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5. No dwelling shall be erected or placed on any lot having a width of less than one hundred (100) feet at the minimum building setback line, nor shall any dwelling be erected or placed on any lot having an area less than twelve thousand (12,000) square feet.

6. No lot shall be used at any time for a temporary residence nor shall any temporary residential structure or abode of any kind be permitted at any time on any lot. This restriction is intended to prevent living in a trailer, garage, or any other kind of vehicle, structure, or building except permanent residence. The use of roll siding or roll roofing in the exterior finish of any building will not be permitted.

7. No metal fences shall be constructed on any lot in said Addition nearer to the front property line thereof than the building line as set forth in the Plat of said Addition, but this restriction shall not prevent the planting of shrubbery or hedges or decorative wood fence for ornamental and decorative purposes, said hedges or shrubbery or fence, however, shall not exceed thirty (30) inches in height.

8. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one (1) square foot in area, one sign of not more than five (5) square feet advertising the property for sale or rent, or signs used by a builder to advertise property during the construction and sales period.

9. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept, provided they are not kept, bred, or maintained for any commercial purpose.

10. All driveways between garage and any street shall be of a minimum width of sixteen (16) feet and shall be constructed of concrete.

11. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be placed in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept clean and sanitary.

12. No noxious or offensive trade or commercial activity may be performed or conducted on any lot at any time.

13. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between two (2) and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten (10) feet from the intersection of a street property line with the edge of a driveway pavement. No tree shall be permitted to remain such distances from the intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

14. No lots in said Addition shall be subject to the easements indicated upon the recorded Plat for any or all of the following purposes: For the construction and maintenance of poles, wires or conduits and the necessary or proper attachments in connection therewith for the transmission of electricity or for telephone or other purposes; also for the construction and maintenance of surface and water drains, public sewers, pipe lines for supplying gas, water, and heat; and for any other public or quasi

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public utility or function maintained, furnished or performed by or through any method beneath the surface of the earth. Any municipal, public or quasi public corporation engaged in supplying one or more of the above utilities shall have the right to enter upon the portions of land subject to said easements for any purpose for which said easements or right-of-ways are herein reserved.

15. 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 (25) years after the date of this instrument is recorded, after which time any and all of these restrictions and covenants may be changed, altered, amended, rescinded, vacated or abolished only by and with the written approval of the Allen County Planning Commission. Said Commission shall consider any proposal to change, alter, amend, rescind, vacate or abolish any of the protective covenants and restrictions only when the same shall have been presented in writing to said Commission, signed by the then owners of sixty (60%) per cent of the lots in said Addition, and shall be within the exclusive discretion of said Commission. No change, alteration, amendment, rescission, vacation or abolition shall be effective unless until such proposal, with the action of said Allen County Planning Commission endorsed thereon, shall have been duly recorded in the office of the Recorder of Allen County, Indiana, and a notation of such action made upon the recorded Plat of said Addition.

16. Before any dwelling or any lot in the subdivision shall be occupied, all improvements serving said lot as provided in the plans and specifications filed with the Board of Commissioners of Allen County shall have been previously installed.

17. Before any lot or tract may be used and occupied, such user or occupier shall first obtain from the Allen County Zoning Administration the Improvement Location Permit and the Certificate of Occupancy required by the Allen County Zoning Ordinance.

18. Invalidity of any of these restrictions or covenants by judgment or court order shall in no way affect any of the other provisions, restrictions or covenants which shall remain in full force and effect.

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, the undersigned Notary Public personally appeared William Wismer who acknowledged the execution of the above and foregoing Protective Restrictions this 11th day of May, 1970.

My Commission Expires: September 14, 1970
Richard K. Shouffer, Notary Public

These Restrictive Covenants Were Prepared By: William Wismer, Developer
9705 Illinois Road
Fort Wayne, Indiana

Christy Cop
Original Plat
revised in Plat Book 32 at Page 63

Duly Received
ALLEN COUNTY RECORDER

1970 SEP 20 AM 11 05

PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS
AND EASEMENTS FOR
DETACHED ESTATES
SECTION "B"
AN ADDITION TO THE CITY OF FORT WAYNE
ALLEN COUNTY, INDIANA

Book 32 Page 108

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All lots in said Addition shall be subject to and impressed with the restrictions, covenants, limitations, easements and other charges hereinafter set forth, and shall be considered a part of any conveyance of any lot in said Addition without being written therein. Said restrictions, limitations, and other charges shall be covenants with the land for the benefit of and enforceable by the Allen County Planning Commission and each and all of the owners of the lots in said Addition, all or any of whom shall be entitled to injunctive relief against any violations or attempted violation of said restrictions and limitations and also to damages in actions at law resulting from any violation thereof. It is the intention to confine enforcement of the restrictions and limitations hereby imposed to proceedings in equity and actions at law. There shall be no right of reversion or forfeiture of title resulting from the violation of said restrictions and limitations.

The restrictions and limitations imposed upon the lots in said Addition are as follows:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two and one-half stories in height, and a private garage for two cars.

2. No lot may be subdivided to form units of less area, nor shall more than one (1) building for principal use be erected on any lot. No combination of lots may be further subdivided unless approval therefor shall have been obtained by the Allen County Planning Commission.

3. No dwelling may be permitted on any lot at cost of less than ten thousand and no/100 (\$10,000.00) Dollars based upon cost levels prevailing on the date those covenants are recorded, it being the intention and purpose of the covenants to assure that all dwelling shall be of a quality of workmanship and materials substantially the same or better than that which can be produced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floor area of the main structure, exclusive of one story open porches and garages, shall be not less than one thousand (1,000) square feet for a dwelling of one story in height, nor less than seven hundred (700) square feet for a dwelling of more than one story.

4. 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 recorded Plat. No building shall be located nearer than ten (10%) per cent of the lot width to an interior lot line and the combined width of both side yards shall be not less than twenty-five (25%) per cent of the lot width. No dwelling shall be located on any interior lot nearer than twenty-five (25) feet to the rear lot line. No building shall be erected within the public easements indicated on the Plat, and in any event, no garage may be located nearer than seven (7) feet to the rear lot line. The removal of any obstructions by a utility company from a utility easement shall in no way obligate the utility company in damages or to restore said obstruction to its original form.

DULY ENTERED FOR TAXATION

SEP 30 1970

Walter H. Summers
AUDITOR OF ALLEN COUNTY

Instrument D-5089

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Christoff Boy

Original Plat
recorded in Plat record 32 at Page 63

Book 32 Page 108

Donahy E. Riser
ALLEN COUNTY RECORDER

PROTECTIVE RESTRICTIONS, COVENANTS, LIMITATIONS
AND EASEMENTS FOR
DEERFIELD ESTATES
SECTION "B"

15940

1970 SEP 30 AM 11 06

AN ADDITION TO THE CITY OF FORT WAYNE
ALLEN COUNTY, INDIANA

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DULY ENTERED FOR TAXATION

SEP 30 1970

Wallace H. Simmons
AUDITOR OF ALLEN COUNTY

Instrument D 5089

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STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

Before me, the undersigned Notary Public personally appeared William Wismer who acknowledged the execution of the above and foregoing Protective Restrictions this 11th day of March, 1970.

My Commission Expires:
September 14, 1970

William Wismer
William Wismer

Richard A. Snouffer, Notary Public

These Restrictive Covenants Were Prepared By: William Wismer, Developer
9705 Illinois Road
Fort Wayne, Indiana

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