



# **DAVID BRENTON'S TEAM**

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

**48 N Emerson Ave Suite 600 Greenwood, IN 46143-8895**

**(317) 882-7210 Office • (317) 888-7201 Fax**

**[www.move2indy.com](http://www.move2indy.com)**

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.**

Brandywine Lake Association  
July 7, 2001

This is a summation of the meeting held on July 7 2001. Due to the weather conditions the meeting was moved inside to the Kendall's basement.

In attendance were Leon and Rosellen Kendall, Ron Short, Gehrig Paschall, Rex Scott, and Dale and Bonnie Harris.

After discussion of lake treatment possibilities it was agreed not to do any treatment at this time as there are no signs of weeds or grasses in the deeper parts of the lake. If at a later date some weeds or grasses appear it may be necessary to treat.

It was also agreed to purchase a gallon of ReJeX-iT Goose Repellent to try around the lake to see if it would work to rid the areas of the Canadian geese.

Bank balance in the savings account as of July 7th. was \$2589.68. Thanks to all who have paid the annual fee.

President - Harris

Treas - Kendall

At Large - Dale

Rosellen

BRANDYWINE LAKE ASSOCIATION

BRANDYWINE LANE

Lot #1 Brooks (Linda and Lanny)	835-7081
Lot #2 Miller (Christy and Bruce)	835-2977
Lot #3 Moody (Brenda and Rory)	835-
Lot #4 Herman (Joe)	835-
Lot #6 Short (Reeda and Ron)	835-8256
Lot #7 Mescall (Steve)	835-8285
Lot #8 Jackman (Linda and Ron)	835-4083

FRONTAGE ROAD

Lot #9 Harris (Bonnie and Dale)	835-7250
Lot #10 Moran (Elaine and Tom)	835-2880
Lot #11 Howell (Marlene and Gene)	835-2468
Lot #12 Kendall (Rosellen and Leon)	835-7647
Lot #13 rental property	

LAKE DRIVE

Lot #14 Paschall (Janet and Gehrig)	835-4431
Lot #15 Scott (Cindy and Craig)	835-2106
Lot #16 Taylor (Debbie and Greg)	835-4566
Lot #17 Dean (Rosemary and Bernie)	835-4214

FRONTAGE ROAD

Lot #18 Meal (Terri and John)	835-2952
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CO RD 450N

Lot #19 Scott (Rex)	835-2524
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BIRCH STREET

Lot #20 Lucas (Judy and Carol)	835-4249
Lot #21	
Lot #22 Warnecke (Doris)	835-7255
Lot #23 Waller (Norma)	835-7418
Lot #25 Young (Teresa)	835-7776
Lot #26 West (Phil)	835-2197
Lot #27 McGinsie (Marilee and Hank)	835-
Lot #28 Miller (Mary and Bob)	835-2540

CO RD 450N

Lot #29 Chaney (Louise and Silas)	835-4092
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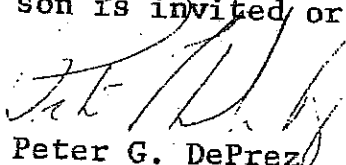
DATE: June 30, 1975  
TO: To Whom It May Concern  
RE: Potential Liability Regarding Brandywine Lake

Please be advised that it is the opinion of this office that each lot owner of Brandywine Lake Sub-Division has a potential liability regarding injury or death of invited or uninvited guests using the lake which is a part of the sub-division.

This opinion is based upon the assumption that each lot owner owns either an undivided interest in the lake itself or that the lot owners considered as a whole have absolute control over the lake.

Although the liability, especially regarding uninvited guests, is contingent, this office believes that if a proper set of facts were presented to a jury, a verdict could be rendered in favor of the injured person and upheld on appeal. This opinion is based upon the fact that a land owner has a certain obligation when he has knowledge of invited or uninvited guests.

It is the recommendation of this office that each individual lot owner in the sub-division makes absolutely sure and requests in writing that their homeowner insurance policy protects them against any and all liability regarding the lake, regardless of whether the insured person is invited or uninvited.

