

ESTABLISHMENT OF WEST BOGGS SHORES SUBDIVISION III

KNOW ALL MEN BY THESE PRESENTS, That WEST BOGGS DEVELOPMENT, INC. (hereinafter referred to as "Corporation") the owner of that certain 25.24 acre tract of real property located in the South one-half of Section 35, Township 4 North, Range 5 West, in the Township of Van Buren, County of Daviess, State of Indiana, and more particularly described in that certified survey attached hereto, incorporated herein and marked Exhibit "A", has laid out and does hereby establish WEST BOGGS SHORES SUBDIVISION III as shown in that plat attached heret incorporated herein and marked Exhibit "B. pages 1, 2, 3, & 4, Exhibit "C" and Exhibit "D".

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

For the purposes of enhancing and protecting the value, attractiveness and desirability of all the real property in the subdivision and to benefit the owners thereof, the corporation declares and establishes that all of the described real property and each part thereof, shall be held, sold and conveyed subject to the following covenants, conditions, restrictions and easements, which shall constitute covenants running with the land, each and all of them inuring to the benefit of each and every owner of any lot or lots in said subdivision, their heirs or assigns, and shall be binding on all parties having any right, title or interest in the described property or any part thereof, until January 1, 2013, at which time said covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years unless sooner changed or amended as herein provided below.

1. **LAND USE.** All lots in this subdivision shall be used only for residential purposes. The only structure which may be erected, altered, placed or permitted to remain on any lot shall be a detached single-family dwelling not to exceed two and one-half stories in height, a private garage for not more than three (3) cars, and such other outbuildings usual and incidental to the use of such residential lot. No housetrailer, basement, tent, shack, garage, barn or other outbuildings erected in said subdivision shall be used at any time as a residence temporarily or permanently except temporary camping facilities may be used for a maximum period of five (5) consecutive days if no permanent structure is constructed on the adjacent lot. Temporary camping facilities may not be returned to the lots within a period of seven (7) days. The first permanent structure to be erected or assembled on any lots shall be the residential structure.

No one-story dwelling shall be permitted on any lot with a living area of less than sevenhundred fifty (750) square feet, exclusive of one story open porches, patios, balconies, carports, garages and basements. Two-story dwellings must have a minimum living area of nine hundred and fifty (950) square feet, exclusive of open porches, patios, balconies, carports, garages and basements.

**DULY ENTERED FOR TAXATION
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER**

JUN 14 1993

[Signature]
ASSISTANT CLERK

-1-

93-2477
RECEIVED FOR RECORD
This 14th day of JUNE 1993
at 10:20 o'clock A. M. and Recorded
Drawer No. 1 Fee 45
Ord No. 11 **PLAT**
[Signature]
REGISTRAR DAVIESS COUNTY

No hotel building, boarding house, mercantile or factory buildings of any kind for commercial use shall be erected or maintained on any lot in this subdivision, nor shall there be any extraction of minerals. No farm animal, fowls or domestic animals for commercial purposes shall be kept or permitted on any lot or lots in this subdivision. No obnoxious, 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.

No building shall be erected, placed or altered on any building plot in said subdivision unless the external design and a plot plan showing the location of such building shall have been approved in writing by the corporation as to conformity and harmony of external design with existing structures in said subdivision and as to the location of the building with respect to topography and finished ground elevations, including conformity with water and drainage courses. In the event the corporation fails to approve or disapprove such design, location and elevation within thirty (30) days after such plans have been submitted to them, then such approval will not be required and this covenant will be deemed to have been fully complied with. The completion, alteration or placement of a structure for thirty (30) days shall be considered prima facie evidence of said approval. No charge shall be made to any purchaser of any said lots for examining plans or giving approval as above provided. The aforesaid approval shall not be required after January 1, 2013, unless prior thereto and effective thereon a written instrument shall be executed by the recorded owner of the majority lots in said subdivision at that time and duly recorded, appointing a representative or representatives, who shall thereafter exercise the same power with respect to such approval or disapproval previously exercised by the corporation.

No residential lot or lots shall be subdivided by the owner or owners thereof for the purpose of creating one or more additional residential lots.

No fence shall be erected on or along any lot line, nor on any lot, other than a fence of a decorative nature not exceeding three (3) feet six (6) inches in height.

2. STREETS AND EASEMENTS. All streets shown on the attached plat shall be and are hereby dedicated to the public.

Building setback lines, both as to the front and rear, are hereby established on this plat between which lines and the respective property lines, there shall not be erected or maintained any building or structure whatsoever; further no building or structure whatsoever shall be located nearer to any side lot line than five (5) feet. Easements are expressly dedicated to public utilities between these aforesaid front, rear and side setback building lines and the respective property lines for the construction and maintenance of poles, mains, ducts, lines, wires, conduits, sewers, and drains as may be necessary for utility services. The owners of the lots in this subdivision shall take title to the same subject to the rights of all public utilities, said rights also including the right of ingress and egress in, along, across and through said utility easements and the right to public utility service to others, trees or fences in this area are likewise subject to the rights of use for utility purposes. No lot owner shall do anything within such easement areas which may retard the flow of water or change the direction or flow of such drainage channels which may be in such easement area.

In no case shall the corporation be liable to any lot owner, their successors or assigns, their families, friends, guests, or invitees for injury or damage occurring because of the condition of any street or easement area.

3. WATER AND SEWAGE DISPOSAL SYSTEMS. No well, nor any private or semi-private water supply system shall be located upon any lot in this subdivision. Each lot owner shall install a separate residential sewage disposal system constructed and maintained in strict compliance with the Rules of the Indiana State Board of Health as codified at 410 IAC 6-8.1 (1990) and any amendments thereto. All lot owners shall be required to abandon their private sewage disposal system and connect to a public sewage disposal system if such system becomes available.

4. CONTROL OF SOIL EROSION. Each and every lot owner shall comply with the requirements of that certain Soil Erosion Control Plan developed and established by the corporation pursuant to Rule 5 of the State Water Pollution Control Board codified at 327 IAC 15-5 and approved by the Daviess County Soil and Water Conservation District. If a lot owner fails to control erosion of the owners' soil and thereby causes off-site damage, the lot owner shall be liable for damages including any fine or penalty imposed by law on the corporation or other lot owners.

