



# **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.**

SUGAR CREEK ESTATES

SECTION THREE

DECLARATION OF COVENANTS & RESTRICTIONS

This Declaration made this 11th day of SEPT, 1970 by Sugar Creek Development Group, by MCM Associates, Inc., Managing General Partner, Robert E. McClain, President and The Kelly Group, Richard G. Kelly, Betty J. Kelly, and Jayne Kelly, General Partners

WITNESSETH:

WHEREAS, the following facts are true:

1. Declarant is the sole owner of the fee simple title to the real estate located in Hancock County, Indiana, more particularly described on Sheet 2 of 4 and incorporated herein by this reference, upon which Declarant may, but is not obligated to, construct residential facilities.

2. Declarant desires to provide for the preservation and enhancement of the property values in Sugar Creek Valley Estates and to this end desires to subject the Property to the covenants, restrictions and easements set forth herein, each and all of which is and are for the benefit and enjoyment of the lands in the property and the future owners thereof.

NOW, THEREFORE, Declarant hereby declares that all of the lands in the Property as they are held, and shall be held, conveyed, hypothecated or encumbered, leased, rented, used, occupied and improved, are subject to the following restrictions, if or which are established for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property as a whole. All of the restrictions shall run with the land and shall be binding upon the Declarant and upon the parties having or acquiring any right, title or interest, legal or equitable, in and to the property or any part of parts thereof subject to such restrictions, and shall enure to the benefit of the Declarant and every one of Declarant successors in title to the Property or any part of parts thereof.

1. Definitions: The following terms, as used in this Declaration, unless the context clearly requires otherwise, shall mean the following:

A. Declarant - means Sugar Creek Development Group, owner of the Property at the time of the recording of this Declaration, its successors and assigns in its interest, or any person designated by it in a recorded instrument as having its rights hereunder, other than person purchasing the Property or parts thereof by deed from Declarant (unless the conveyance indicated an intent that the grantee assumes the rights and obligations of Declarant.)

E. Sugar Creek Valley Estates means the name of the Declarant's development of which the Property is part thereof.

C. Owner means every person or persons or entity or entities and is the record owner of a fee or undivided fee interest in the Property, their heirs, successors, legal representatives, or assigns.

D. Restrictions - mean the covenants, conditions, easements and restrictions and all other provisions set forth in this Declaration, and the same and from time to time be amended.

1. Declarant, hereby expressly declares that the Property be held, transferred, sold, conveyed, and occupied subject to the Restrictions.

2. A Building Control Committee shall be created which will be known as Sugar Creek Valley Estates Building Control Committee and shall consist of three members. The initial members of this committee shall be appointed jointly by the persons who have executed this plat. The members of said committee shall have authority to: A) determine if proposed structure plans & specifications will have conformity and harmony of exterior design with any existing structures in this subdivision. B) determine if quality materials & workmanship will be employed & finish grade elevations will respect the surrounding topography. C) determine if proposed structure location will preserve, as much as possible, the existing trees, foliage & topography

3. No building or structure of any kind, including additions, alterations, fences, screens and walls shall be erected or altered on the property until the plans and specifications, location and plot plan, in detail and to scale, shall have been submitted to and approved by Sugar Creek Valley Estates Building Control Committee in writing before any construction has begun. The plans and specifications of and location of all construction shall be in compliance with building, plumbing and electrical requirements of all applicable regulatory codes. Refusal of approval of plans and specifications, location and plot plan by this Building Control Committee may be based on any grounds including purely aesthetic grounds, in the sole and absolute discretion of this Committee. Said Building Control Committee shall not be responsible for any structural defects in such plans or specifications or in any building or structure erected according to such plans and specifications. Approval of plans shall be designated on site plan and returned to the builder for purposes of obtaining the proper permits from Hancock County.

4. Front plat, between eroded or maintained this plat and the public utility lines and wire authorities and structures are lots in this subdivision.

5. Drainage right-of-way or filled in, tiled Hancock County these swales as or parking areas drainage swales constructed over installed as se Ordinance.

