

Angela L. Garney
HUNTINGTON COUNTY RECORDER 3P
00025371 Page 1 of 3
ALB Date 11/03/2003 Time 11:33:20

**DEDICATION AND PLAT
OF
STONEY BROOK HEIGHTS ADDITION**

**SECTION 6
HUNTINGTON, INDIANA**

**Lots 139-152, 158-165, 179-186, & 167-168 Containing
32 lot's**

The undersigned, Biggs, Inc., owners in fee simple of the real estate known as Stoney Brook Heights, Section 6, do now and hereby cause said real estate to be platted into lots, streets and easements in accordance with the plan and plat attached hereto, subject to the covenants, restrictions and limitations hereinafter set forth.

1. **PLAT.** The lots in said section are designated by numbers on said plat from 139 - 152, 158-165, 179-186, and 167-168 inclusive and dimensions in feet and decimal parts thereof are noted on the face of the plat.

All streets in these sections shall be constructed in conformity with all the existent standards and specifications therefor established by the Board of the City of Huntington, Huntington County, Indiana, the width of all streets in said Addition are as shown on the face of the plat and so much of said streets is hereby dedicated to the use and purpose of a public highway.

All lots in this Addition shall be subject to the provisions of building set back lines, covenants, agreements, easements, restrictions, condition and limitations as hereinafter set out which shall be binding upon the purchasers of any of said lots, their heirs, executors, administrators, grantees and assigns, and said covenants, agreements, easements, restrictions, conditions and limitations shall run with the land and shall be binding upon all owners of said lots, present and future and upon any and all persons claiming under them until twenty (20) years from recordation hereof, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by a vote of the majority of the then owners of the lots, it is agreed to change the said covenants in whole or in part.

2. **USE OF LAND.** All lots in Stoney Brook Heights Addition shall be used for residential purposes only and no previous...

activity may be conducted on any lots, particularly home beauty shops and garage repair.

No goats, chickens, rabbits, cows or any obnoxious animals shall be kept on any of said lots, provided that, this shall not prohibit the keeping of dogs, cats, and birds as pets if the keeping of same is not a commercial enterprise.

No buildings or other structures other than residential units, not to exceed two (2) stories in height to be used for the occupancy of a single family, per unit, shall be erected, altered, placed or permitted to remain on any of said lots, nor shall any part or portion thereof be used or occupied for any purpose except that of a private residence exclusively, provided however, that this restriction shall not exclude the erection on said lots of one (1) private garage for not more than three (3) cars and in addition thereto one (1) proper one-story outbuilding for use as a tool or garden house, covered summer-house, playhouse or barbecue, etc., not to exceed a ground floor area of four hundred (400) square feet.

In no case shall any structure, yard fence, or private convenience placed upon any of said lots encroach upon easements indicated on the plat or herein set out, or obstruct the front view at the set back line. All final yard work and or grading shall conform to the necessary grades to enable storm water swales to function properly.

3. **EASEMENTS.** Easements as shown on the plat are hereby expressly reserved and dedicated for the installation, erection, construction and maintenance of sewers, drains, pipe lines, conduit, poles, wires, and the necessary and proper attachments in connection therewith and or any other public utility furnished beneath the surface of the ground. Any individual or corporation engaged in the installation or maintenance of any sewers, drains, pipe lines, conduit, poles, wires, etc., for furnishing any utilities shall have the right to enter upon said easement for any purpose for which easements are reserved, using care however, to restore the said premises as nearly as possible to the same condition which existed at the time of such entry.
4. **GROUND FLOOR AREA.** No dwelling house shall be erected or permitted on any of the lots whereby, the ground floor of which exclusive of open porches, terraces and garage is less than seven hundred twenty (720) square feet in the case of one-story structures or less than six hundred (600) square feet in the case of one and one half ($1\frac{1}{2}$) or two (2) story structures.

5. NO TEMPORARY DWELLINGS. No trailers, basement, tent, shack, garage, barn or other outbuildings on any lot shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
6. SIGNS AND BILLBOARDS. No billboards or other advertising signs or devices shall be placed or maintained on any lot other than one (1) sign having not more than four (4) square feet of surface advertising the lot or dwelling house for sale or lease; provided however, that such billboards or other advertising signs or devices may be erected and maintained as are necessary for the original sale of said lots.
7. The owner, present and future may enforce all of the above covenants by injunction and or violation they shall have cause of action for damages against the person or persons violating or attempting to violate such covenants or to recover damages or other dues for such right or cause of action to enforce any of the covenants herein at the time of such violation or attempt to violate such covenants shall in no event be deemed to be a waiver of the right to do so thereafter.
8. Invalidation of any one of the covenants by Judgement or court order shall in no way effect any of the other provisions, which shall remain in force and effect.

IN WITNESS WHEREOF, the said Biggs, Inc., has caused its corporate name to be hereunto subscribed and its corporate seal hereunto affixed, by Ralph E. Biggs, its President and Carol A. Bentz, its Secretary, thereunto duly authorized by Resolution of its Board of Directors, this 30 day of OCT 2003.

BIGGS, INC.

Ralph E. Biggs
By: Ralph E. Biggs, its President

ATTEST:

Carol A. Bentz
By: Carol A. Bentz, its Secretary

THIS INSTRUMENT PREPARED BY:
RALPH E. BIGGS
BIGGS, INC.
522 S. 13TH STREET
DECATUR, IN 46733