5. MAINTENANCE OF PROPERTY. Each lot owner may display a marker containing only his residence name, his name and address. No sign or signs advertising products, services, professions or facilities shall be displayed on any lot at any time.

The owners of all lots shall be required to maintain at their own expense, their lots in a clean and uncluttered manner. Weeds shall be cut as necessary to preserve a clean appearance. No lot shall be used or maintained as a dumping ground for rubbish or refuse, nor shall such be buried on said lots. Rubbish, garbage and other waste shall be kept in sanitary containers concealed from the streets, parks and lakeshore until scheduled to be removed from the premises by an authorized garbage and rubbish removal services. All equipment for the storage or disposal of garbage and rubbish shall be kept in a clean and sanitary condition at all times. If an owner fails or refuses to so maintain said lot, the corporation shall have the right to enter upon such lot and perform such work as necessary and charge the owner the cost of such maintenance..

6. HEATING SYSTEMS AND APPLIANCES. Heating systems shall be limited to the use of electricity, gas, solar or oil, with the exceptions of fireplace fuel which may be gas, electricity or non-impregnated wood. Cooking appliances and water heaters installed within the residential structure shall use gas, electricity or solar power. All homes shall be equipped with electric food waste disposers.

7. MODIFICATION OF COVENANTS, CONDITIONS AND RESTRICTIONS. The owners of the majority of lots in said subdivision may agree to eliminate or change said covenants, conditions and restrictions in whole or in part. Such elimination or change to be effective, shall be evidenced in writing and signed by a majority of the then lot owners and be recorded in the office of the Recorder of Daviess County, State of Indiana.

8. REMEDIES FOR VIOLATION OF COVENANTS, CONDITIONS AND RESTRICTIONS. If any person shall violate or attempt to violate any of the covenants, conditions and restrictions herein set forth, any owner of any lot in said subdivision shall have the right to prosecute any proceedings at law or equity against the person or persons violating or attempting to violate any such covenants, conditions or restrictions, and to recover damages for such violation or to enjoin such violation, or attempted violation, without being required to show any damages of any kind, and such person prosecuting may have a remedy at both law and equity. Invalidation of any of these covenants, conditions or restrictions by a judgment of a court of competent jurisdiction shall in no way affect any of the other covenants, conditions or restrictions and the same shall remain in full force and effect.

No waiver of a violation or breach of any of the covenants, conditions and restrictions contained herein shall be construed to constitute a waiver of any other violation or breach of the same or other covenants, conditions and restrictions, nor shall failure to enforce any one of such covenants, conditions and restrictions be construed as a waiver of any other violation or breach thereof.

9. ACCEPTANCE OF COVENANTS, CONDITIONS AND RESTRICTIONS. The acceptance of a deed of conveyance by a lot purchaser shall constitute an acceptance of all of the terms, covenants, conditions, limitations, restrictions and uses to which the property is conveyed by the deed is made.

10. RIGHTS OF CORPORATION. Notwithstanding any provision to the contrary, the corporation shall have the right to install water supply services and to determine which utilities shall use the streets and the easement areas between the several setback lines and the property lines for the installation of necessary facilities, subject however, to all lawful superior authority of the Public Service Commission of Indiana.

IN WITNESS WHEREOF, WEST BOGGS DEVELOPMENT, INC. has caused its respective corporate name to be subscribed and its respective corporate seal to be affixed by its duly authorized officers, all on this 21st day of May, 1993.

WEST BOGGS DEVELOPMENT, INC.

ATTEST: Mary Ann Nolan
MARY ANN NOLAN

By Donald Nolan
DONALD NOLAN, President

STATE OF INDIANA,
COUNTY OF DAVIESS, SS:

Before me, the undersigned, a Notary Public within and for said County and State, came WEST BOGGS DEVELOPMENT, INC., by DONALD NOLAN, its President and Mary Ann Nolan its Secretary, who, as such President and Secretary, respectively, for and on behalf of WEST BOGGS DEVELOPMENT, INC., acknowledged the execution of the foregoing ESTABLISHMENT OF WEST BOGGS "SHORES" SUBDIVISION III, for the uses and purposes therein contained and set forth including the covenants, conditions and restrictions therein and the affixing thereto of the corporate seal of said corporation.

Witness my hand and notarial seal this 21st day of May, 1993.

My Commission expires
3-11-95

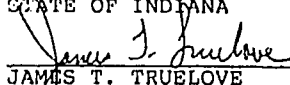
Donald Dyer
Donald Dyer, Notary
Public, Daviess County, Indiana


CERTIFICATE OF APPROVAL OF PLAT BY
THE BOARD OF COMMISSIONERS OF THE COUNTY
OF DAVIESS AND STATE OF INDIANA

The above and foregoing plat of a subdivision entitled WEST BOGGS "SHORES" SUBDIVISION 111, Daviess County, Indiana, being of lands situated outside the corporate limits of any city or town is hereby submitted to the Board of Commissioners of the County of Daviess for approval this 24th day of May, 1993, and after examination duly made, said plat is hereby approved.

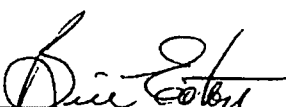
Approved by the Board of Commissioners of the County of Daviess, State of Indiana, this 24th day of May, 1993.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DAVIESS,
STATE OF INDIANA



JAMES T. TRUELOVE


STEVEN A. MYERS

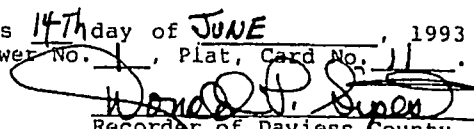

LARRY M. STAFFORD

ATTEST: 
BILL EATON, AUDITOR OF
DAVIESS COUNTY, INDIANA.

Filed in the office of the Auditor of Daviess County, Indiana,
this 24th day of May, 1993.


BILL EATON, Auditor of
Daviess County, Indiana

Received for record this 14th day of JUNE, 1993 at
10:26 A.M. and recorded in Drawer No. 1, Plat, Card No. 11.