  
Peter G. DePrez  
TERRY, ROBISON & GRAEBE

PGD/clw

## RESTRICTIVE COVENANTS FOR BRANDYWINE LAKES SUBDIVISION

All tracts of land and lots contained within Brandywine Lakes Subdivision, a subdivision in Brandywine Township, Shelby county, Indiana, shall be subject to the following restrictive covenants as their use, which restrictive covenants shall run with the land, to wit:

1. all numbered tracts in said subdivision shall be residential parcels only and no structure shall be erected thereon other than residences and structures directly relating thereto, in compliance with the size requirements hereinafter set forth.
2. No lot shall be divided or subdivided without prior written consent of all the owners of lots in said addition.
3. No trailer, modular home, tent, shack, barn or other outbuilding shall be used as a residence, temporary or permanently, nor shall any structure of temporary character be used as a residence. No outside privy shall be permitted.
4. No commercial trade or activity shall be carried on any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
5. No commercial dog kennel or hospital shall be permitted but this shall not prohibit any family residing on any lot from having pet animals.
6. Easements are reserved for utility construction and maintenance. The streets are hereby dedicated for the use of the public.
7. No one story residences shall be erected, altered, placed or permitted to remain upon any lot or lots in said subdivision except such as shall have a ground floor area of 1300 square feet exclusive of open porches and garages and no garage shall be placed thereon with less than 400 square feet; all multilevel structures shall have not less than 1800 square feet exclusive of open porches and garages and shall have no garage of less than 400 square feet in area. All garages must be attached to dwellings. No multiple dwelling will be permitted on any lot.
8. any person purchasing a lot will be required to mow all weeds at least (3) times per year.
9. No private or semi public water supply or sewage disposal system may be located upon or adjacent to any lot in this subdivision that is not in compliance with regulations or procedures as provided by the Indiana State Board of Health or other civil authority; and the septic system to be used upon each lot shall be Jet Aeration Septic system, or its equivalent and no system shall be installed without a proper finger system in addition to said aeration system and the distance between any or all parts of the finger system and any well shall be not less than 100 feet and all parts of the said finger system shall not be closer than 100 feet to the edge of any lake area.
10. The building set back lines shall be shown on the established

plat of said subdivision and also shall fully comply with the Shelby county Zoning requirements. No concrete block houses shall be constructed on any lot in this subdivision.

11. These restrictions are to run with the land and shall be binding on all parties and all persons claiming under then, until January 1, 1998, at which time said restrictions shall be automatically extended for a period of 10 years. and for successive periods each 10 years thereafter, unless by a vote of the majority of the owners of lots in said addition it is agreed to change the said restrictions in whole or in part to terminate them.

12. If any person or persons shall violate or attempt to violate any of the restrictions herein, it shall be lawful for any person or persons owning any real property situate in said addition to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such restrictions, and to recover damages or injunction or both, for such violation.

13. Invalidation of any one of these restrictions or judgment or court order shall in no wise affect any of the other restrictions which shall remain in full force and effect.

14. the subdivision being centered around lake areas, the owners of the lots shall form a lake control committee and shall adopt appropriate by laws, rules and regulations for the conduct of the affairs of said committee and of the common lake areas in the subdivision which are dedicated for the mutual use of all landowners in the subdivision, each landowner holding an undivided interest in and to said lake areas.

15. The exterior of any structure being built in said subdivision must be completed within (6) six months of starting date, including landscaping.

**In addition to all other covenants, said restrictive covenant for Brandwine Lake Subdivision is amended by adding a new restrictive covenant as follows: July 1, 1975**

16. No landowner, licensee, invitee, guest or any other person shall operate a boat with a gasoline motor on the lake for any purpose.

