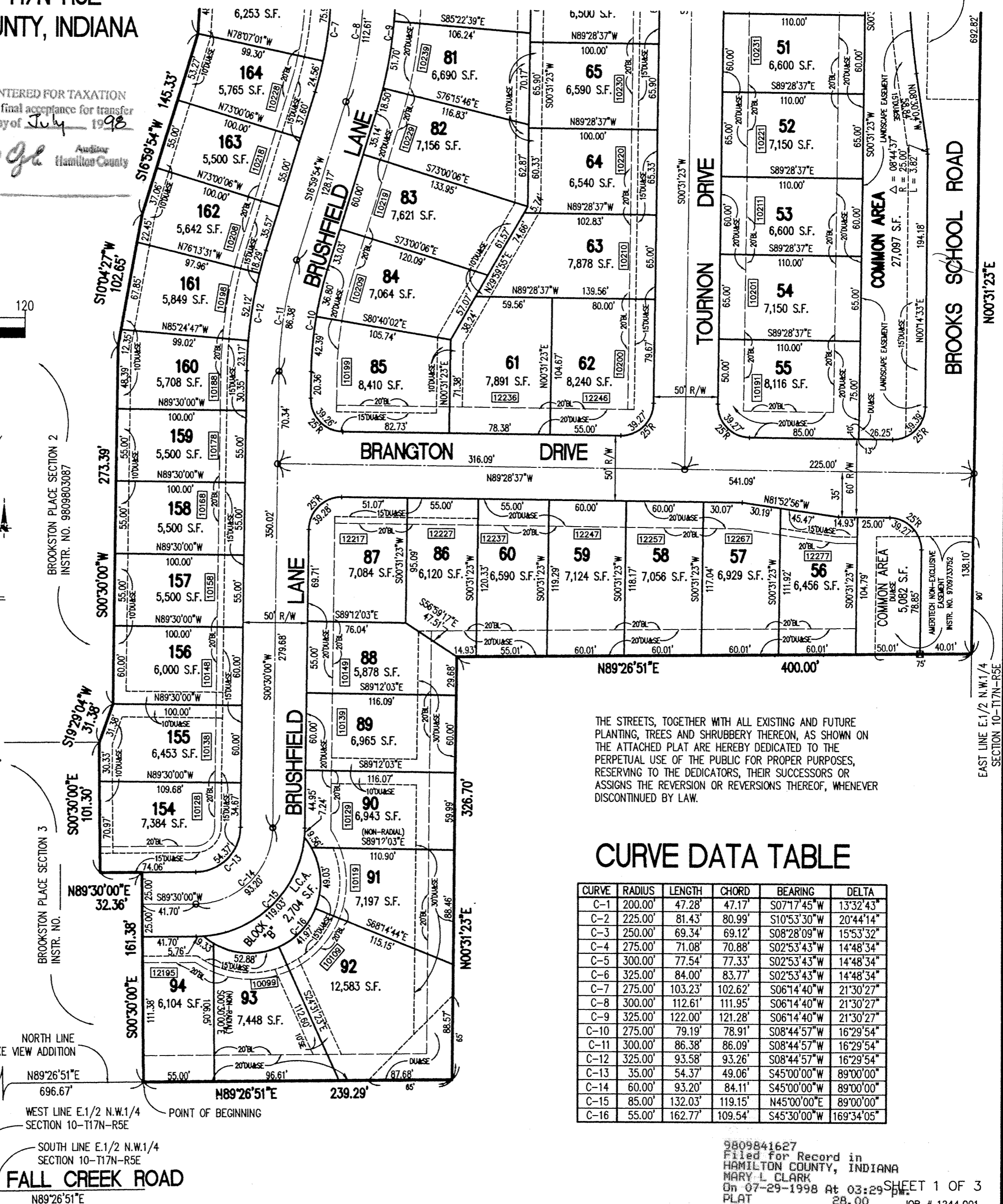
NORTH LINE LAKE VIEW ADDITION

WEST LINE E.1/2 N.W.1/4 SECTION 10-T17N-R5E

SOUTH LINE E.1/2 N.W.1/4 SECTION 10-T17N-R5E

FALL CREEK ROAD

N89°26'51"E



CURVE DATA TABLE

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C-1	200.00'	47.28'	47.17'	S07°17'45"W	13°32'43"
C-2	225.00'	81.43'	80.99'	S10°53'30"W	20°44'14"
C-3	250.00'	69.34'	69.12'	S08°28'09"W	15°53'32"
C-4	275.00'	71.08'	70.88'	S02°53'43"W	14°48'34"
C-5	300.00'	77.54'	77.33'	S02°53'43"W	14°48'34"
C-6	325.00'	84.00'	83.77'	S02°53'43"W	14°48'34"
C-7	275.00'	103.23'	102.62'	S06°14'40"W	21°30'27"
C-8	300.00'	112.61'	111.95'	S06°14'40"W	21°30'27"
C-9	325.00'	122.00'	121.28'	S06°14'40"W	21°30'27"
C-10	275.00'	79.19'	78.91'	S08°44'57"W	16°29'54"
C-11	300.00'	86.38'	86.09'	S08°44'57"W	16°29'54"
C-12	325.00'	93.58'	93.26'	S08°44'57"W	16°29'54"
C-13	35.00'	54.37'	49.06'	S45°00'00"W	89°00'00"
C-14	60.00'	93.20'	84.11'	S45°00'00"W	89°00'00"
C-15	85.00'	132.03'	119.15'	N45°00'00"E	89°00'00"
C-16	55.00'	162.77'	109.54'	S45°30'00"W	169°34'05"

9809841627
 Filed for Record in
 HAMILTON COUNTY, INDIANA
 MARY L. CLARK
 On 07-29-1998 At 03:29 PM SHEET 1 OF 3
 PLAT 28.00 JOB # 1244.001

OWNER/SUBDIVIDER
C.P. MORGAN COMMUNITIES, LP.
301 EAST CARMEL DRIVE, SUITE E-300
CARMEL, INDIANA 46032-2892
(317) 848-4040