Recorder of Daviess County,
Indiana

This instrument prepared by:

J. D. Dwyer
Attorney at Law
411 Peoples Bank Bldg
P. O. Box 613
Washington, IN 47501

DESCRIPTION

A portion of the south half of Section 35, Township 4 North, Range 5 West, Van Buren Township, Daviess County, Indiana, more specifically described as follows:

Commencing at the southwest corner of said Section 35; thence North 87 degrees 04 minutes 55 seconds East 638.79 feet to the point of beginning; thence North 02 degrees 06 minutes 04 seconds West 348.31 feet; thence North 86 degrees 37 minutes 00 seconds East 80.02 feet; thence North 03 degrees 23 minutes 00 seconds West 65.02 feet; thence North 86 degrees 37 minutes 00 seconds East 22.63 feet; thence North 03 degrees 23 minutes 00 seconds West 17.50 feet; thence North 86 degrees 37 minutes 00 seconds East 220.00 feet; thence North 03 degrees 23 minutes 00 seconds West 200.00 feet; thence North 86 degrees 23 minutes 41 seconds East 423.10 feet; thence North 00 degrees 01 minutes 00 seconds East 193.11 feet; thence North 61 degrees 30 minutes 0 seconds East 377.21 feet; thence North 29 degrees 51 minutes 20 seconds East 168.00 feet; thence North 49 degrees 56 minutes 00 seconds East 430.00 feet; thence South 66 degrees 08 minutes 00 seconds East 139.00 feet; thence South 16 degrees 55 minutes 00 seconds West 365.00 feet; thence South 8 degrees 38 minutes 00 seconds East 242.00 feet; thence North 31 degrees 51 minutes 20 seconds East 280.00 feet; thence South 59 degrees 20 minutes 40 seconds East 288.00 feet; thence South 14 degrees 01 minutes 00 seconds West 295.93 feet; thence South 06 degrees 44 minutes 00 seconds East 276.04 feet; thence South 69 degrees 10 minutes 40 seconds East 212.00 feet; thence North 42 degrees 57 minutes 20 seconds East 156.00 feet; thence South 87 degrees 40 minutes 20 seconds East 200.00 feet; thence South 04 degrees 15 minutes 40 seconds West 179.13 feet; thence South 33 degrees 08 minutes 00 seconds East 339.93 feet; thence South 87 degrees 04 minutes 55 seconds West 774.73 feet; thence North 02 degrees 55 minutes 05 seconds West 165.29 feet to the point of curvature of a curve; thence in a northerly direction on and along said curve 60.12 feet, (said curve has a chord bearing of North 12 degrees 45 minutes 26 seconds West and a chord length of 59.83 feet); thence North 22 degrees 35 minutes 57 seconds West 150.37 feet to the point of curvature of a curve; thence in a northerly direction on and along said curve 57.50 feet, (said curve has a chord bearing of North 15 degrees 16 minutes 42 seconds West and a chord length of 57.35 feet); thence North 07 degrees 57 minutes 24 seconds West 333.15 feet; thence North 86 degrees 23 minutes 54 seconds West 329.40 feet to the point of curvature of a curve; thence in a northwesterly direction on and along said curve 140.27 feet, (said curve has a chord bearing of North 68 degrees 32 minutes 18 seconds West and a chord length of 138.01 feet); thence North 50 degrees 40 minutes 38 seconds West 160.02 feet to a point on a curve; thence in a southwesterly direction on and along said curve 325.63 feet, (said curve has a chord bearing of South 49 degrees 11 minutes 23 seconds West and a chord length of 323.13 feet); thence in a southwesterly direction on and along a curve 215.02 feet, (said curve has a chord bearing of South 30 degrees 52 minutes 15 seconds West and a chord length of 204.93 feet); thence in a westerly direction on and along a curve 226.06 feet, (said curve has a chord bearing of South 43 degrees 15 minutes 54 seconds West and a chord length of 205.41 feet); thence South 86 degrees 17 minutes 28 seconds West 285.98 feet to the point of curvature of a curve; thence in a southerly direction on and along said curve 116.77 feet, (said curve has a chord bearing of South 41 degrees 41 minutes 14 seconds West and a chord length of 105.33 feet); thence South 02 degrees 55 minutes 05 seconds East 365.71 feet; thence South 87 degrees 04 minutes 55 seconds West 431.92 feet to the point of beginning. Said tract contains 25.24 acres, subject to all legal highways and rights-of-way.