6. Any pond or ditcher notice by posted is taken, the repairs to be affected property.

7. No fence and elevations be permitted to remain street intersection of arterial streets intersection of right-of-way line shall be located drainage structure

8. No signs

9. No trees

10. All number lots. Only one shall be permitted half streets or dwellings shall be

11. The number various residential garages, carports less than 1800 sq or 1000 square provided higher feet of total attached garage with either concrete permitted with the

12. No trail structures shall temporary mobile

13. No farm raised or kept are permitted in or kept for control by their

14. No building nearer to the side the plat. No acc yard distance for closer to any easement.

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Manly Auditor

4. Front building setback lines are hereby established as shown on this plat, between which lines and property lines of the streets there shall be erected or maintained no buildings or structures. The strips of ground shown on this plat and marked drainage and utility easement are reserved for the use of the public utilities for the installation of water and sewer mains, poles, ducts, lines and wires, drainage facilities subject at all times to the proper authorities and to the easement herein reserved. No permanent or other structures are to be erected or maintained on said strips of land, but owners of lots in this subdivision shall take their titles subject to the rights of the public utilities, and to the rights of the owners of the other lots in this subdivision.

5. Drainage swales, (ditches) along dedicated roadways and within the right-of-way, or on dedicated drainage easements, are not to be altered, dug out, filled in, tiled, or otherwise changed without the written permission of the Hancock County Drainage Board (Commissioners). Property owners must maintain these swales as sodded grassways or other non-eroding surfaces. Water from roof or parking areas must be contained on the property long enough so that said drainage swales or ditches will not be damaged by such water. Driveways may be constructed over these swales or ditches only when appropriate sized culverts are installed as set out in 7-52.9 of the Hancock County Subdivision Control Ordinance.

6. Any property owner altering, changing or damaging the drainage swales or ditches will be held responsible for such action and will be given 10 days notice by registered mail to repair said damage, after which time, if not action is taken, the Hancock County Drainage Board (Commissioners) will cause such repairs to be accomplished, and the bill for such repairs will be sent to the affected property owner for immediate payment.

7. No fence, wall, hedge, tree or shrub planting which obstructs sight lines and elevations between 2.5 feet and 8 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 40 feet from the intersection of said street lines (40 feet for minor streets and 75 feet for arterial streets) 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 10 feet of the intersection of a street right-of-way line with edge of the driveway pavement or alley line. No driveway shall be located within 70 feet of the intersection of two streets lines. No drainage structures shall be located within driveway limits.

8. No sump pump drains or other drains shall outlet on to the street.

9. No trees shall be planted in the Hancock County right-of-way.

10. All numbered lots in this subdivision shall be designated as residential lots. Only one single family dwelling with an attached two or three car garage shall be permitted on one lot. No single family dwelling shall exceed two and one-half stories or thirty-five (35) feet in height. No two-family or multi-family dwellings shall be permitted on any lot in this subdivision.

11. The minimum square footage of living space of dwellings constructed on various residential lots in this development, exclusive of porches, terraces, garages, carports, accessory buildings, or unfinished basements shall contain no less than 1800 square feet of ground floor living area for a one-story structure or 1000 square feet of minimum ground floor area if higher than one-story, provided higher than one story structures shall have a minimum of 1800 square feet of total living area, and each dwelling shall have a two or three car attached garage. All driveways and vehicle parking areas shall be hard surfaced with either concrete, asphalt or brick. No gravel or stone driveways will be permitted with the exception of the driveways to lots 51 and 52.

12. No trailers or tents, and no accessory or temporary buildings or structures shall be permitted upon any lot within this subdivision excepting temporary mobile structures and parking for construction purposes.

13. No farm animals, fowl, or domestic animals of any kind shall be bred, raised or kept on any lot in this subdivision. Generally recognized house pets are permitted in reasonable numbers provided these animals are not raised, bred or kept for commercial purposes. All pets when outside must be kept under control by their owners and must not become a nuisance to other residents.

14. No building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building setback lines shown on the plat. No accessory building shall be located closer to any front or side yard distance for the primary dwelling. No accessory building shall be located closer to any rear lot than 15 feet, but in no case shall it encroach upon any easement.

THIS INSTRUMENT PREPARED BY:  
SMITH QUILLMAN ASSOCIATES  
7301 E. 90TH STREET SUITE 103  
INDIANAPOLIS, IN. 46256  
(317) 841-9102

DULY ENTERED  
FOR TAXATION

SEP 13 1992

Marilyn M. Coe  
Auditor of Hancock County

SHEET 3 OF 4  
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