



# **DAVID BRENTON'S TEAM**

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## **RE/MAX Select, REALTORS**

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The covenants provided may or may not include any amendments made due to governing agencies (ie: national, state, city, local and neighborhood agencies). Please contact the Recorder's office for the county where the property is located to receive updated information.

**The information is deemed reliable, but not guaranteed.**

**BY-LAWS OF**  
**BLACK HAWK HILLS TRACT OWNERS ASSOCIATION, INC.**  
(The Corporation)

ARTICLE I

PURPOSE

The Corporation is organized for the following purposes:

1. To provide a formal organization for tract owners in Black Hawk Hills an unplatted subdivision in Shelby County, Indiana.
2. Members of the Corporation are or will be tract owners in Black Hawk Hills who shall pay dues as determined by the Board of Directors of the Corporation.
3. Dues paid by members of the association shall be used for but not limited to the maintenance of the access roads described in exhibit 1 attached hereto and made a part hereof, maintenance of street signs, maintenance of the entrance structures, maintenance of the grounds and landscaping of the entrance to the subdivision, and maintenance of the drainage ways and structures for surface drainage in Black Hawk Hills, an unplatted subdivision in Shelby County, Indiana consisting of 16 tracts of approximately five acres each.
4. The general purpose of the Corporation is to maintain the esthetics and the value of real property and improvements thereon of common use areas in Black Hawk Hills Subdivision.

ARTICLE II

OFFICES

The Corporation may have such offices as the Board of Directors may require. The principal office shall be located at 100 S. Jackson Street, Franklin, in the County of Johnson and State of Indiana, or at any other location in the State of Indiana as the Director may designate.

2, 20, 11, 4

1, 2, 5, 4

## ARTICLE III

MEMBERSHIP

1. **CONDITION OF MEMBERSHIP.** Every person or entity who owns fee simple title to the tracts in Black Hawk Hills Subdivision in Shelby County, Indiana as designated in the plat attached hereto as exhibit 2 shall become dues paying members of Black Hawk Hills Tract Owners Association, Inc. and any enlargement of the subdivision.

2. **MEMBERSHIP FEES.** Membership dues shall be in the initial amount of \$200.00 per year per tract owned and shall be paid annually in that amount or in an amount as set from time to time by the Board of Directors. The membership fees shall be a lien against the tract in question enforceable in any court of law or equity after a sixty day written notice of delinquency served by registered mail return receipt requested

3. **TERM OF MEMBERSHIP.** Membership in the Corporation and all rights, privileges and liabilities thereto shall continue as long as the person is an owner in fee simple of a tract in Black Hawk Hills Subdivision and any enlargement thereof.

4. **MEMBERSHIP CERTIFICATES.** Membership in the Corporation shall be evidenced by a certificate from the Corporation, signed by the President and Secretary, stating that the person is a member of such Corporation.

5. **PROPERTY INTERESTS OF MEMBERS.** Members shall have no individual or separate interest in the common real property or assets of the Corporation.

6. **NONLIABILITY FOR DEBTS OF THE CORPORATION.** The private property of the members shall be exempt from execution or other liability for the debts of the Corporation and no member shall be individually liable or responsible for any debts or liabilities of the Corporation.

7. **REMOVAL OF DIRECTORS OR OFFICERS BY MEMBERS.** Any member may bring impeachment charges against an officer or director by filing those charges in writing with the Secretary of the Corporation together with a petition signed by members who own at least 25% of the tracts in the subdivision of the Corporation, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular meeting or special meeting of the Corporation member and any vacancy created by such removal may be filled by the members at such time. The director or officer against whom such charges have been brought shall be informed in writing of the charges prior to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present evidence; and the person or persons bringing the charges against him shall have the same opportunity.

#### ARTICLE IV

##### MEETING OF MEMBERS

1. **ANNUAL MEETING.** An annual meeting of the membership of the Black Hawk Hills Tract Owners Association, Inc. shall be held on the last Saturday in the month of April in each year beginning with the year 1997. The Board of Directors shall determine the time and place of the meeting and may change the date to avoid legal holidays. The meeting will be for the purpose of holding elections and for the transaction of such other business as may come before the meeting.

2. **SPECIAL MEETINGS.** Special Meetings of the members may be called by the President or the Board of Directors.

3. **NOTICE OF MEETINGS.** Written notice shall be mailed to each member; not less than ten (10) days nor more than sixty (60) days before the date set for the annual meeting and not less than ten (10) days before the date of any special meeting.