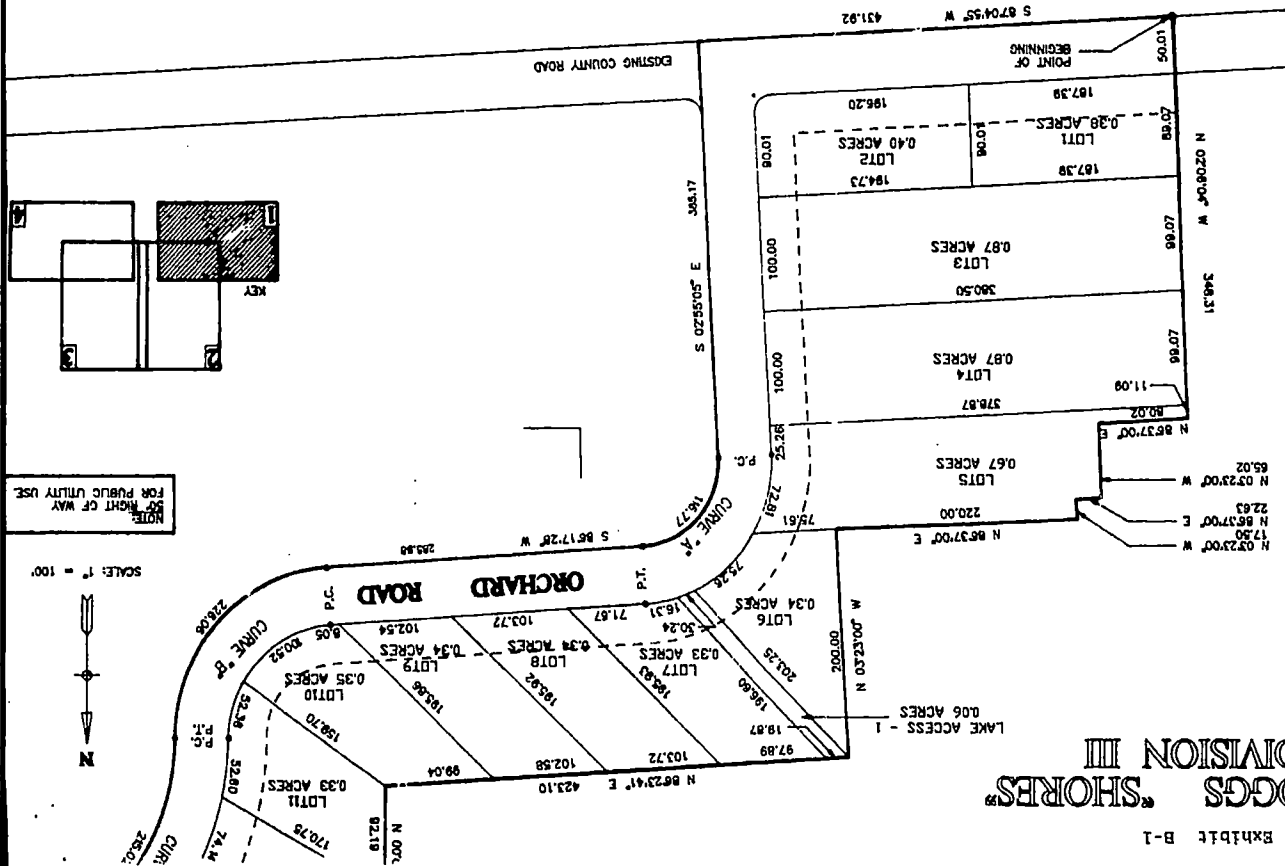
I, Kenneth C. Solliday, hereby certify that I am a Land surveyor, licensed in compliance with the laws of the State of Indiana; that this plat and description correctly represents, to the best of my belief and knowledge, a survey completed by me on May 20, 1993; that all monuments shown thereon will exist, that their location and type are accurately shown.



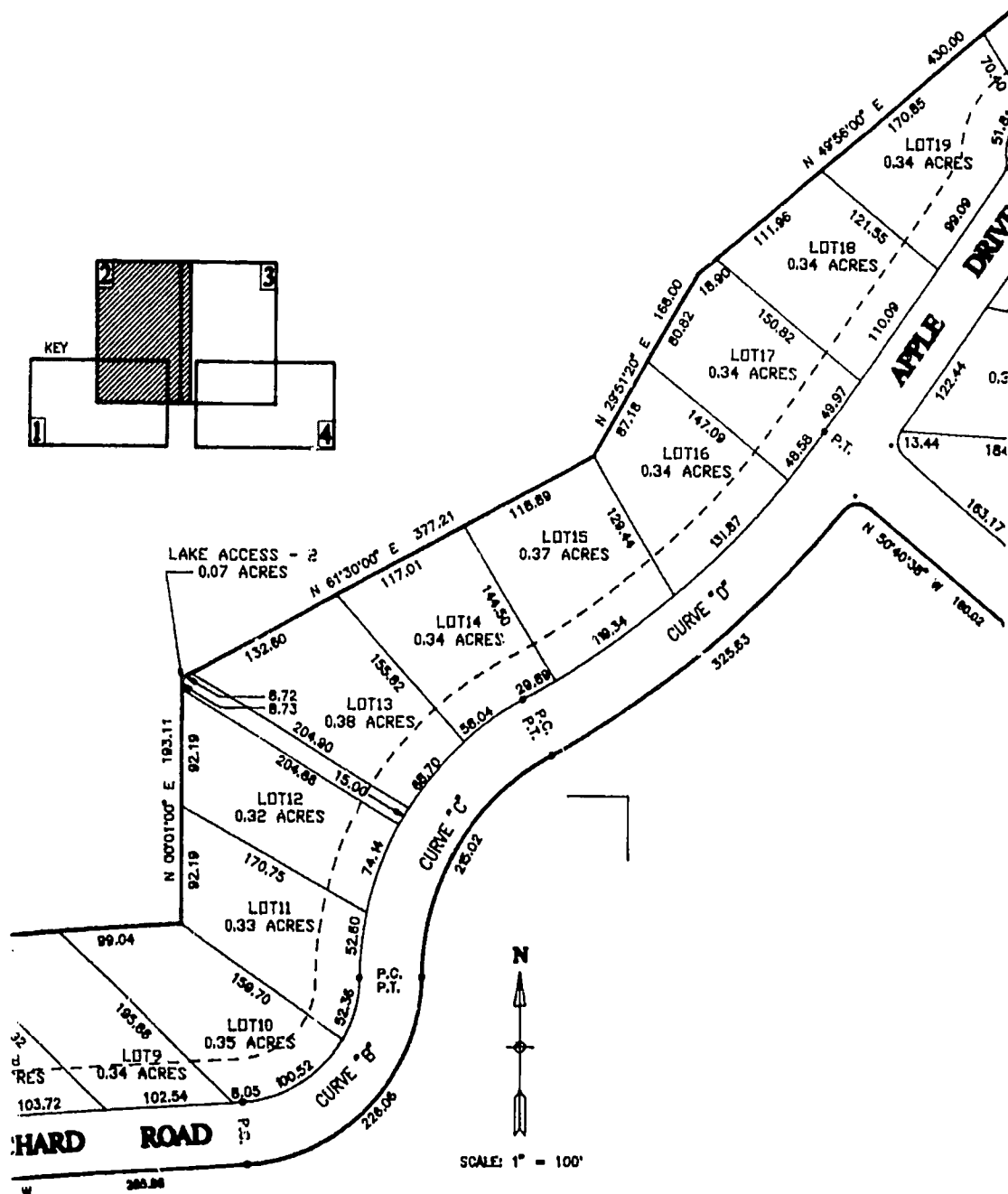
Kenneth C. Solliday
Kenneth C. Solliday, In. Reg. L.S. S0112
R. R. 2, Box 68, Washington, In. 47501

