

DEER CREEK ESTATES
LIVING COUNTY
FILED FOR RECORD

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DEER CREEK ESTATES
COVENANTS AND RESTRICTIONS

July 14, 2002

Deer Creek Estates Development is subject to the following Covenants and Restrictions for the mutual benefit and protection of the owners of the lots in this development.

These provisions intend to protect the owners against such uses as may depreciate the value of their property and to insure the owners of their enjoyment of the property.

1. **Land Use and Building Types:**

Each lot shall be used exclusively as a site for a dwelling for private residence by only one family. No structure of a temporary character, including but not limited to basements, tents, garages, shacks, or other out-buildings shall be used on any parcel at any time as a residence, either temporary or permanent.

2. **Architectural Specifications:**

Structures: No structure shall be erected, placed or altered on any lot until the following have been approved by the Home Committee as to the quality of workmanship and materials, harmony of design with existing structures, and as to locations with respect to topography and finish grade elevations:

- a. all construction plans and specifications,
- b. a plat showing the location of the structure or structures on the lot or lots.

A structure is defined as any building, fence, wall, walk, outdoor light, deck, pool, driveway or pond. Only site built homes shall be permitted. No building, nor any structure, shall be moved to any lot in Deer Creek Estates.

Materials: At least 25 % of the front exterior of the home shall be masonry. The material used on all structures must be the same or should harmonize with the material used on the exterior of the residence located on the said lot.

Yard Lights: All outdoor lighting shall be approved by the Home Committee.

Fences: Rear yard fences only are permitted. Fences must be painted or stained the same color as the color of the exterior of the residence located on the said lot. Sketches or photographs of the fence style planned must be submitted for approval consideration.

Swimming Pools: In-ground and above-ground swimming pools are permitted provided that above ground pools are attractively concealed from view.

3. **Deer Creek Estates Committee:**

The Home Committee, also known as the Committee, is initially composed of Mike Lukovic,
11552 Randolph Street, Crown Point, Indiana 46307 and; Mike Vasiljevic, 670 West 725 South,
Hebron, Indiana 46341.

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Deer Creek Estates Covenants & Restrictions
July 14, 2002-Page 2 of 4

As each new lot owner desires to be on the Committee, the initial two members may resign upon the total of lot owners to be three on the Committee.

The Home Committee may designate a representative to act for it

In the event of death or resignation of either of the initial members of the Home Committee, the remaining member shall have full authority to designate a successor.

Neither the members of the Home Committee nor its designated representative, shall be entitled to any compensation for the services performed pursuant to this covenant.

At any time, the then record owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Home Committee, or to withdraw from the Committee or restore to it, any of its powers and duties.

The Home Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Home Committee or its designated representative, fails to approve or disapprove within thirty (30) days after plans and specifications have been prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

Neither the Developer nor the Committee, nor any member thereof, shall be liable for any damage, loss or prejudice suffered or claimed by any owner or contractor who submits such plan on account of:

- a. any defects in any plans or specifications submitted, revised, or approved in accordance with the foregoing provisions;
- b. any structural or other defects in any work done according to such plans and specifications;
- c. the approval or disapproval of any plans, drawings and specifications, whether or not defective;
- d. the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications; and,
- e. the development of any property within Deer Creek Estates.

Any person submitting plans to the Committee shall hold the Developer, The Committee and any Committee Member thereof, harmless from all damage, loss or prejudice suffered or claimed by any third party, including attorneys' fees incurred.

4. Approval Process:

Each lot owner shall submit the following items to the Committee and receive the Committee's written approval of these items before construction may begin:

- a. Drawings showing all four elevations and masonry areas;
- b. Floor plan evidencing square footage;

Deer Creek Estates Covenants & Restrictions
July 14, 2002-Page 3 of 4

- c. Site plan showing placement of home on lot and location of driveway and walkways;
- d. Masonry sample and color sample for siding, roof, and exterior trim.

5. Building Location:

No house, garage, or other building shall be located closer than fifteen (15) feet from a side property line.

6. Construction Time:

All external work in the construction of any building shall be completed within one (1) year from the date of the building permit issuance. An extension of this time limit may be granted by the Committee through a written application to the Committee from the builder or lot owner.

No improvement which has been partially or totally destroyed by fire shall be allowed to remain in such state for more than ninety (90) days from the time of such destruction or damage.

All driveways and other entrances to any lot in the Development from the dedicated streets in the Development shall be paved no later than ninety (90) days after occupancy.

An extension may be granted by the Committee for reason of adverse weather conditions.

7. Minimum Square Footage Requirements:

Living area does not include basements, garages, patios, porches and decks. The minimum square footage of living area shall be as follows:

- a. 2,000 sf for a ranch-style home;
- b. 2,400 sf for a two storey or storey-and-a-half home;
- c. 2,700 sf for a tri-level.

No bi-levels or raised ranch homes shall be permitted to be built on any lot within Deer Creek Estates.

All homes shall have an attached garage and the roof pitch shall be 5/12 or steeper. A special roof pitch exception may be granted to maintain architectural continuity.

8. Uses Not Permitted:

No trailer, garage, barn, storage shed, outbuilding, or any other additional structure shall be used either temporarily or permanently as a dwelling or residence.

No trailers, boats, motor vehicles or recreational vehicles are permitted to be stored on any lot for a period of time in excess of two weeks, unless said personal property is stored in a fully enclosed building.

Deer Creek Estates Covenants & Restrictions
July 14, 2002-Page 4 of 4

9. Term:

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 from the date these covenants are recorded; after which time, said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded thereby agreeing to change said covenants in whole or in part.

10. Enforcement:

Enforcement of the stipulated covenants and restrictions shall be by proceedings at law under the jurisdiction of the State of Indiana, or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

11. Severability:

Invalidation of any one of these covenants by judgement or court order shall not affect any of the other provisions which shall remain in full force and effect.

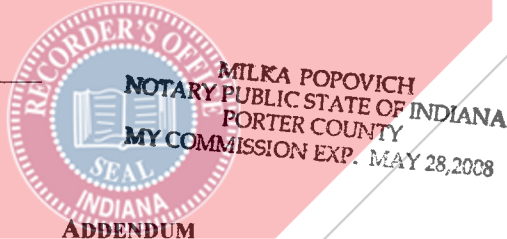
Miodrag Vasiljevic
Miodrag Vasiljevic

Milosava Vasiljevic
Milosava Vasiljevic

Milos Lukovic
Milos Lukovic

Maria Lukovic
Maria Lukovic

Milka Popovich
Notary Public



Modulars, sectionals, or pre-fabricated homes are not permitted in Deer Creek Estates.
Stick-built homes only according to building specifications outlined in No. 7 above.