Such notice shall state the place, day and hour of the meeting. Notice for an

Annual Meeting shall state that the meeting is being called for the holding of elections and for the transaction of such other business as may properly come before the meeting. Notices of Special Meetings shall state the purpose or purposes for which the meeting is called.

Notice shall be deemed to have been given when deposited with postage prepaid in a post office or other official depository under the exclusive jurisdiction of the United States Post Office. Any meeting of members may be adjourned from time to time. In such event, it shall not be necessary to provide further notice of the time and place of the adjourned meeting if announcement of the time and place of the adjourned meeting is given at the meeting so adjourned.

4. **QUORUM.** Members owning at least 25% of the tracts in the subdivision must be present at any membership meeting before business may be conducted. However, if a quorum is not present, a majority of the ownership interests present at the meeting may adjourn the meeting from time to time without further notice.

5. **VOTING.** Each tract in Black Hawk Hills shall have one vote regardless of the number of owners of that tract. Multiple tract ownership shall have one vote per tract owned. At all meetings, except for the election of officers or directors, the membership will vote by a showing of hands. Written ballots will be used for all elections and when otherwise requested by a simple majority of members present. Any member may vote by written proxy.

## ARTICLE V

### BOARD OF DIRECTORS

1. **GENERAL POWERS.** The affairs of the Corporation shall be managed by its Board of Directors. Directors do not need to be members of the Corporation or residents of the state of incorporation.

2. **BOARD MEMBERS.** The number of Directors shall be five (5). Each

director shall hold office until his or her successor is elected at the annual meeting of the membership, and duly qualified, subject to earlier termination by removal or resignation. The Board shall consist of all officers along with such other director positions as determined by the membership at their annual meeting.

3. **REGULAR MEETINGS.** The Board of Directors shall hold their annual meeting immediately after, and at the same place as the annual meeting of members. The Board may provide by resolution for additional regular meetings to be held without notice except as provided by the resolution itself.

4. **SPECIAL MEETINGS.** The President or any two directors may call for special meetings of the Board and fix the time and place for said meetings.

5. **NOTICE.** Directors shall be notified of any special meeting by advance notice in writing which shall be sent by mail or personally delivered at least seven (7) days before the time set for the meeting. The notices may be sent to the addresses as shown on the records of the Corporation. Lack of notice is waived by written waiver or attendance at the meeting without protest.

6. **QUORUM.** A majority of the directors must be present in order to conduct business. However, a majority of those present may adjourn the meeting from time to time without further notice.

7. **VACANCIES.** Any vacancy on the Board may be filled by the affirmation vote of a majority of the remaining directors, even if less than a quorum of the Board. A director so elected to fill a vacancy shall complete the unexpired term of his or her predecessor in office.

If additional directors are to be elected to increase the size of the Board, this shall be done by election at the annual meeting of the membership.

8. **COMPENSATION.** The Board may provide that a salary or other compensation be paid to any director or other employee for his or her services. The Board may also provided by resolution that any corporate agent be indemnified for expenses and costs, including legal fees which were necessarily incurred in connection with any claim asserted against him or her by reason of his or her being or having been a corporate agent. However, no indemnification shall be allowed if the director was guilty of misconduct regarding the matter in which indemnity is sought.

9. **REMOVAL.** The Board of Directors may remove any director at any time if, in its judgment, the best interests of the Corporation would be served thereby. However, officers elected by the membership may not be removed except by the membership, but the authority of such officer to act as an officer may be suspended by the Board for cause.

## ARTICLE VI

### OFFICERS

1. **NUMBER.** The officers of the Corporation shall be a President, a Secretary, and a Treasurer and such other officers as may be determined by the Board of Directors from time to time. The offices of Secretary and Treasurer may be held by the same person.

2. **ELECTION AND TERM OF OFFICE.** Officers of the Corporation shall be elected by ballot annually by and from the Board of Directors at the first meeting of the Board of Directors held after each annual meeting of the members. If the election of officers shall not be held at such meeting, such elections shall be held as soon thereafter as conveniently may be. Each officer shall hold office until the first meeting of the Board of Directors following the next annual meeting of the members or until his successor shall have been duly elected and shall have qualified, subject to the provisions of these by-laws with respect to the removal of officers.

3. **REMOVAL.** Any officer or agent elected or appointed by the Board of Directors

may be removed by the board of Directors whenever in its judgment the best interests of the Corporation will be served thereby.

