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**DECLARATION OF COVENANT AND RESTRICTION FOR
ORCHARD PARK FIRST ADDITION TO THE
CITY OF HAMMOND, LAKE COUNTY, INDIANA**

THIS DECLARATION, made this 9th day of December, 2002, by **SOUTH PARK, INC.** (hereinafter sometimes referred to as "South Park").

WITNESSETH:

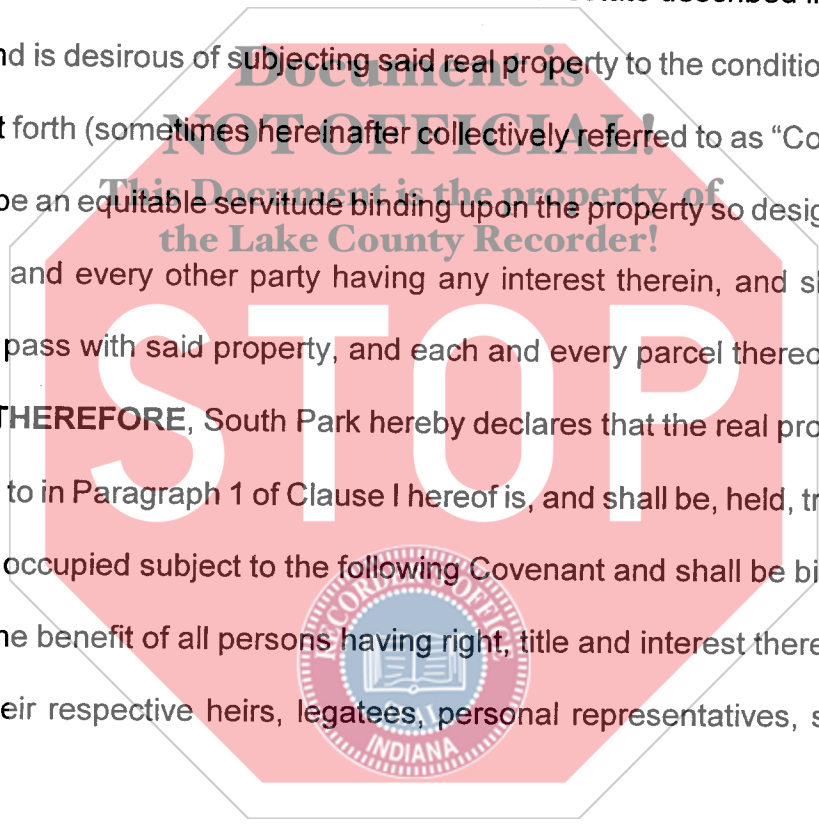
WHEREAS, South Park is the owner of the real estate described in Clause I of this Declaration and is desirous of subjecting said real property to the condition and restriction hereinafter set forth (sometimes hereinafter collectively referred to as "Covenant") which is declared to be an equitable servitude binding upon the property so designated and each owner thereof and every other party having any interest therein, and shall inure to the benefit of and pass with said property, and each and every parcel thereof.

NOW, THEREFORE, South Park hereby declares that the real property described in and referred to in Paragraph 1 of Clause I hereof is, and shall be, held, transferred, sold, conveyed and occupied subject to the following Covenant and shall be binding upon and shall inure to the benefit of all persons having right, title and interest therein and any part thereof and their respective heirs, legatees, personal representatives, successors and assigns.