WEST BOGGS "SHORES" SUBDIVISION III

Plat Exhibit B-1

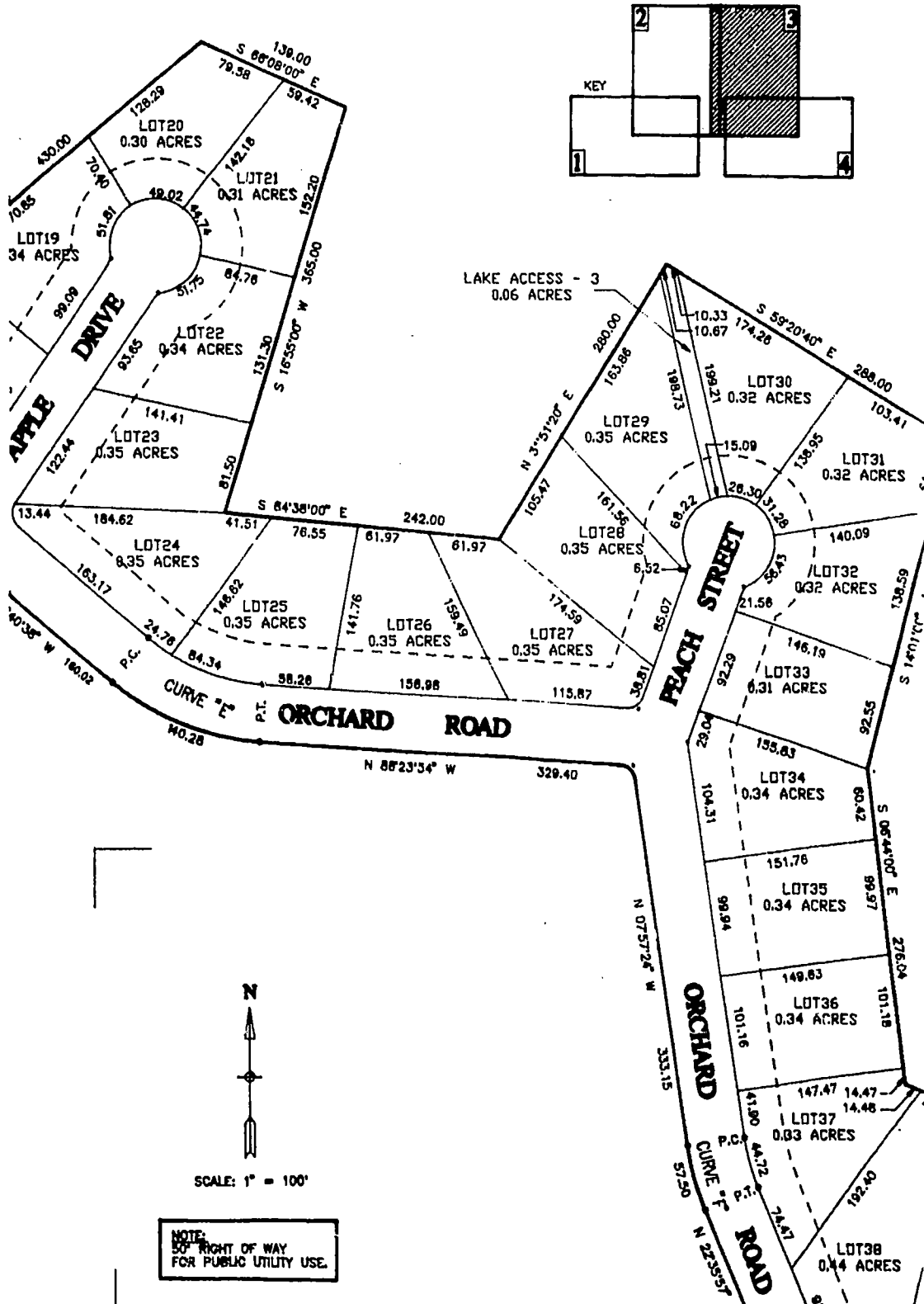


WEST BOGGS "SHORES" SUBDIVISION III



NOTE:
50' RIGHT OF WAY
FOR PUBLIC UTILITY USE.

WEST BOGGS "SHORES" SUBDIVISION III



WEST BOGGS "SHORES" SUBDIVISION III

CURVE DATA

CURVE	DELTA	RADIUS	LENGTH	TANGENT
A (inside)	89° 12' 32"	75.00'	116.77'	73.97'
A (outside)	89° 12' 32"	125.00'	194.62'	123.29'
B (inside)	86° 03' 07"	100.52'	150.96'	93.82'
B (outside)	86° 03' 07"	150.52'	226.06'	140.49'
C (inside)	61° 15' 39"	201.10'	215.02'	119.08'
C (outside)	61° 15' 39"	251.10'	268.48'	148.68'
D (inside)	26° 41' 13"	707.83'	329.69'	167.89'
D (outside)	26° 41' 13"	757.83'	352.98'	179.75'
E (inside)	35° 43' 17"	175.00'	109.10'	56.39'
E (outside)	35° 43' 17"	225.00'	140.28'	72.50'
F (inside)	14° 38' 43"	175.00'	44.72'	22.48'
F (outside)	14° 38' 43"	225.00'	57.50'	28.91'
G (inside)	19° 40' 52"	175.00'	60.11'	30.36'
G (outside)	19° 40' 52"	225.00'	77.29'	39.03'

GENERAL NOTES:

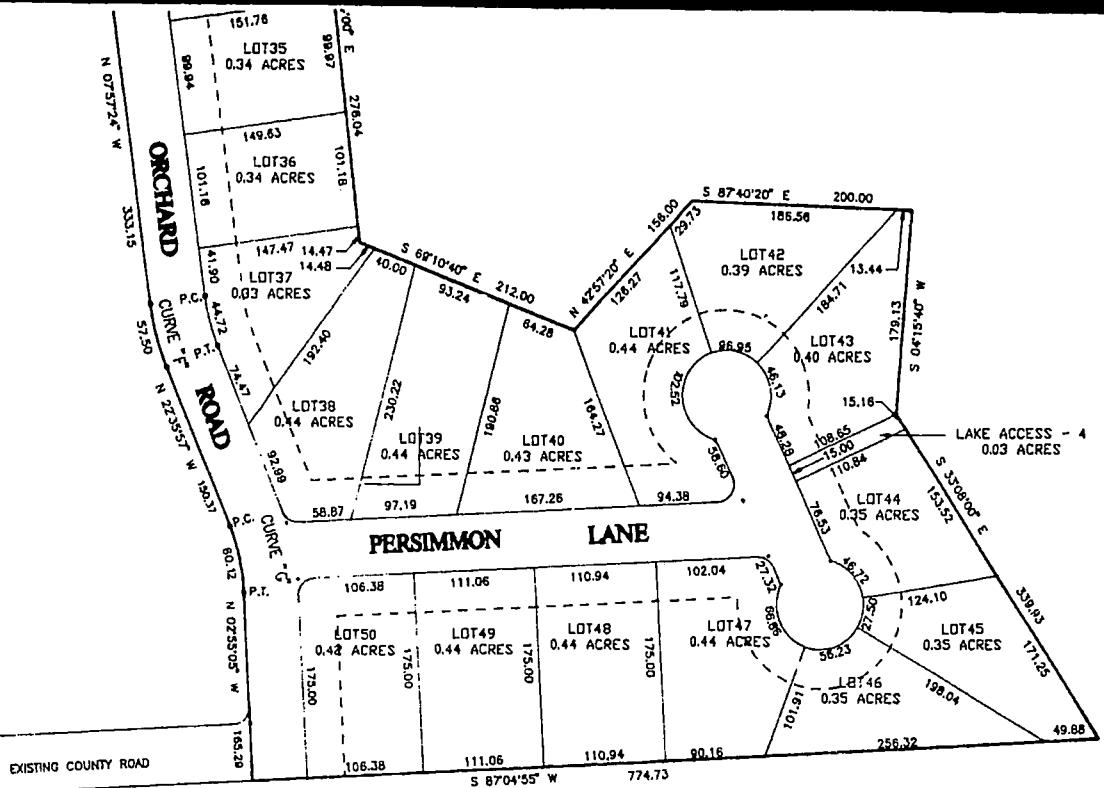
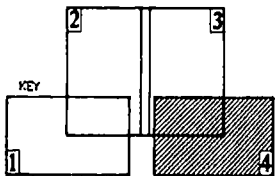
ALL LOT CORNERS ARE MARKED BY IRON RODS.
 ALL ROADS HAVE A RIGHT-OF-WAY OF FIFTY FEET WITH A PAVED SURFACE OF TWENTY FEET.
 ALL CUL-D-SACS HAVE A DIAMETER OF EIGHTY FEET.
 ALL LOT DIMENSIONS LOCATED ON CURVES OR CUL-D-SACS ARE ARC LENGTHS.
 THERE IS A THIRTY-FIVE FEET BUILDING SET BACK LINE ALONG THE ROAD SIDE OF ALL LOTS.

Plat Exhibit B-4



SCALE: 1" = 100'

NOTE:
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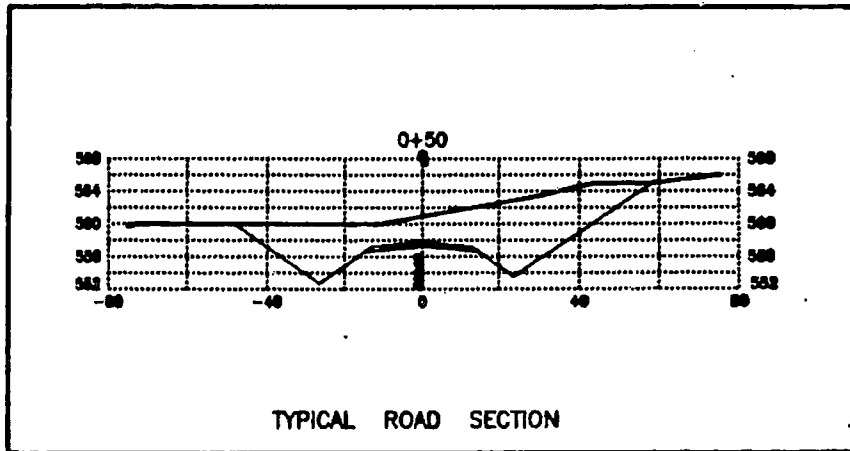
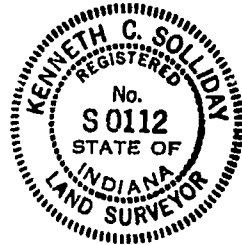
Plat Exhibit D

**WEST BOGGS "SHORES"
SUBDIVISION III**

ALL ROADS WILL HAVE A RIGHT-OF-WAY OF FIFTY FEET WITH A
PAVED SURFACE OF TWENTY FEET FOR TWO-WAY TRAFFIC.

Kenneth C. Solliday

KENNETH C. SOLLIDAY, IN. REG. L.S. S0112



NOTE:

1. ALL LOT CORNERS
WILL BE MARKED
BY IRON RODS.
2. ALL LOTS WILL HAVE
A 30' BUILDING SET
BACK LINE LOCATED
ON THE ROAD SIDE
OF THE LOTS.

NOTE:

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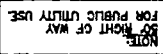
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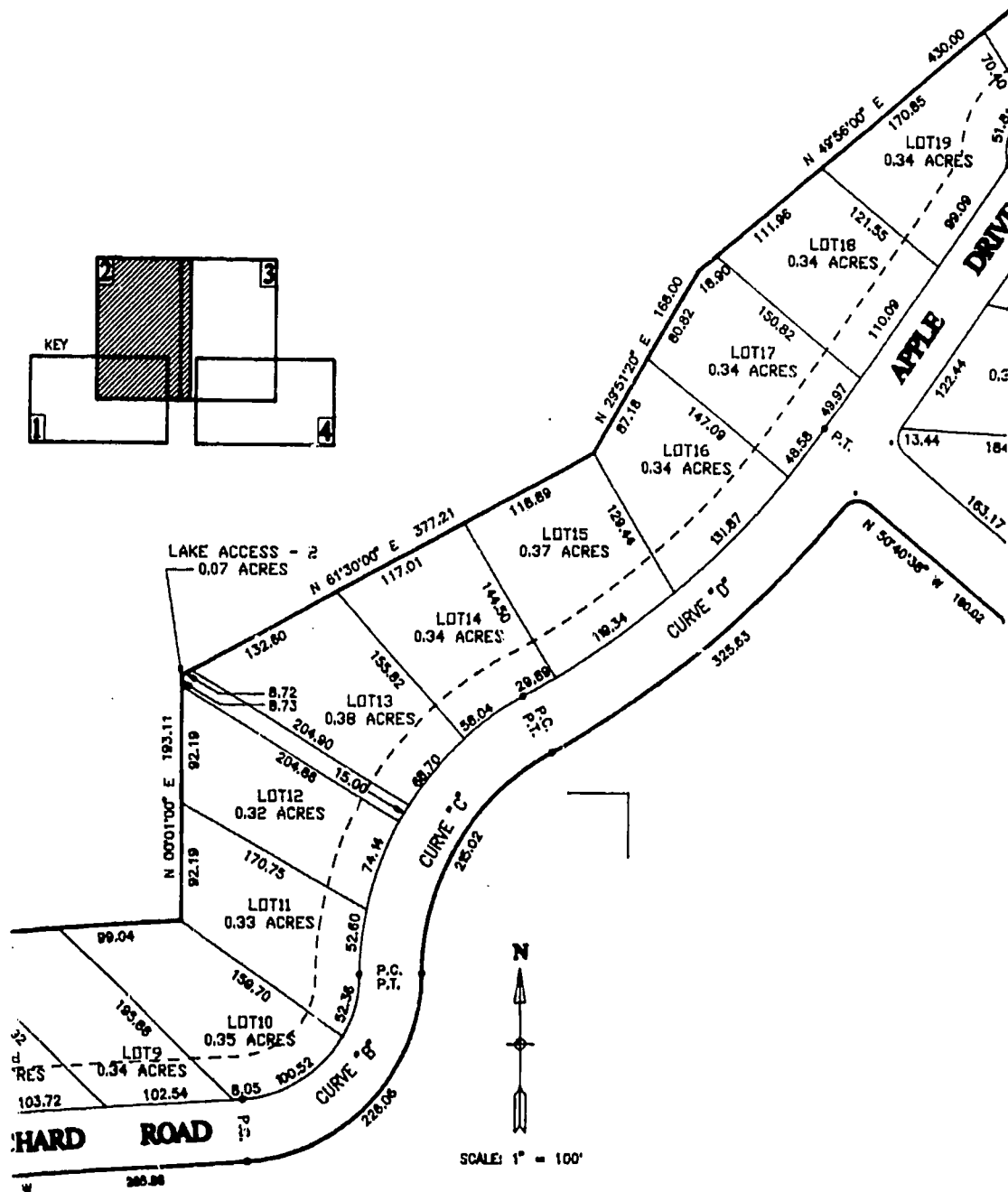
Kenneth C. Solliday