4. **VACANCIES.** Except as otherwise provided in these by-laws, a vacancy in any office may be filled by the Board of Directors for the unexpired portion of the term.

5. **PRESIDENT.**

- a. Shall be the principal executive officer of the Corporation and shall preside at all meetings of the members and the Board of Directors.
- b. Shall sign, with the Secretary, certificates of membership, the issue of which shall have been authorized by resolution of the Board of Directors or the members and may sign any deeds, mortgages, deed of trust, notes, bonds, contracts or other instruments authorized by the Board of Directors to be executed, except in cases in which the signing and execution thereof shall be expressly delegated by the board of Directors or by these By-Laws to some other officer or agent of the Corporation, or shall be required by law to be otherwise signed or executed; and
- c. In general, shall perform all duties incident to the office of president and such other duties as may be prescribed by the Board of Directors from time to time.

6. **SECRETARY.** The Secretary shall be responsible for:

- a. Keeping the minutes of meetings of the members and the Board of Directors in one or more books provided for the purpose;
- b. Seeing that all notices are fully given in accordance with these By-Laws or as required by law.
- c. Being custodian of the corporate records and of the seal of the Corporation

and see that the seal of the Corporation is affixed to all documents, the execution of which, on behalf of the Corporation under its seal, is duly authorized in accordance with the provisions of these By-Laws.

- d. Keeping a register of the post office addresses of each member which shall be furnished to the Secretary by such member.
- e. Signing, with the President, certificates of membership, the issue of which shall have been authorized by resolution of the Board of Directors or the members.
- f. Having general charge of the books of the Corporation in which a record of members is kept.
- g. Keeping on file at all times a complete copy of the articles of Incorporation and By-Laws of the Corporation containing all amendments thereto, which copy shall always be open to the inspection of any member and, at the expense of the Corporation, forward a copy of the By-Laws as amended to any member upon his written request.
- h. Performing all duties incident to the office of Secretary and such other duties as from time to time shall be assigned to him by the Board of Directors.

7. **TREASURER**      The Treasurer shall be responsible for:

- a. Having charge of and be responsible for all funds and securities of the Corporation.
- b. Receiving and giving receipts for monies due and payable to the Corporation from any source whatsoever and deposit all such monies in

the name of the Corporation in such bank or banks as shall be selected in accordance with the provisions of these By-Laws.

- c. Signing all Corporate checks in addition to the signature of the President on all corporate checks.
- d. Performing all duties incident to the office of Treasurer and such other duties as from time to time shall be assigned to him by the Board of Directors.

8. **DELEGATION OF AUTHORITY.** The above named officers may delegate administrative portions of their duties to qualified persons to perform the day to day operations required by law of the corporate officers involved.

9. **COMPENSATION.** The compensation, if any, of any officer, agent or employee who is also a director or close relative of a director shall be determined by the members, as provided elsewhere in these By-Laws, and the powers, duties and compensation of any other officer, agent or employee shall be fixed by the Board of Directors.

10. **REPORTS.** The Officers of the Corporation shall submit at each annual meeting of the members, reports covering the business of the Corporation for the previous fiscal year and showing the condition of the Corporation at the close of the fiscal year.

## ARTICLE VII

### SEAL OF CORPORATION

The corporate seal of the corporation shall be in the form of a circle and shall have inscribed thereon the name of the Corporation.

## ARTICLE VIII

### FISCAL YEAR

The fiscal year of the corporation shall begin on the 1st day of January and shall end on the 31st day of December.

## ARTICLE IX

### FINANCIAL TRANSACTIONS

1. **CHECKS, DRAFTS, ETC.** All checks, drafts or other orders for the payment of money and all notes, bonds, or other evidences of indebtedness issued in the name of the Corporation shall be signed by such officer or officers, agent or agents, employee or employees of the Corporation and in such manner as shall from time to time be determined by resolution of the board of Directors.

2. **DEPOSITS.** All funds of the Corporation shall be deposited from time to time to the credit of the Corporation in such bank or banks as the Board of Directors may select.

## ARTICLE X

### NON-PROFIT OPERATION

1. **INTEREST OR DIVIDEND ON CAPITAL PROHIBITED.** The Corporation shall at all times be operated on a Corporate non-profit basis. No interest or dividends shall be paid or be payable by the Corporation.

