

092779

# Warranty Deed

THIS INDENTURE WITNESSETH That FLORIAN V. O'DAY FAMILY PARTNERSHIP, A.K.A. O'DAY AND COMPANY, A PARTNERSHIP UNDER THE TERMS OF A CERTAIN PARTNERSHIP AGREEMENT DATED 1/1/74, AS TO AN UNDIVIDED 48% INTEREST; KATHRYN O'DAY AS TRUSTEE U/A/D 12/12/78, AS TO AN UNDIVIDED 26% INTEREST; FLORIAN V. O'DAY, AS TRUSTEE U/A/D 11/6/78, AS TO AN UNDIVIDED 26% INTEREST

of Lake County, in the State of Indiana Convey and Warrant

PAUL M. WHITENER AND COMPANY INC.

of Lake County, in the State of Indiana, for and in consideration of the sum of

-----TEN AND NO/100-----DOLLARS

the receipt whereof is hereby acknowledged, the following described Real Estate in Lake County, in the State of Indiana, to-wit:

52-70

Lot# 7, Patnoe 1st Addition to the Town of St. John, Lake County, Indiana. Plat Book 66, page 45, (12523 105th St. St. John, IN) Subject to the following restrictions.

All taxes for the year 1989 payable in 1990 and thereafter. All restrictions and easements of record if any. Consideration of this deed is for vacant land only. Also, a list of restrictions on attached sheet.

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CHICAGO TITLE INSURANCE COMPANY  
INDIANA DIVISION

Apr 3 10 12 AM '90  
ROBERT "BOB" FREEMAN  
RECORDER

FILED FOR RECORD

In Witness Whereof, The said Kathryn O'Day and Florian V. O'Day

have hereunto set their hands and seal, this 26th day of January

Kathryn O'Day (Seal) Florian V O'Day (Seal)  
Kathryn O'Day Trustee Florian V. O'Day, Managing Partner  
Trust Dated December 12, 1978. (Seal) Florian V. O'Day, Family Partnership A.K.  
(Seal) O'Day & Company, A Partnership (Seal)  
(Seal) Florian V. O'Day (Seal)  
Florian V. O'Day, Trustee

STATE OF INDIANA, Lake COUNTY, as: Trust Dated November 6, 1978

Before me, the undersigned, a Notary Public in and for said County, this 26th day of January 19 90 came

Kathryn O'Day and Florian V. O'Day, and acknowledged the execution of the foregoing instrument.

Witness my hand and official seal.

My Commission expires Feb. 10, 1991

Betty Novack 001508  
Notary Public  
"Betty Novack", Resident Lake County

This instrument prepared by: F.V. O'Day 10117 Kennedy Ave. Highland, IN. 46322  
Mail Tax Statement To: Paul M. Whitener P.O. Box 310 St. John, IN.

1. All lots in this addition shall be used for residential purposes only.
2. There shall be a minimum setback of 40 feet unless shown differently on the plat as approved by the Plan Commission.
3.
  - (a) All one story residential structures with basements shall have a minimum 1st floor area of 1200 sq. ft.
  - (b) All 1 1/2 story residential structures with basements shall have a minimum 1st floor area of 1200 sq. ft.
  - (c) Bi-level residential structures shall have a minimum foundation area of 1200 sq. ft.
  - (d) All 2 story residential structures with basements shall have a minimum total area of 2400 sq. ft.
  - (e) All residential structures without a basement or on a concrete slab shall have a minimum 1st floor area 30% greater than listed above. This does not pertain to tri-level structures where a portion of the structure may not have a full basement.
  - (f) The above minimum areas do not include porches, breezeways or attached garages.
  - (g) All accessory buildings shall have a minimum size of 14 x 20 ft.
  - (h) All residences must have garages attached or provisions for future detached garages.
  - (i) All residences must have masonry chimneys on exterior of house.
4. No structure of a temporary character, trailer, basement, tent, shack, barn, or outbuilding shall be used on any tract in this addition at any time as a residence of either temporarily or permanently.
5. No building previously constructed elsewhere shall be moved upon any tract in this addition.
6. Fuel tanks shall either be buried outside the structure or be placed inside the basement.
7. All sidewalk grades be established by the Town Engineer.
8. No residence or structure shall be commenced, erected, or maintained on any lot in this addition until the construction plans and specifications have been submitted to and approved by duly authorized agents or assigns, and approved by same.
9. These restrictions and conditions may also be enforced by the owner or owners of any lot in this addition by proceeding against anyone violating or attempting to violate any restriction; which proceedings may be to restrain such violation or to recover damages, or both.
10. The conveyance of all lots in this addition shall be subject to the above restrictions and conditions for a period of twenty (20) years from the date of the recording of this addition with the recorder of Lake County, Indiana.
11. A set of all plans must be on file in the sellers office.
12. To the extent that any of the above restrictions or parts thereof are less restrictive than any part of the subdivision regulations or ordinances of the Town of St. John, the greater restriction shall apply.

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