

**Restrictions, Reservations, Conditions and Protective Covenants, affecting title to all lots in Magnolia Ridge Section 1 subdivision, Lots 1 through 64, a subdivision located in Vanderburgh County, Indiana according to the recorded plat thereof**

This indenture witness, that The Oakridge Group, LLC, an Indiana Limited Liability Company (hereinafter, the “Developer”), is the owner of all of the real estate comprising the subdivision known as Magnolia Ridge Section 1, as per plat thereof, recorded in Plat Book V, page 34 in the office of the Recorder of Vanderburgh County, Indiana (hereinafter, the Subdivision”), and does hereby make and adopt the following restrictions, reservations, conditions, and protective covenants (hereinafter, the “Restrictions”) for the use and occupancy of the lots and lands comprising the Subdivision, which shall run with the land and shall be binding upon all owners of the lots and lands in the Subdivision, to wit:

1. RESIDENTIAL LAND USE: All lots in Magnolia Ridge Subdivision, Phase I, shall be known and described and used only for single-family residential purposes. Other use of any lot or building in this subdivision shall be in violation of the Vanderburgh County Zoning Code.
2. TYPE OF PERMITTED STRUCTURE: No structure shall be erected, altered, placed or permitted to remain on any lot in the Subdivision other than one (1) single-family dwelling, not to exceed two and one-half (2 ½) stories in height (not including basements or walk-out basements) and an attached garage, which said garage shall not be less than two (2) car and not more than four (4) car garage. No more than two (2) garage doors per dwelling facing the front property line (as used herein, “front property line” or “frontage” refer to a lot boundary adjoining public road or street right-of-way) shall be permitted. No more than two (2) garage doors per dwelling facing a minimum of 90 degrees from the property line shall be permitted. Maximum garage door size shall not exceed eighteen feet (18) in width or nine (9) feet in height. Swing sets and play areas shall be permitted but must be placed in the backyard area of lots with attempts made (e.g., through the use of landscaping features) to obscure from view from adjacent properties and streets. ALL structures, including dwellings, must be approved by the Review Committee (defined at Section 5 below).
3. DETACHED ACCESSORY BUILDINGS: No yard barns, storage structures or accessory buildings will be permitted except that detached accessory buildings will be permitted on specified lots upon review and approval by the Review Committee (defined at Section 5 below) and in accordance with the Vanderburgh County Zoning Code. Construction shall be in accordance with the restrictions set forth in Supplement A.
4. TYPE OF STRUCTURES NOT PERMITTED: No modular or manufactured housing of any kind to be placed or erected on any lot in the subdivision. Slab type foundation construction shall be subject to review and approval by the Review Committee (defined at Section 5 below).
5. ARCHITECTURAL CONTROL: An Architectural Review Committee (the “Review Committee”) is hereby established, which shall consist of one (1) member who shall be

W. Lee Chandler and/or such other representatives of the Developer as it may appoint. No structure shall be built on any lot in the subdivision unless and until the construction plans and /or specifications of the structure have been reviewed and approved by the Review Committee. No approval of a structure shall be effective unless in writing. Approval of a structure shall be given if the structure conforms to the Restrictions and is in reasonable architectural harmony and conformity with the other structures in the Subdivision. The Review Committee will retain a signed copy of the approved construction plans and specifications on file at the office of the Developer. Once a plan has been approved, no modifications or changes shall be permitted without the prior written consent of the Review Committee. The Review Committee shall have the right to make on-site inspections of any and all structures during the construction period. If the construction is not consistent with the plans approved by the Review Committee, then the Review Committee may at its option halt construction of the structure until there is conformity with the approved plan.

6. **CONSTRUCTION OF BUILDINGS:** The following guidelines establish the minimum finished living area – exclusive of basement, porches and attached garages – for various types of houses in Magnolia Ridge, Phase I.
  - a. One-story dwellings shall (exclusive of basements, porches, and attached garages) have a minimum finished living area of 1600 sq. ft.
  - b. One-and-a-half story (1 ½) and two (2) story dwellings shall exclusive of basements, porches, and attached garages) have a minimum finished living area of 1400 Sq. ft. on the first level AND a minimum of 800 Sq. ft. of finished living area above or below the 1400 Sq. ft. main level. Any bonus room included in the finished area must have minimum four (4) foot knee walls and 8 foot high ceilings. The upper and lower floors must contain at a minimum roughed-in plumbing for a three-piece bath.
  - c. All dwellings shall be constructed of materials subject to review and approval of the Review Committee. The external walls of the first story and (if applicable) second full story of all dwellings shall, up to the underside of the soffit, be constructed of hard surface materials such as, but not limited to, brick, stone, stucco-type. No more than twenty percent (20%) of the exterior finish of a dwelling may be composed of wood, aluminum siding, or vinyl siding. The location, specification and amount of finish/veneer to be used on all dwellings is subject to the review and approval of the Review Committee.
  - d. All fireplace flues, whether they be masonry or metal, are to be wrapped with an approved exterior veneer, such as brick, stone, wood, aluminum siding, acceptable vinyl siding or stucco-type veneer. The masonry or metal flue liners are to have no more than sixteen (16) inches exposed above the top of the chimney.
  - e. Roof pitches for all dwellings shall be at least 6/12 pitch, to be used on the FRONT elevations of the main structure of the dwelling, except that the roof pitch for any non-enclosed front porch shall be at least 4.5/12 pitch. All roof pitches proposed to be under 6/12 pitch are subject to review and approval by the Review Committee.