**SECOND AMENDMENT TO MODIFY PLAT OF BRANDYWINE LAKES SUBDIVISION**  
FOLLOWS ON ANOTHER PAGE

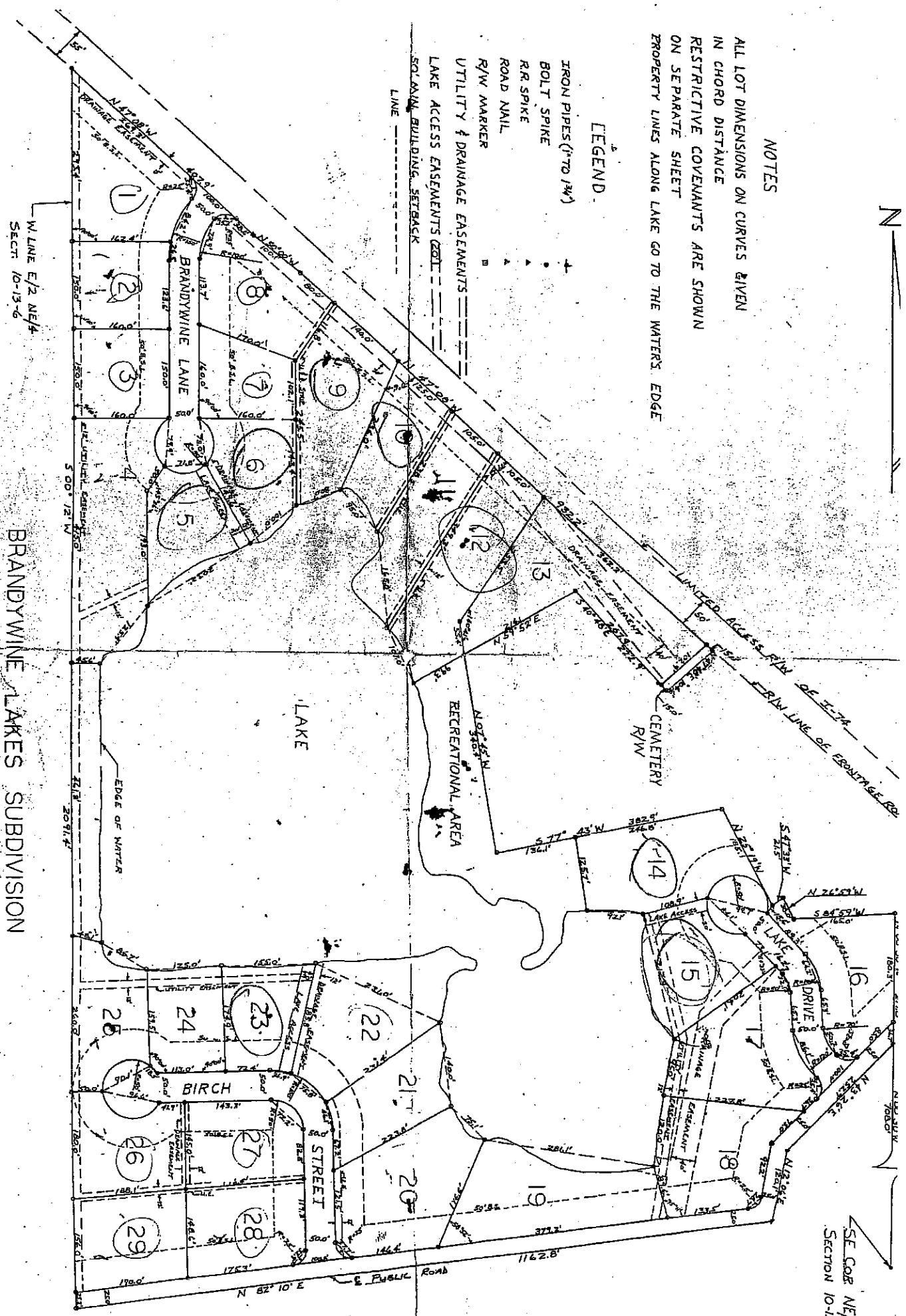


NOTES

ALL LOT DIMENSIONS ON CURVES GIVEN  
IN CHORD DISTANCE  
RESTRICTIVE COVENANTS ARE SHOWN  
ON SEPARATE SHEET  
PROPERTY LINES ALONG LAKE GO TO THE WATER'S EDGE

