



# **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.**

# UTTERBACK SUBDIVISION

## BARGERSVILLE, INDIANA

KNOW ALL MEN BY THESE PRESENTS, THAT GEORGE M. UTTERBACK AND DOROTHY M. UTTERBACK, HUSBAND AND WIFE OF JOHNSON COUNTY, INDIANA, BEING THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE IN JOHNSON COUNTY, STATE OF INDIANA, TO-WIT:

A PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 13 NORTH, RANGE 3 EAST OF THE 2ND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT ON THE EAST LINE OF SAID HALF QUARTER SECTION 1159.06 FEET SOUTH OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH ON AND ALONG SAID EAST LINE 489.44 FEET; THENCE SOUTH 89 DEGREES 13 MINUTES WEST 167.00 FEET; THENCE NORTH 492.23 FEET; THENCE NORTH 89 DEGREES 50 MINUTES EAST 167.00 FEET TO THE PLACE OF BEGINNING, CONTAINING 1.88 ACRES, MORE OR LESS.

DO HEREBY MAKE, LAY, SUBDIVIDE, LAY OFF AND DEDICATE SAID REAL ESTATE INTO LOTS IN ACCORDANCE WITH THIS PLAN, WHICH SUBDIVISION SHALL BE KNOWN AS THE "UTTERBACK SUBDIVISION," IN BARGERSVILLE, INDIANA.

THAT THE LOTS CONTAINED IN THIS PLAN OR ANY PORTION THEREOF SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH RESTRICTIONS SHALL BE CONSIDERED AND HEREBY ARE DECLARED TO BE COVENANTS RUNNING WITH THE LAND, WHICH SAID RESTRICTIVE COVENANTS ARE AS FOLLOWS, TO-WIT:

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES. NO BUILDING SHALL BE PLACED UPON ANY LOT OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN TWO CARS.
2. NO DWELLING SHALL BE PERMITTED ON ANY LOT HAVING A GROUND FLOOR LIVING AREA OF LESS THAN 1000 SQUARE FEET FOR A ONE STORY DWELLING, NOR LESS THAN 900 SQUARE FEET FOR A DWELLING OF MORE THAN ONE STORY, EXCLUSIVE OF OPEN PORCHES, BREEZEWAYS, AND GARAGES.
3. NO DWELLINGS SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE THAN THE MINIMUM BUILDING LINE INDICATED ON THE PLAN, NOR NEARER THAN 10 FEET TO A SIDE YARD LINE.
4. NO RESIDENCE SHALL BE BUILT ON ANY LOT HAVING AN AREA OF LESS THAN 13,600 SQUARE FEET.
5. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES ARE RESERVED AS SHOWN ON THE RECORDED PLAN.
6. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.
7. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BARN, TENT, SHACK, GARAGE, BARR OR OTHER OUT-BUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE EITHER TEMPORARILY OR PERMANENTLY.
8. NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE, OR OTHER WASTE SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS.
9. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, DESIGNED, AND CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND RECOMMENDATIONS OF THE INDIANA STATE BOARD OF HEALTH.
10. NO LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED, OR KEPT ON ANY LOT, EXCEPT THAT COWS, CATS, AND OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THEY ARE NOT RAISED, BRED, OR KEPT FOR ANY COMMERCIAL PURPOSE.
11. ALL PARTS OF PUBLIC ROADS SHOWN ON THE PLAN AND HERETOFORE NOT DEDICATED TO THE PUBLIC, ARE HEREBY DEDICATED TO THE PUBLIC.

THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART. ENFORCEMENT SHALL BE BY PROCEEDING AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES.

INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OF COURT UNDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

WITNESS OUR HANDS AND SEAL THIS 14th DAY OF January 1957.

*George M. Utterback*  
GEORGE M. UTTERBACK

*Dorothy M. Utterback*  
DOROTHY M. UTTERBACK

STATE OF INDIANA  
COUNTY OF JOHNSON

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED GEORGE M. UTTERBACK AND DOROTHY M. UTTERBACK AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING AS THEIR VOLUNTARY ACT AND DEED.

MY COMMISSION EXPIRES March 5 1960

*Margaret S. Stout*  
MARGARET STOUT



I, GILMORE C. ABPLANALP, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA, AND THAT THIS PLAN CORRECTLY REPRESENTS A SURVEY COMPLETED BY ME IN SEPTEMBER 1956 AND THAT THE MONUMENTS SHOWN ACTUALLY EXIST AND THEIR LOCATION IS ACCURATELY SHOWN.

*Gilmore C. Abplanalp*  
GILMORE C. ABPLANALP  
REGISTERED ENGINEER NO. 6726  
JANUARY 3, 1957.



APPROVED BY THE TOWN BOARD OF BARGERSVILLE, INDIANA.

*W. M. ...*  
W. M. ...

*Russell ...*  
RUSSELL ...

*George M. Utterback*  
GEORGE M. UTTERBACK

52 N. Tresslar Ave