- f. All lots in the subdivision are to have a lamp and post that will be located ten (10) feet back from the front property line. The lamp wattage must not exceed 100 watts and must always be maintained. Lamp post and light fixture will be purchased at the lot owners expense and according to the specifications shown on the information and exhibits provided to the owner by the Review Committee.
  - i. All lots in the subdivision shall have a mailbox, which shall be placed and purchased at the lot owners expense and according to the specifications shown on the information and exhibits provided to the owner by the Review Committee.
- g. The owners of Lots 1 - 11 will be responsible for pouring a four (4) foot wide concrete sidewalk across the entire frontage of the lot, and corner lot sidewalks must also access the back of existing depressed curbs at each corner. All sidewalks must be constructed of natural concrete with broom finish, four (4) foot control joints and may not exceed 1.5% slope (left to right) in any place, including where it intersects with driveways. All sidewalks must also conform to the construction standards imposed by the appropriate governmental authority and by the Developer. Distance between the front property line and the sidewalk will be four (4) feet thus creating a four (4) foot grassy/landscaped boulevard. No exposed aggregate concrete sidewalks are permitted. The lot owner shall be responsible for all sidewalk upkeep and accessibility. All lot owners are to have these sidewalks installed no later than two (2) years from the date of purchase of the lot or before completion or occupancy of a dwelling, whichever occurs first.
- h. Perimeter fences to the rear of a dwelling will be permitted in the Subdivision. Such permitted fence shall be a six (6) foot high rod iron style fence made of steel or aluminum and be black in color. No other color is acceptable. Any fence must be approved by the Review Committee before installation may begin. Beginning installation of fence prior to obtaining approval may result in approval being withheld and removal of any installed fencing at the lot owner's expense.
- i. Privacy fences (that which obscures the view through such object) will not be permitted in the Subdivision.
- j. Fencing structures around pools and landscaping need not conform to the fencing specifications set forth in subsection i and j of this section; however, these fences must be constructed of metal (e.g., aluminum, steel, or rod iron) and all fencing structures must be approved by the Review Committee.
- k. Any fence installation must be completed under the following conditions:
  - i. Utilities must be located and marked by the utility companies before any post excavation or post driving is done within the easement.
  - ii. All posts and fences are to be installed and maintained at the lot owner's risk and must be removed for access to the utilities when requested.
  - iii. Utility companies or persons working on the drainage swale or in any public utility and drainage easement are not required to put the fence back up.

iv. Fence panels across or along the approved and platted drainage easements on the subdivision's recorded plat must be installed so that the lowest horizontal line of fence material is at least nine (9) inches above the bottom of the swale.

l. Above-ground pools shall not be permitted in the Subdivision.