## ARTICLE XI

### MISCELLANEOUS

1. **RULES AND REGULATIONS.** The Board of Directors shall have power to make, adopt and enforce such rules and regulations, not inconsistent with the law, the Articles of Incorporation of the Corporation or these By-Laws, as it may deem advisable for the management, administration, and regulation of the business and affairs of the Corporation.

2. **AMENDMENTS.** These By-Laws may be altered, amended or repealed by the affirmative vote of not less than two-third ( $\frac{2}{3}$ ) of all the members of the Board of Directors, which vote may be taken at any regular or special meeting of the Board of Directors provided that notice of such alteration, amendment or appeal shall have been given with the notice of the meeting. These By-Laws may be altered, amended or repealed by the affirmative vote of all members of the Board of Directors at any regular meeting of said Board.

The foregoing By-Laws are hereby adopted by the Board of Directors on this 17 day of June, 1996.

Jack Rogers  
Jack Rogers

Mark Rogers  
Mark Rogers

**BLACK HAWK HILLS  
BUILDING RESTRICTIONS**

1. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE BUILDER'S CONSTRUCTION PLAN, SPECIFICATION AND PLOT PLAN HAVE BEEN APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AS TO THE ACCEPTABILITY OF STRUCTURES, AND AS TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISH GRADE ELEVATIONS. NO FENCE OR WALL SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT UNLESS APPROVED. APPROVAL SHALL BE AS PROVIDED IN COVENANT NO. 12.

2. NO DWELLING SHALL BE PERMITTED ON ANY LOT UNLESS THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE STORY OPEN PORCHES, SHALL BE NOT LESS THAN 1800 SQUARE FEET FOR ONE STORY DWELLINGS AND NOT LESS THAN 1200 SQUARE FEET FOR A DWELLING OF MORE THAN ONE STORY.

3. NO PRESSED BOARD MATERIAL OF MASONITE TYPE, OR VERTICAL ALUMINUM SIDING SHALL BE USED ON THE EXTERIOR CONSTRUCTION OF ANY DWELLING.

4. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BOAT, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY, NOR SHALL A PARTIALLY COMPLETED DWELLING BE PERMITTED TO BE USED AS A DWELLING.

5. NO OBSTRUCTIONS EXCEPT CULVERTS UNDER DRIVES AND NECESSARY UTILITY FEATURES SHALL BE PLACED IN, OR BE PERMITTED TO REMAIN IN AREAS DESIGNATED AS DRAINAGE EASEMENTS. THESE AREAS SHALL BE PRESERVED AND MAINTAINED AS PERMANENT DRAINAGE EASEMENTS, AS SHOWN ON THE GENERAL DEVELOPMENT PLAN.

6. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT EXCEPT ONE PROFESSIONAL SIGN OF NOT MORE THAN ONE SQUARE FOOT OR ONE SIGN OF NOT MORE THAN FIVE SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT. SIGNS OF MORE THAN FIVE SQUARE FEET MAY NOT BE USED BY BUILDERS TO ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALE PERIOD.

7. NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING, OR MINING OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS, OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED UPON ANY LOT.

8. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ILLEGAL ANNOYANCE OR NUISANCE.

9. NO UNHOUSED FOWL SHALL BE KEPT ON ANY LOT. DOMESTICATED ANIMALS MAY BE KEPT ON ANY LOT FOR NON-COMMERCIAL PURPOSES.

10. UNLICENSED OR INOPERATIVE MOTOR VEHICLES MAY ONLY BE PARKED IN ENCLOSED GARAGE OR STORAGE BUILDING.

11. ALL NEW UTILITY LINES PLACED WITHIN THIS SUBDIVISION, WHETHER PRIVATE OR INDIVIDUAL, SHALL BE INSTALLED UNDERGROUND.

12. THE ARCHITECTURAL CONTROL COMMITTEE IS COMPOSED OF TWO MEMBERS APPOINTED BY THE DEVELOPER. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF DEATH OR RESIGNATION OF ANY MEMBER OF THE COMMITTEE, THE REMAINING MEMBER SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. AT ANY TIME, THE THEN RECORDED OWNERS OF A MAJORITY OF LOTS SHALL HAVE THE POWER THROUGH A DULY RECORDED WRITTEN INSTRUMENT TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR TO WITHDRAW POWERS AND DUTIES FROM THE COMMITTEE OR RESTORE POWERS AND DUTIES TO IT.