Kenneth C. Solliday, In. Reg. L.S. S0112
R. R. 2, Box 68, Washington, In. 47501

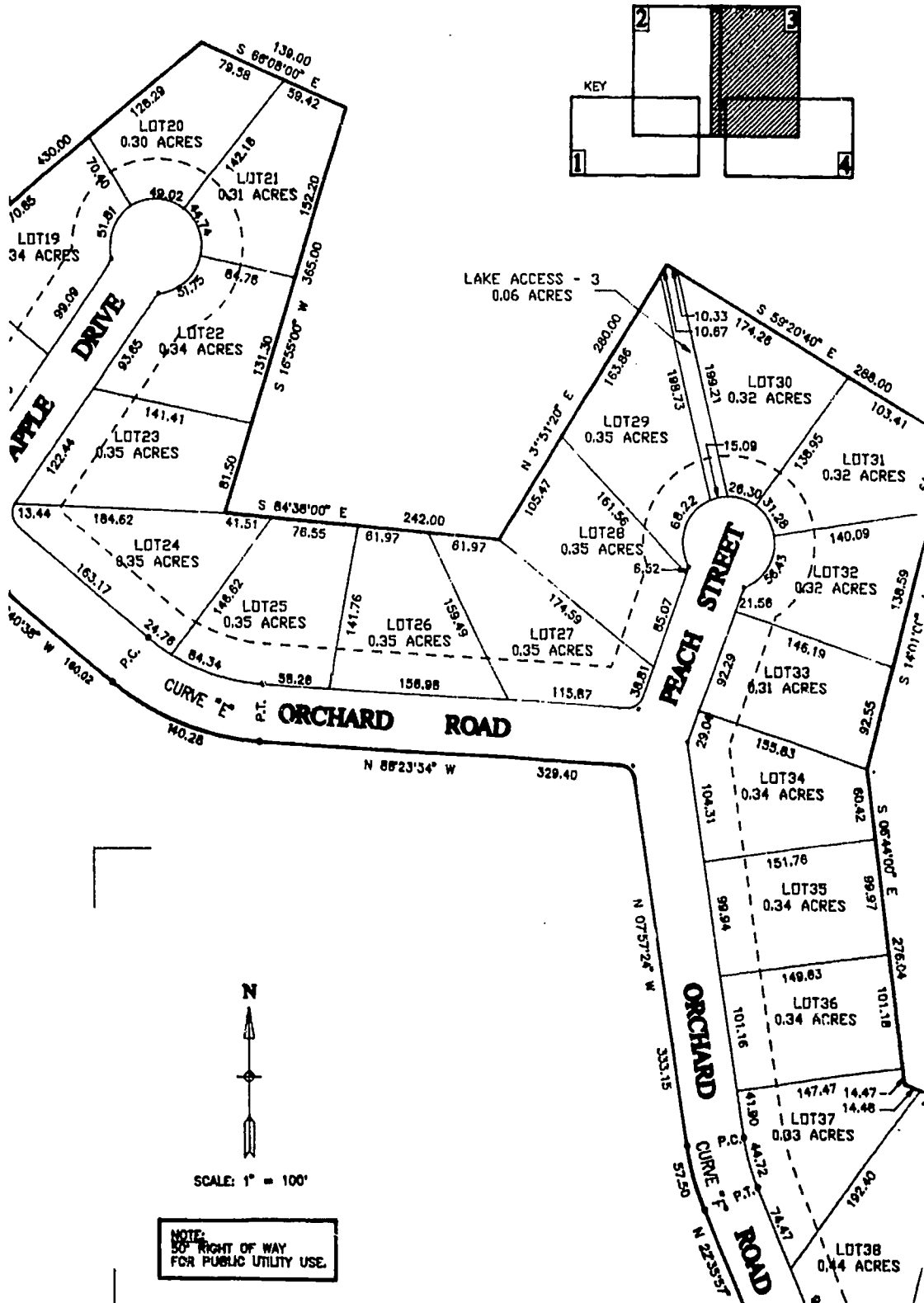
Plat Exhibit B-1



WEST BOGGS "SHORES" SUBDIVISION III



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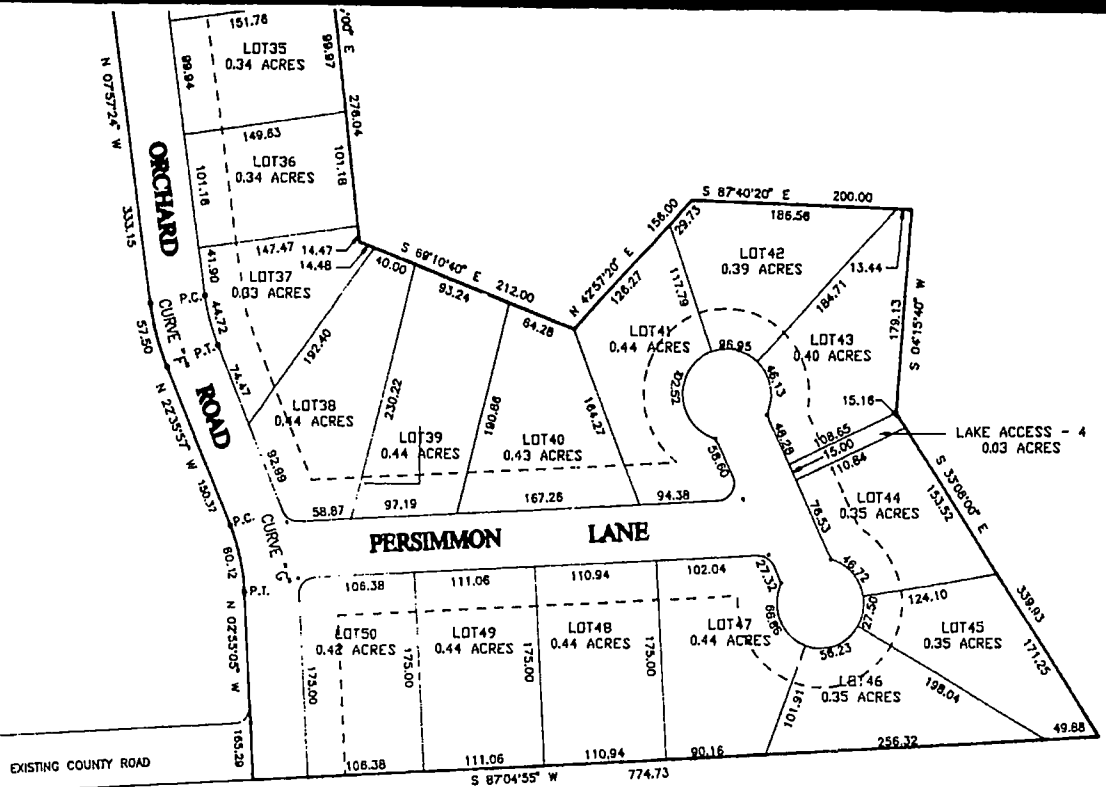
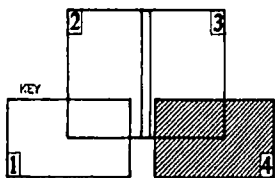
Plat Exhibit B-4

Plat Exhibit B-4



SCALE: 1" = 100'

NOTE:
50' RIGHT OF WAY
FOR PUBLIC UTILITY USE.



Plat Exhibit B-4

WEST BOGGS "SHORES"
SUBDIVISION III

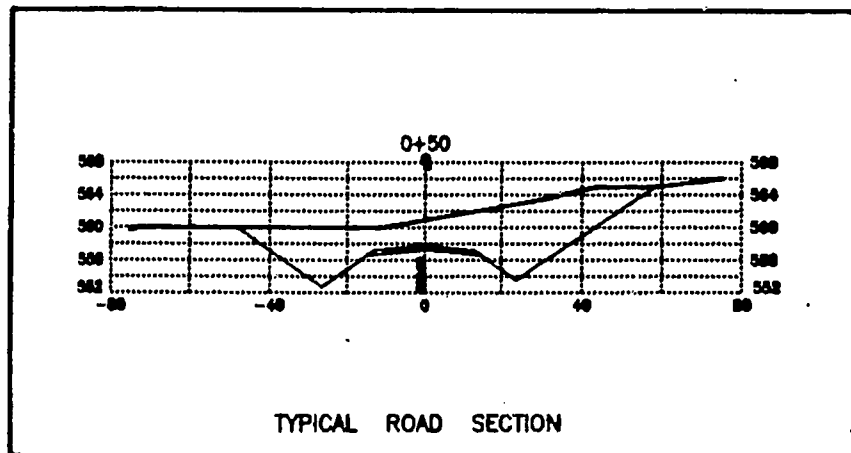
Plat Exhibit D

WEST BOGGS "SHORES"
SUBDIVISION III

ALL ROADS WILL HAVE A RIGHT-OF-WAY OF FIFTY FEET WITH A
PAVED SURFACE OF TWENTY FEET FOR TWO-WAY TRAFFIC.

Kenneth C. Solliday

KENNETH C. SOLLIDAY, IN. REG. L.S. S0112



NOTE:
1. ALL LOT CORNERS
WILL BE MARKED
BY IRON RODS.
2. ALL LOTS WILL HAVE
A 30' BUILDING SET
BACK LINE LOCATED
ON THE ROAD SIDE
OF THE LOTS.

NOTE:
50' RIGHT OF WAY
FOR PUBLIC UTILITY USE.



SCALE: 1" = 100'