7. FRONT ENTRANCE: The Developer of the Subdivision will be responsible for maintaining the subdivision entrance sign and any landscaping surrounding that structure until eighty percent (80%) of the lots in the Subdivision have been conveyed to homebuilders or individual lot owners. At that time the lot owners must take over maintenance of the entrance sign and any landscaping surrounding the structure.
8. CONCRETE BLOCKS: No completed structure shall have concrete blocks exposed on its exterior. Brick, stone or Stucco-type veneer must be applied over exposed blocks.
9. TIMETABLE FOR CONSTRUCTION: The construction of any building shall be completed within twelve (12) months from the date of commencement of construction. The Review Committee may extend the time for completion for reasonable cause.
10. CARE OF PROPERTY DURING CONSTRUCTION: All lots in this subdivision are subject to the Indiana Department of Environmental Management's (IDEM) General Permit Rule No. 327 I.A.C.15-5, which generally provides that erosion control practices be used during developments and construction and must minimize soil erosion and sediment-laden water from flowing from the building site, and requires that streets be kept from transported soil from the building site.
  - a. In compliance with this provision, a plan has been submitted to the Vanderburgh Soil and Water Conservation District with the terms that shall be binding upon all property owners within the subdivision. The plan requires the construction of appropriate driveways for entering and exiting during construction and the implementation of measures to minimize sediment-laden water from being discharged into streets and drainage ways.
  - b. At the time of purchase, the lot owner assumes responsibility for the three (3) foot erosion-control fencing located along the street and to accept all other responsibilities to stay within IDEM compliance.
  - c. Before any construction of any kind may begin, and at which time the silt fence is cut, which is located approximately five (5) feet behind the front property line of each lot. The builder or lot owner is responsible for installing a temporary gravel construction entrance/exit pad of 2-3 inch washed stone (INDOT CA No. 2) over a stable foundation. It is to be six (6) inches in thickness and a minimum of twelve (12) feet wide and fifty (50) feet in length or the distance to the foundation.
  - d. During construction adjoining lots shall not be used for storing any construction equipment, vehicles or materials. If your employees, contractors or agents are responsible for disturbing the vegetation on adjoining building sites, appropriate erosion control practices should be started immediately.
  - e. The provisions of Rule 327 I.A.C. 15-5 and the plan for erosion control submitted to the Vanderburgh Soil and Water Conservation District shall become a part of these covenants and restrictions and shall be binding on all property owners as it pertains to their individual lots. The property owners shall hold Developer

harmless in connection with any and all violations thereof. Furthermore, all lot owners shall be responsible for compliance with this provision and the referenced administrative rules and erosion control plans within the boundaries of each lot owner's real estate. Developer shall not be responsible and shall have no liability for silt or debris flowing into the lake or onto the street and curb inlets once the lot is conveyed to the property owner. The owners, together with their builders and agents, shall hold Developers harmless from any violation thereof.

- f. Lots 1 through 11, 50, 51, and 64 abut a federally protected waterway and this structure cannot be altered or disturbed below the high-water mark. Property owner is responsible to follow this requirement.
11. **BUILDING LINES:** No residence or other building structure shall be constructed any closer than twenty-five (25) feet from the front property line, which is commonly known as the building setback line. This may vary for side lot lines that are typically on corner lots. Property owners will not build within five feet and zero inches (5'0") of the side property lines and will verify the rear lot setback distance in reference to any easements on recorded plat for the Subdivision. All setbacks (front – sides – rear) are to be verified at Evansville – Vanderburgh County Area Planning Commission.
12. **EASEMENTS:** The strips of real estate of the width shown on the recorded plat and marked "easement" are reserved for the use of any and all public utilities and for the installation of water, sewer mains, surface water drainage, poles, ducts, lines, and wires, subject to the proper authorities and to the easements herein reserved. No structures or other improvements, planting or other material shall be erected or permitted to remain within the easements, which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot shall be maintained continuously by the property owner so as to not change the intended direction of flow surface water within the easement.
13. **TREES AND SHRUBS:** No fence shall be placed beyond the front edge of a dwelling, nor shall trees or shrubs or landscaping of any kind be planted and maintained in such a manner that would create a safety hazard or detract from the appearance of the Subdivision.
  - a. Each lot owner or their homebuilder shall plant a minimum of two (2) trees according to the specifications shown on the information and exhibits provided to the owner by the Review Committee.
14. **DRIVEWAYS:** All driveways shall be paved from the paved portion of the street to the garage and shall be paved with four (4) inch-thick concrete.
15. **PARKING:** No overnight parking on the streets shall be permitted. No commercial vehicles may be parked outside overnight. Residents need to make provisions for their vehicles to be parked within the garages. No commercial vehicles operated by lot owners or visitors may be parked in a driveway, roadway, or street. These vehicles must be parked inside the garage. A commercial vehicle is considered any vehicle with company lettering or logos, commercial racks or vehicles with a GVW of over 6,000 lbs including any recreation vehicles. No campers, recreational trailers, recreational pop-up

trailers, boats, snow machines or other trailer of any kind will be allowed to be parked in the driveway overnight.