SURVEYOR
THE SCHNEIDER CORP.
3020 NORTH POST RD.
INDIANAPOLIS, IN. 46226-6518
(317) 898-8282

BROOKSTON PLACE

PC 2 slide 143

SECTION 4 SECONDARY PLAT PART OF THE E.1/2 N.W.1/4 SECTION 10-T17N-R5E HAMILTON COUNTY, INDIANA

9809841627
Filed for Record in
HAMILTON COUNTY, INDIANA
MARY L CLARK
On 07-29-1998 At 03:29 pm.
PLAT 28.00

BROOKSTON PLACE SECTION 1
INSTR. NO. 9709724460

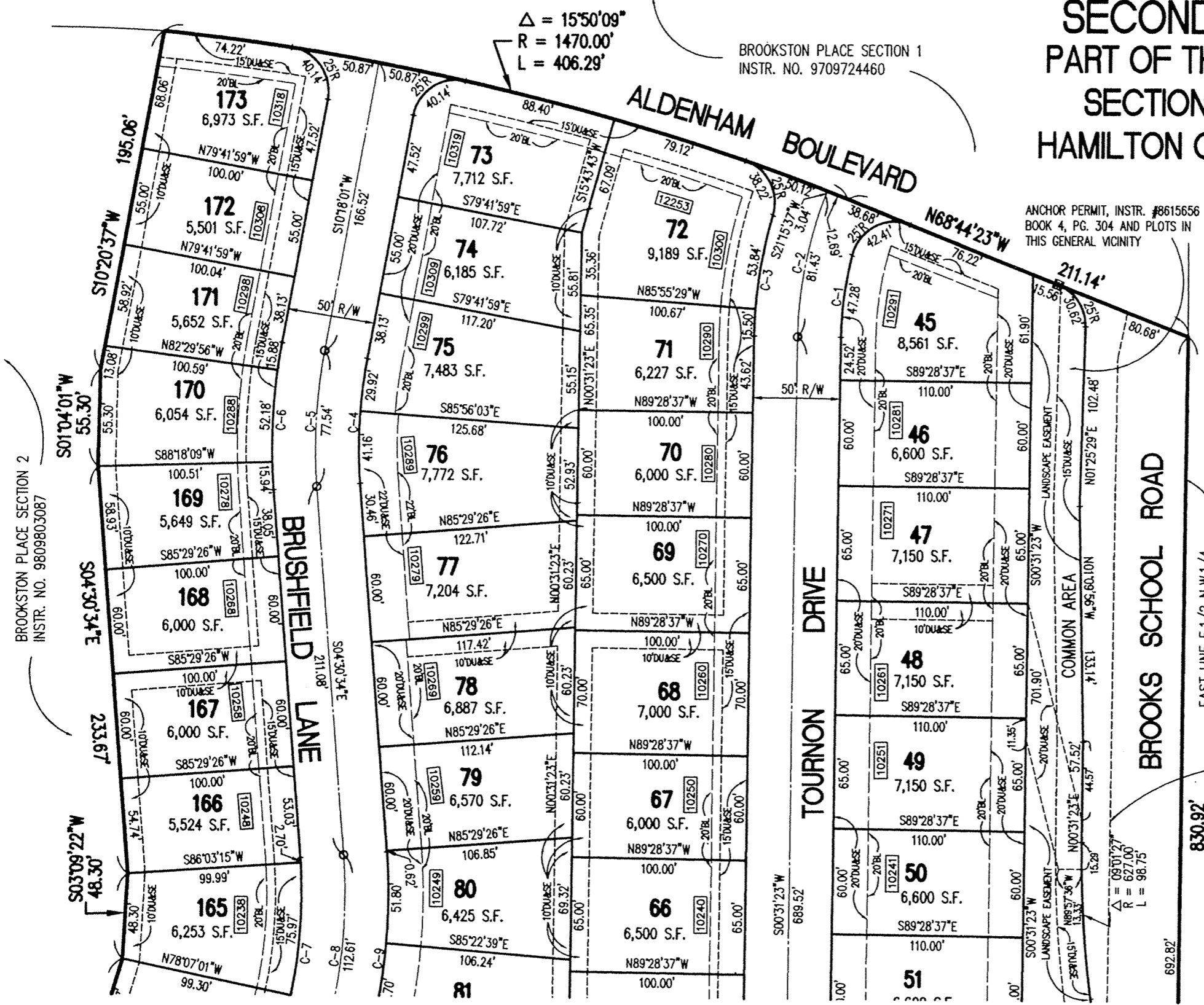
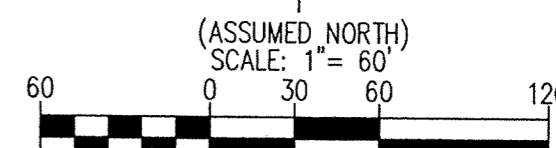
ANCHOR PERMIT, INSTR. #8615656
BOOK 4, PG. 304 AND PLOTS IN
THIS GENERAL VICINITY

THIS INSTRUMENT WAS PREPARED
BY EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR-INDIANA #S0560
3020 NORTH POST ROAD
INDIANAPOLIS, INDIANA 46226-6518
TELEPHONE (317) 898-8282

LEGEND

- ☒ — INDICATES CONCRETE MONUMENT
- — INDICATES 5/8" REBAR W/CAP
- — INDICATES CENTERLINE MONUMENTATION
- B.L. — BUILDING LINE
- SF — SQUARE FOOTAGE
- D.&S.E. — DRAINAGE AND SEWER EASEMENT
- D.U.&S.E. — DRAINAGE UTILITY AND SEWER EASEMENT
- D.E. — DRAINAGE EASEMENT
- L.E. — LANDSCAPE EASEMENT
- S.E. — SEWER EASEMENT
- L.C.A. — LIMITED COMMON AREA
- 00000 — INDICATES LOT ADDRESS

WATER LINE EASEMENT
PER BOOK 332, PAGE 93
(THIS LOCATION IS BASED ON THE CENTER
LINE OF BROOKS SCHOOL ROAD PRESENTLY.
THE EXACT LOCATION OF THIS CENTERLINE
AT THE TIME THIS DOCUMENT WAS RECORDED
(1982) IS UNKNOWN.)