13. THE ARCHITECTURAL CONTROL COMMITTEE'S APPROVAL OR DISAPPROVAL AS REQUIRED IN THESE COVENANTS SHALL BE IN WRITING. IN THE EVENT THE COMMITTEE, OR ITS DESIGNATED REPRESENTATIVES, FAIL TO APPROVE OR DISAPPROVE WITHIN 30 DAYS AFTER PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT, APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANT SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

14. ANY FIELD TILE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF ANY IMPROVEMENT WITHIN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OF LOTS IN THIS SUBDIVISION AND THEIR SUCCESSORS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965 AND ALL AMENDMENTS THERETO; AND, FURTHER THAT PORTION OF NATURAL WATERWAYS THROUGH A LOT SHALL BE MAINTAINED BY THE OWNER OF THAT LOT.

15. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCT SIGHT LINES AT ELEVATIONS BETWEEN 2 AND 6 FEET ABOVE ROADWAYS, SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN

THE TRIANGULAR AREA FORMED BY THE PROPERTY LINE LOCATED IN APPROXIMATELY THE CENTER OF THE ROADWAY OR COUNTY ROAD AND A LINE CONNECTING THEM AT POINTS 80 FEET FROM THE INTERSECTION OF THE PROPERTY LINES LOCATED IN THE ROADWAYS OR COUNTY ROAD. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCE OF SUCH INTERSECTION UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTIONS OF SUCH SIGHT LINES. ALL EXISTING FARM FENCES BORDERING ON ANY LOT SHALL BE MAINTAINED BY THE OWNER IN A CONDITION TO CONTAIN LIVESTOCK USING CONTIGUOUS LANDS.

16. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, OR GARBAGE. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE LOCATED BEHIND THE DWELLING AND SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION.

17. INVALIDATION OF ANY ONE OF THESE COVENANTS BY AN ENFORCEABLE JUDGMENT OR AN ENFORCEABLE COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

18. THESE RESTRICTIONS ARE HEREBY DECLARED COVENANTS RUNNING WITH THIS LAND AND SHALL BIND ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE (25) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS UNLESS, AT ANY TIME FOLLOWING RECORDATION, AN INSTRUMENT SIGNED BY THE OWNERS OF THE MAJORITY OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART. EACH LOT SHALL HAVE ONE VOTE REGARDLESS OF THE NUMBER LOTS OWNED BY A SINGLE PERSON OR ENTITY.

19. THE RIGHT TO ENFORCE THESE PROVISIONS, CONDITIONS AND PROVISIONS BY INJUNCTION, TOGETHER WITH THE RIGHT TO CAUSE THE REMOVAL BY DUE PROCESS OF LAW OF ANY STRUCTURE OR PART THEREOF ERECTED OR MAINTAINED IN VIOLATION HEREOF, IS HEREBY DEDICATED TO THE PUBLIC AND RESERVED TO THE SEVERAL OWNERS OF THE SEVERAL LOTS IN BLACK HAWK HILLS AND TO THEIR HEIRS AND ASSIGNS.

20. ALL NEW OR PROPOSED DWELLING HOUSES CONSTRUCTED ON LOTS ADJOINING COUNTY ROAD 900 SOUTH SHALL BE SET BACK FROM THE CENTER OF COUNTY ROAD 900 SOUTH A MINIMUM DISTANCE OF 120 FEET FROM THE CENTER OF SAID ROAD. ALL OTHER DWELLING HOUSES CONSTRUCTED ON LOTS OTHER THAN THOSE ADJOINING COUNTY ROAD 900S SHALL BE SET BACK A MINIMUM OF 125 FEET FROM THE FRONT LOT LINE, OR IN THE CASE OF CORNER LOTS, BOTH FRONT LOT LINES. ALL OUT-BUILDINGS, EXCEPT GARAGES ATTACHED TO THE DWELLING SHALL BE

CONSTRUCTED BEHIND THE REAR ELEVATION OF THE DWELLING.

21. THE MINIMUM TRACT SIZE IN BLACK HAWK HILLS DEVELOPMENT IN THE NORTH HALF OF SECTION 20, TOWNSHIP 11 NORTH, RANGE 6 EAST OF THE SECOND PRINCIPAL MERIDIAN IN JACKSON TOWNSHIP, SHELBY COUNTY, INDIANA SHALL BE 5 ACRES. THE 5 ACRE TRACT MAY NOT BE FURTHER SUBDIVIDED TO CREATE A NEW DWELLING HOUSE SITE.