

DECLARATION OF SUPPLEMENTAL
COVENANTS AND RESTRICTIONS

This Declaration of Supplemental Covenants and Restrictions ("Declaration") is made this 20th day of September, 1993 by the undersigned owner of Lots 859 -888, inclusive, in Section XXXVII, Foxcliff Estates South Subdivision, (the "Lots") as per plat thereof recorded at Deed Record 299 page 265, in the Office of the Recorder of Morgan County, Indiana.

WHEREAS, the owner of the lots desires to further enhance the value and marketability of the lots by establishing to a higher standard of building restrictions than now pertains to the lots.

THEREFORE, the owner declares as follows:

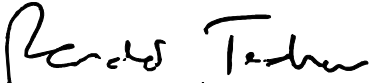
- 1) The following standards shall apply:
 - a. Building on said lots will be restricted to first-class single family dwellings of at least 2650 square feet heated living area, exclusive of decks, porches, garages, breezeways or basements.
 - b. Roof slopes are to be of 8-12 or greater pitch.
 - c. At least the first floor of all dwellings are to be brick or masonry veneered.
 - d. Garages shall be three-car or larger in size.
 - e. Shingles shall be of architectural design quality - no flat shingles shall be used.
 - f. Driveways shall be of concrete construction
- 2) This Declaration shall be effective upon recordation by the Morgan County, Indiana, Recorder and shall run with the land.
- 3) This Declaration is to be construed as supplementing existing covenants and restrictions now in place regarding the said Section XXXVII, and shall not void any restriction, rule or qualification now in place and not specifically modified by these upgraded restrictions.
- 4) Violation of this Declaration will not result in reversion or forfeiture of land title, but the same may be enforced by any owner of the lots by complaint filed in a court of competent jurisdiction.
- 5) Building plans will be submitted to Foxcliff South Associates, Inc. for written approval by either the President or Secretary of said Corporation before submission to the Foxcliff Estates South Building Control Committee.
- 6) As regards golf course lakes and dams adjoining the lots and existing as of the date of this declaration:
 - a. Use of the lakes will be controlled by Foxcliff Associates, Inc. d/b/a Foxcliff Golf Club, its transferees, successors or assigns (the "Golf Club") provided fishing from a lot owner's property will not be prohibited.
 - b. The golf club is granted the right to maintain the existing pool of water over and across that portion of lots 861, 862, 873, 870 and 871 submerged by the adjoining lake as

built, and to maintain, repair or replace any dam or levee which encroaches as built on any lot.

7) The undersigned persons executing this Declaration on behalf of the owner represent and certify that they are the duly elected officers of the owner and have been fully empowered by proper resolution of the Board of Directors of the owner to execute this Declaration. The owner has full corporate capacity to make this Declaration pertaining to the real estate described herein and that all corporate action necessary for the making of the Declaration has been taken and done.

IN WITNESS WHEREOF, the owner has caused this Declaration to be made and executed this 20th day of September, 1993.

FOXCLIFF SOUTH ASSOCIATES, INC.:



Ronald Tedrow, President

ATTEST:



Michael S. Wolff, Secretary

STATE OF INDIANA)
) **SS:**
COUNTY OF MARION)

Before me a Notary Public, in and for said County and State, personally appeared Ronald Tedrow and Michael S. Wolff, known to me to be the President and Secretary of Foxcliff South Associates, Inc., who acknowledge the execution of the foregoing, and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and Notarial Seal this 20th day of September, 1993.

My Commission Expires:
May 14, 1995
Resident of Marion County



Gloria K Emborsky, Notary Public

This instrument prepared by Ronald Tedrow, Attorney

Please return this document to Foxcliff South Associates, Inc., 3616 W. 16th Street, Indianapolis, Indiana 46222.