16. FLOOD PROTECTION GRADE: The lowest floor elevation of any enclosed space (including garage floors and basement floors) must be at least two (2) feet above the 100-year flood elevation. This minimum floor elevation is called flood protection grade (FPG) as shown on the recorded plat of the Subdivision. Additional information may be obtained from the office of the Vanderburgh County Building Commissioner. First floor grades shall be set to allow for proper drainage around houses. All first floors shall conform to all state and local enforced building codes.
17. WASTE DISPOSAL: All property owners shall keep their lots free of any and all garbage, sewage, and refuse. Any trash or other waste accumulated by any owner or occupant of a lot in the subdivision shall be kept in proper sanitary containers and disposed of on a weekly basis. All containers and related equipment must be kept in garage or interior storage area. No grass clippings or other debris may be placed on any vacant lot or out lot areas.
18. WASTE DISPOSAL DURING CONSTRUCTION: At the time construction begins, there must be designated waste disposal area, or construction Dumpster, or trash trailer, on the construction site at all times. It must be filled with all construction remnants and waste on a routine basis (as needed or once a month) until all construction has been completed. Only at that time can the waste disposal area, construction dumpster, or trash trailer, be removed.
19. APPEARANCE OF LOTS: All lots must be kept free of debris and other objectionable matter at all times; this includes the removal and clean up of mud from the streets immediately after the infraction occurs. If any lot is not properly maintained as required herein, Developer retains the right to take appropriate actions to bring the lot into conformity with the standards of the Subdivision. The offending property owner will be required to reimburse Developer for any incurred costs within ten (10) days from the date the owner is presented with a cost statement. If not paid on time, the sum shall be payable, together with interest at the rate of one and one half (1.5%) percent per month compounded, the property leined and any legal fees.
20. STORM WATER RETENTION BASINS MAINTENANCE: The owners of Lots 12, 16, 17, and 18 shall assume the financial obligation to maintain the approximate one (1) acre storm water retention basin as per recorded plat. The storm water basin and maintenance easements are hereby dedicated to the owners of said lots.
  - a. Each lot owner is responsible for 25% of the cost to maintain the retention basin. Developer will assume financial responsibility for any unsold lots located within the retention basin. Developer will have the final right to decide with respect to basin maintenance if two (2) or more lots are unsold.
  - b. Each lot owner is to cut the grass completely to the edge of the water.
  - c. Prior to any maintenance of the retention basin, it is recommended to consult the other owners of lots located within the retention basin.
21. DRAINAGE OF STORM WATER ---- VANDERBURGH COUNTY DRAINAGE BOARD REQUIREMENTS: Water from downspouts, foundation tiles and/or other surface water drainage systems shall not be drained or guided into the sanitary sewer. The

downspout drains can be drained into the street or drainage swales between lots or to the drainage swale at the rear of the lots. Water must be discharged at a level above the street to prevent erosion under the street. The existing natural and manmade drainage courses shall not be altered without the approval of the Vanderburgh County Drainage Board. All property owners and/or their homebuilder or general contractor are responsible for achieving proper grading and slopes of their respective lots so as to achieve a positive drainage flow away from their foundations and homes and into the drainage easements or streets. A drainage swale will be required between lots, the construction of which shall be the responsibility of the property owner and his or her homebuilder or general contractor. Such swale shall be constructed correctly before the landscaping of the yard is completed and must be maintained correctly thereafter by the property owner. Lots 1 through 11, 50, 51, and 64 have a twenty (20) feet non-discharging zone along the rear property line, therefore no concentrated discharge (i.e. downspouts, drains, house drains) are allowed any closer than twenty (20) feet from rear property line. In accordance with the requirements of the Vanderburgh County Drainage Board, the initial property owners and /or their homebuilder or general contractor are hereby informed that:

- a. The standard grading plan sheets prepared by the U.S. Department of Agriculture and Soil Conservation Service must be adhered to. Additional copies will be made available to each initial property owner and/or their homebuilder or general contractor upon request from Developer. The initial homebuilder or general contractor shall be determined by whose name appears on the building permit.
- b. The initial property owner and initial home builder or general contractor are hereby directed to achieve positive storm water drainage away from all building foundations in accordance with the standard grading plan referred to in (1) above. There is a minimum six (6) inch slope in the first ten (10) feet from the foundation of the house per local codes (Evansville-Vanderburgh Building Commission).
- c. It shall be the responsibility of the property owner of record to maintain a positive drainage away from his or her structure as provided by the initial lot grading and/or subsequent re-grading in accordance with the standard grading plan and other regulations of record.
- d. Any adverse drainage condition caused by alterations of the lot grades and/or drainage system after the initial lot grading and/or drainage system is in compliance with the standard grading plan and the approved final drainage plan are totally the responsibility of the property owner of record to correct at his or her cost.

