

RAYMOND WATTS  
VIGO County Recorder IN  
IN 2004012523 CV  
05/27/2004 09:02:46 3 PGS  
Filing Fee: \$13.00

**DECLARATION OF PROTECTIVE COVENANTS, EASEMENTS  
AND RESTRICTIONS AFFECTING IDLE CREEK  
GOLF COMMUNITY PHASE II, 2<sup>nd</sup> ADDITION**

TO THE PUBLIC:

THIS DECLARATION OF RESTRICTIONS AND COVENANTS for Idle Creek Golf Community Phase II, 2<sup>nd</sup> Addition (the "Subdivision")—same being a replat of Lots 85 and 86 in for Idle Creek Golf Community Phase II, a subdivision in Vigo County, State of Indiana as shown by the plat thereof recorded in Plat Record 31, Page 1 of the records of the Vigo County Recorder's Office—hereby establishes protective covenants, easements, reservations and restrictions affecting the Subdivision THAT ARE IN ADDITION TO those set forth in that certain Declarations of Protective Covenants, Easements and Restrictions Affecting Idle Creek Golf Community Phase II dated January 30, 1997 and recorded February 19, 1997 in Miscellaneous Record 208, Page 189, of the records of the Vigo County Recorder's Office (the "Original Covenants")—these protective covenants, easements, reservations and restrictions and the Original Covenants are hereinafter collectively referred to as the "Covenants". Notwithstanding anything apparently to the contrary contained in the Original Covenants or this indenture, to the extent anything herein contradicts or conflicts with the Original Covenants, the terms set forth in this indenture shall override and prevail.

The Covenants are to run with all the land in the Subdivision--unless hereafter excepted from the terms hereof by recording with the Vigo County Recorder an indenture to that effect executed by the Committee (as defined in the Original Covenants)--and shall be binding upon all persons owning lots in the Subdivision, or persons claiming under them, until January 1, 2014—or as thereafter extended by operation of the provisions of Section 27 of the Original Covenants.

The invalidation or voidance of any of the Covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

1. With regard to Lots 88 through 106, inclusive, in the Subdivision, the residence constructed on any such lot shall be at least 2,200 square feet (excluding the basement area), must be a brick or stone exterior, and the

2

street light deposit associated with each such lot shall be \$1,000.00 (same to be paid on every transfer other than residences being built by the builder for sale to the public).

2. With regard to Lots 118, 119, 121, 122, 124, 126, 127, 128, and 129 in the Subdivision, the residence constructed on any such lot shall be at least 2,000 square feet (excluding the basement area), must be a brick or stone exterior, and the street light deposit associated with each such lot shall be \$1,000.00 (same to be paid on every transfer other than residences being built by the builder for sale to the public).
3. With regard to Lots 113, 114, 115, 116, 117, 120, 123, and 125 in the Subdivision, the residence constructed on any such lot shall be at least 1,700 square feet (excluding the basement area), must have a brick or stone front exterior, and the street light deposit associated with each such lot shall be \$750.00 (same to be paid on every transfer other than residences being built by the builder for sale to the public).
4. With regard to Lots 107 through 112, inclusive (both condominiums and villas), in the Subdivision, the residential units constructed on any such lot shall each be at least 1,600 square feet (excluding the basement area) and shall each have an attached 2-car garage, must have a brick exterior, and the street light deposit associated with each such lot shall be \$375.00 (same to be paid on every transfer). Should the first party developing such a lot desire, a single-family home may be built on any of such lots; however, such a single family home would have to be of at least 2,000 square feet (excluding the basement area), must have a brick or stone exterior with a 2-car attached garage, and the street light deposit associated with each such lot shall be \$1,000.00 (same to be paid on every transfer other than residences being built by the builder for sale to the public).

IN WITNESS WHEREOF, the Developer has executed this indenture as of the