FOR CONTINUATION SEE SHEET 1

LAND DESCRIPTION

Part of the East half of the Northwest Quarter of Section 10, Township 17 North, Range 5 East of the Second Principal Meridian in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of Lot 1 in Lake View Addition, the plat of which is recorded in Deed Record 130, page 612 as Instrument #4514 in the Office of the Recorder of Hamilton County, Indiana, which said beginning point lies North 00 degrees 32 minutes 16 seconds East (astronomical bearing) along the West line of the East Half of the said Northwest Quarter a distance of 150.00 feet from the Southwest corner thereof also being the southwest corner of Brookston Place Section 3, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number _____ in said Recorders Office; thence North 89 degrees 26 minutes 51 seconds East along the North line of said Lake View Addition and the south line of said Brookston Place Section 3 a distance of 696.67 feet to the Point of Beginning; thence continuing North 89 degrees 26 minutes 51 seconds East along said North line a distance of 239.29 feet to a point which lies 400.00 feet Westerly along the North line of said Lake View Addition from a point on the East line of said Northwest Quarter which lies North 00 degrees 31 minutes 23 seconds East along said East line a distance of 150.00 feet from the Southeast corner thereof; thence North 00 degrees 31 minutes 23 seconds East, parallel with the East line of said northwest Quarter, a distance of 326.70 feet; thence North 89 degrees 26 minutes 51 seconds East, parallel with the South line of the said Northwest Quarter, a distance of 400.00 feet to the said East line; thence North 00 degrees 31 minutes 23 seconds East a distance of 830.92 feet to the southeast corner of Brookston Place Section 1, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 9709724460 in said Recorders Office (the next two described courses being along the south line thereof); thence North 68 degrees 44 minutes 23 seconds West a distance of 211.14 feet to a curve having a radius of 1470.00 feet, the radius point of which bears South 21 degrees 15 minutes 37 seconds West; thence westerly along said curve an arc distance of 406.29 feet to the northeast corner of Brookston Place Section 2, a subdivision in Hamilton County, Indiana, the plat of which is recorded as Instrument Number 9809803087 in said Recorders Office (the next eight described courses being along the east line thereof); said point bearing North 05 degrees 25 minutes 28 seconds East from said radius point; thence South 10 degrees 20 minutes 37 seconds West a distance of 195.06 feet; thence South 01 degrees 04 minutes 01 seconds West a distance of 55.30 feet; thence South 04 degrees 30 minutes 34 seconds East a distance of 233.67 feet; thence South 03 degrees 09 minutes 22 seconds West a distance of 48.30 feet; thence South 16 degrees 59 minutes 54 seconds West a distance of 145.33 feet; thence South 10 degrees 04 minutes 27 seconds West a distance of 102.65 feet; thence South 00 degrees 30 minutes 00 seconds West a distance of 273.39 feet; thence South 19 degrees 29 minutes 04 seconds West a distance of 31.38 feet to a point on the easterly line of said Brookston Place Section 3 (the next three described courses being along the east line thereof); thence South 00 degrees 30 minutes 00 seconds East a distance of 101.30 feet; thence North 89 degrees 30 minutes 00 seconds East a distance of 32.36 feet; thence South 00 degrees 30 minutes 00 seconds East a distance of 161.38 feet to the Point of Beginning, containing 15.571 acres, more or less.

THIS SUBDIVISION CONSISTS OF 70 LOTS NUMBERED 45 THROUGH 94, 154 THROUGH 173, COMMON AREAS AND BLOCKS TOGETHER WITH STREETS, EASEMENTS AND PUBLIC WAYS AS SHOWN ON THE WITHIN PLAT.

THE SIZE OF LOTS, COMMON AREAS AND BLOCKS AND WIDTHS OF STREETS AND EASEMENTS ARE SHOWN IN FIGURES DENOTING FEET AND DECIMAL PARTS THEREOF.

CROSS-REFERENCE IS HEREBY MADE TO SURVEY PLAT RECORDED AS INSTRUMENT NUMBER 9709712092 IN THE OFFICE OF THE RECORDER OF HAMILTON COUNTY, INDIANA.

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA AND THAT THE WITHIN PLAT REPRESENTS A SUBDIVISION OF THE LANDS SURVEYED WITHIN THE CROSS REFERENCED SURVEY PLAT, AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE HAS BEEN NO CHANGE FROM THE MATTERS OF SURVEY REVEALED BY THE CROSS-REFERENCED SURVEY ON ANY LINES THAT ARE COMMON WITH THE NEW SUBDIVISION. I FURTHER CERTIFY THAT THE SAID SUBDIVISION WAS PLATTED UNDER MY DIRECT SUPERVISION AND CONTROL AND IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF:

Edward D. Giacoletti
EDWARD D. GIACOLETTI
REGISTERED LAND SURVEYOR
INDIANA - #S0560



COMMISSION CERTIFICATE:

UNDER AUTHORITY PROVIDED BY TITLE 36, ACTS OF 1981, P.L. 309 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THERETO AND AN ORDINANCE ADOPTED BY THE TOWN OF FISHERS AS FOLLOWS:

ADOPTED BY THE TOWN PLAN COMMISSION AT A MEETING HELD FEBRUARY 12, 1997.

FISHERS TOWN PLAN COMMISSION

John Zeebo
PRESIDENT
Wes Bucher
SECRETARY WES BUCHER