22. STORM DRAINAGE MAINTENANCE: Each lot owner within this subdivision shall be financially responsible for grass cover, mowing and cleaning of any part of the storm water drainage system including inlets, banks and preservation of the design flow line elevations lying within their respective lot. Lot owners shall not construct or place any obstruction within drainage easements that will interfere with the flow of surface water along drainage easements. The individual lot owners shall be responsible, including

financially , for maintaining that part of the storm water drainage system and its easements that exist on his or her property in proper working order including:

- a. Mowing grass, controlling weeds and maintaining the designed cover of the waterways, storage basins and easements in accordance with applicable ordinances.
  - b. Keeping all parts of the storm water drainage system operating as designed and constructed and free of all trash, debris and obstructions to the flow of water.
  - c. Keeping the channels, embankments, shorelines, and bottoms of waterways and basins free of all erosion and sedimentation.
  - d. Maintaining that part of the storm water drainage system that lies on her/her property.
23. FUEL TANKS: No oil, gas, or other fuel tank shall be allowed in any lot in this Subdivision or placed in the basement or garage of any dwelling unless approved in writing by the Review Committee and constructed and maintained in compliance with all governmental rules and regulations.
24. NUISANCES: No owner shall cause or permit any nuisance to be maintained on any lot. No activity which violates any applicable statute, ordinance, regulation, or law shall be conducted on any lot. No lot shall be used for the storage of any property or thing that will cause such lot to appear in an uncleanly or untidy condition or that will be obnoxious to the eye. No noxious fumes or odors shall be permitted to emanate from any lot. No noxious or offensive activities shall be carried out upon any lot in this subdivision nor shall anything be done thereon which may be or may become an annoyance or nuisance to the residents of this Subdivision. Barking dogs will be considered a nuisance should they disturb the quiet enjoyment of the residents of this Subdivision.
25. ANIMALS: No animals, livestock, or male fowl of any kind shall be raised, bred, or kept upon any lot, except dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes, but in no event shall animals be maintained primarily for exhibition purposes or as a zoo.
26. ACCEPTANCE OF DEED: Acceptance of a deed of conveyance to any lot in this Subdivision by any person shall be construed to be acceptance and an affirmation by such person of each and all of the Restrictions here in set forth, whether or not the same be set out or specified in such conveyance.
27. CURING AMBIGUITY IN RESTRICTIONS: The developer reserves and shall have the sole right to amend this instrument and the Restrictions herein set forth for the purpose of curing any ambiguity in or any inconsistency between the provisions hereof; to include in any contract or deed or other instrument hereafter made any additional covenants and restrictions applicable to the Subdivision which do not lower the standards of the Restrictions contained herein; and/or to release any residual lots or lots from any part of the Restrictions violated if Developer, in its sole and subject judgment, determines such violation to be minimal in nature and not detrimental to the Subdivision and/or its residents. Notwithstanding anything contained herein, the Developer reserves and retains the right to amend and modify the Restrictions of this instrument for a period of



two (2) years after the initial recording of this instrument in the Developer's sole discretion.

28. ENFORCEMENT OF RESTRICTIONS: Each and all of the restrictions contained herein shall inure to the benefit of all owners of lots in the subdivision jointly and severally, and may be enforced by them, or by any of them, and or the Review Committee herein established, in any court or competent jurisdiction by injunction or other appropriate remedy. The party adjudged to have violated any of the restrictions shall be liable to the aggrieved party for reasonable attorneys' fees, which shall be fixed by the court hearing said matter. The owner of any lot in the Subdivision and/or the Review Committee will have the right to enforce the Restrictions without proof of pecuniary damage to his property in this Subdivision, or otherwise.
29. BINDING EFFECT: Each and all of the restrictions herein contained shall be deemed covenants running with the title to the land and shall be binding upon all parties for a period of twenty-five (25) years from the date of the recording of this instrument, after which time the Restrictions shall be automatically extended for successive periods of ten (10) years unless an instrument executed by a majority of the then owners of lots in this Subdivision has been recorded agreeing to change, modify, or eliminate said Restrictions in whole or in part. Notwithstanding the foregoing, termination of these Restrictions, in the absence of release of the rights of the respective lot owner to the private roadways, shall not terminate the access rights on the private roadways by the lot owners and shall not terminate the right of the lot owners to access public utilities in place.
30. THE ABSOLVING OF DEVELOPER IN REFERENCE TO SUBDIVISION: After fifty-two (52) lots in the Subdivision have been conveyed to homebuilders or individual lot owners, Developer absolves itself of duties and responsibilities to the Subdivision. At the time, the property owners may form an Association that would govern and administer the Restrictions set forth herein.

These restrictions represent the current and up to date list as of Jan 15, 2021. Amendments made to the various sections above have been included as of this date. No other outstanding amendments exist.