CLAUSE I

PROPERTY SUBJECT TO AND BENEFITTING FROM THIS DECLARATION

1. The real property which is the property benefited, and shall be held, transferred, sold, conveyed, used and occupied subject to the Covenant will be commonly known as **ORCHARD PARK FIRST ADDITION TO THE CITY OF HAMMOND, LAKE COUNTY, INDIANA**, the legal description of which is as follows:



2002
113328

STATE OF INDIANA
LAKE COUNTY
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PETER BENJAMIN,
LAKE COUNTY AUDITOR

Handwritten signatures and initials:
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DESCRIPTION: Part of the West Half of the Northwest Quarter of Section 15, Township 36 North, Range 9 West of the Second Principal Meridian in the City of Hammond, Lake County, Indiana, being more particularly described as follows: Beginning at the Southwest corner of Lot 8, Parrish Park sixth Subdivision to the City of Hammond, as shown in Plat Book 47, page 58 in the Office of the Recorder of Lake County, Indiana; thence South 88° 53' 18" East, along the North line of 175th Street (60 feet wide right-of-way), a distance of 183.38 feet; thence North 00° 40' 33" East, a distance of 756.81 feet, to a point on the South Right-of-Way line of Orchard Drive; thence South 58° 36' 58" East, along said Right-of-Way line, a distance of 277.18 feet, to the Northwest corner of Lot 1 in said Parrish Park Sixth Subdivision; thence South 05° 46' 02" West, along the West line of said Parrish Park Sixth Subdivision, a distance of 619.10 feet to the Point of Beginning, containing 3.369 acres, more or less, all in the City of Hammond, Lake County, Indiana.

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CLAUSE II

This Document is the property of
the Lake County Recorder!
RESTRICTION

South Park subjects the real estate described herein to the covenant contained in this Clause, which is declared to be an equitable servitude binding upon the property described herein and each owner thereof and every other party having any interest therein and shall inure to the benefit of and pass with said property and each and every parcel thereof. The owner hereby declares the real estate described herein shall be held, transferred, sold, conveyed and occupied subject to the following covenant:

Record titleholders of Lots 1 through 11 of the Orchard Park First Addition subdivision shall be individually and collectively responsible for the maintenance of the green strip dedicated to the City of Hammond on the plat of subdivision and located between the east curb of Florida Avenue and the east property line of the property subdivided herein and Outlot A. Notwithstanding the preceding sentence to the contrary, the record titleholders of Lots 1 through 11 of Orchard Park First Addition Subdivision shall be relieved of the maintenance of Outlot A if the ownership of Outlot A is transferred to the record titleholder of Lot 1, Parrish Park Sixth Subdivision to the City of Hammond as recorded in Plat Book 47, page 58 in the Office of the Recorder of Lake County, Indiana. The City of Hammond is hereby declared to be a third-party beneficiary to the terms and provisions of this Covenant and shall have the right to enforce the provisions of this section by

maintenance of said parcel. In addition, there shall be no access to Florida Avenue by any of the record titleholders of Lots 1 through 8 of Parrish Park Sixth Subdivision to the City of Hammond as recorded in Plat Book 47, page 58 in the Office of the Recorder of Lake County, Indiana by virtue of the platting of the Orchard Park First Addition Subdivision.

IN WITNESS WHEREOF, SOUTH PARK, INC., by its duly elected and authorized officers, has caused these Declaration of Covenant to be signed.

SOUTH PARK, INC.

By: *Carl J. Oman*
Carl J. Oman, President

Attest: *Murray R. Crim* SEC/TREA
Murray R. Crim, Secretary/Treasurer

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

BEFORE ME, a Notary Public in and for said County and State, on this 9th day of December, 2002, personally appeared Carl J. Oman and Murray R. Crim as the President and Secretary/Treasurer of **South Park, Inc.**, and duly acknowledged the execution of the above and foregoing Declaration of Covenant, Condition and Restriction for Orchard Park First Addition to the City of Hammond, Lake County, Indiana for and on behalf of said **South Park, Inc.**, as aforesaid and as its voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

Denise Kessler
Denise Kessler, Notary Public

My Commission Expires: June 25, 2008

County of Residence: Lake

This instrument prepared by: Richard E. Anderson, #2408-45
Anderson & Ward, P.C.
Barrister Court
9211 Broadway
Merrillville, IN 46410
(219) 769-1892