LEGEND

- IRON PIPES (1" TO 1 1/2")
- BOLT SPIKE
- R/R SPIKE
- ROAD NAIL
- R/W MARKER
- UTILITY & DRAINAGE EASEMENTS
- LAKE ACCESS EASEMENTS (DOTTED)
- SOLARium BUILDING, SETBACK
- LINE



BRANDYWINE LAKES SUBDIVISION  
BRANDYWINE TOWNSHIP  
SHELBY COUNTY INDIANA

SCALE: 1"=100'

SE COR NE 1/4  
SECTION 10-13-6

# BEAUTIFUL BRANDYWINE LAKES

A Subdivision remotely secluded yet conveniently located from Indianapolis just 15 miles southeast of I-465 Via I-74 or 7 miles northwest of Shelbyville - near Fairland, Indiana.

Developed by:  
**PREMIER BUILDERS INC.**  
Telephone 398-6441  
or 835-7292

**BUY YOUR LAKEFRONT LOT NOW**

Use your plan and your builder

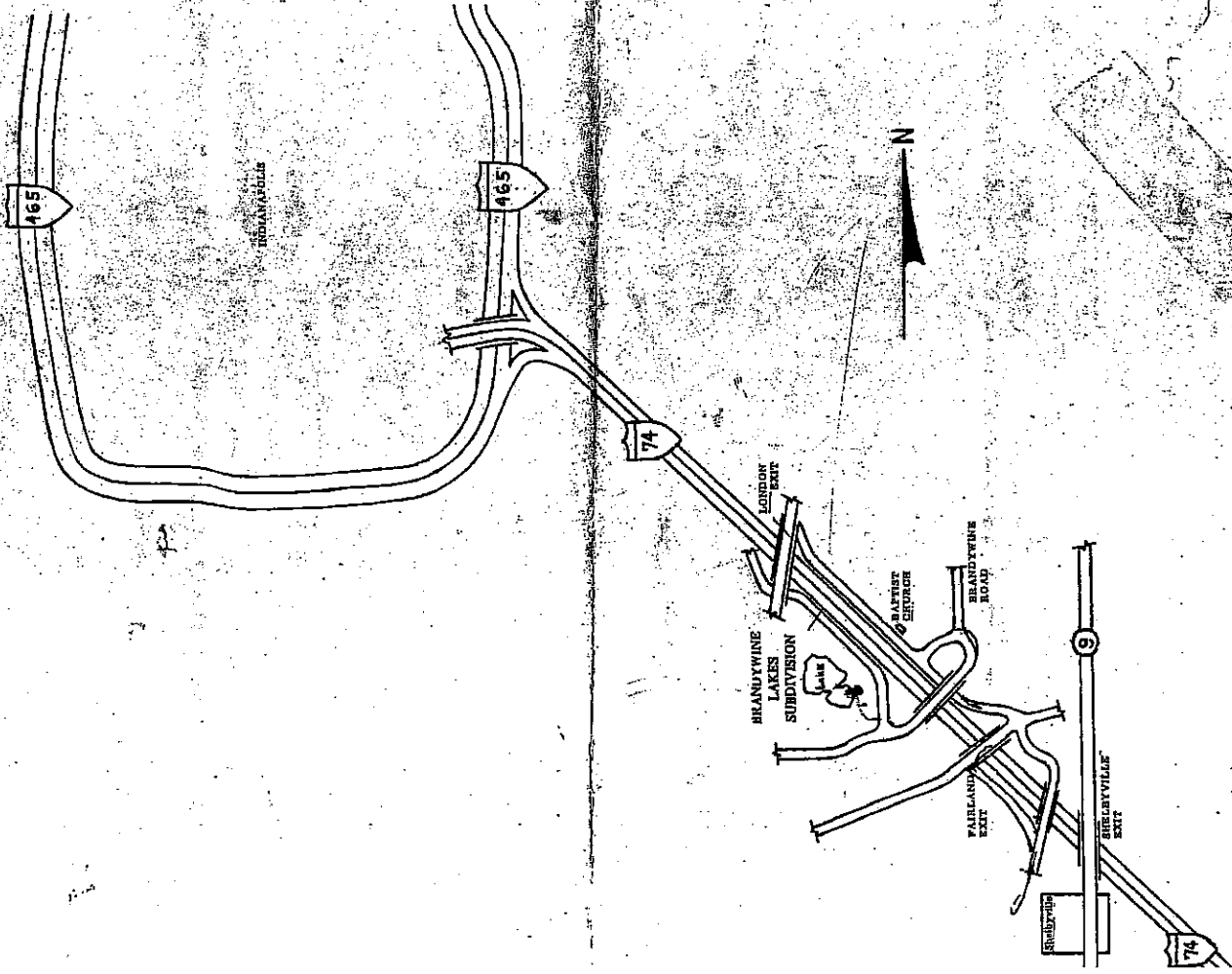
or

We'll build for you with your plans or ours

- Builders Invited -

Sales By

**BAIRD REALTY COMPANY INC.**  
1821 South Post Road  
Indianapolis, Indiana 46239  
Telephone 317-862-2433



SECOND  
AGREEMENT TO MODIFY PLAT OF  
BRANDYWINE LAKES SUBDIVISION

THIS INDENTURE WITNESSETH that the undersigned, each being the owners of all of the real estate in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25, in the Office of the Recorder of Shelby County, Indiana, by this agreement release and quit-claim the easements and lake access through Lots 5, 15 and 23 described as follows, to-wit:

Lot No. 5

Twenty (20) feet of even width off the entire east side of Lot number five (5) in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25.

Lot No. 15

Twenty (20) feet of even width off the entire north side of Lot number fifteen (15) in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25.

and Lot No. 23

Twenty (20) feet of even width off the entire east side of Lot number twenty three (23) in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25.

and further, each of said owners of said real estate release and quit-claim and agree that the easement on part of Lot Number 12 and 13 for access to the lake and recreational area described as follows, to-wit:

A continuous easement through Lot number 12 and Lot number 13 in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25. Said easement is for the purpose of ingress and egress to a recreational area and is more particularly described as follows:

Twenty (20) feet of even width off the entire northwest side of Lot number thirteen (13); also, twenty (20) feet of even width off the entire northwest side of that part of Lot number twelve (12) which is more particularly described as follows, to-wit: Beginning at the northwest corner of Lot number thirteen (13) in said subdivision and running thence south 07 degrees 45 minutes east 55.4 feet, thence south 59 degrees 52 minutes west 99.3 feet to the southwest corner of Lot number twelve (12), thence north 36 degrees 49 minutes east 130.84 feet to the point of beginning.

be released.

And further, each of said landowners release and quit-claim and agree that a new easement be created for access to the lake and recreational area described as follows, to-wit:

A continuous easement through Lot number 12 and Lot number 13

in Brandywine Lakes Subdivision, Shelby County, Indiana, as recorded in Plat Book 6, Page 25. Said easement is for the purpose of ingress and egress to a recreational area and is more particularly described as follows:

Ten (10) feet of even width off the entire northwest side of Lot number thirteen (13); also, ten (10) feet of even width off the entire northwest side of that part of Lot number twelve (12) which is more particularly described as follows, to-wit: Beginning at the northwest corner of Lot number thirteen (13) in said subdivision and running thence south 07 degrees 45 minutes east 55.4 feet, thence south 59 degrees 52 minutes west 99.3 feet to the southwest corner of Lot number twelve (12), thence north 36 degrees 49 minutes east 130.84 feet to the point of beginning.

Each of said landowners agree that no consideration has been paid by anyone for the above and that the same is done for the purpose of changing easements so that the Brandywine Lakes Subdivision can be better utilized for recreation by the landowners and that all of the agreements herein contained shall become binding upon the landowners, their heirs, successors and assigns.