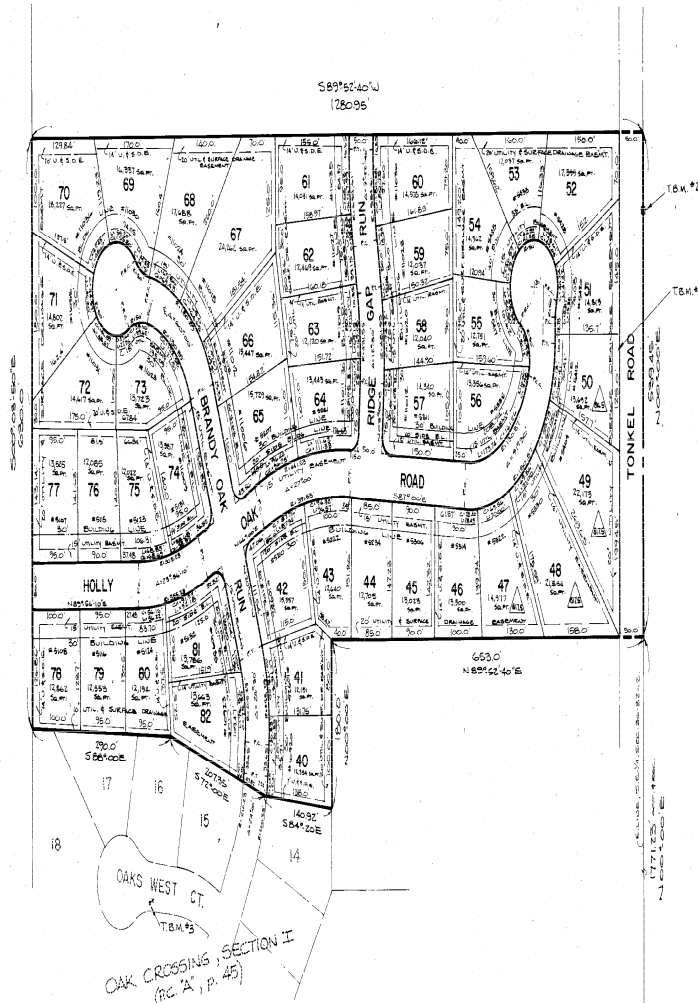


THE AMENDED  
SECONDARY PLAT OF:  
**OAK CROSSING, SECTION II**

A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 36,  
TOWNSHIP 32 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA.

DEVELOPER:  
LEFT GUARD CORPORATION  
510 W. WASHINGTON BLVD.  
FORT WAYNE, IN. 46802

ENGINEER:  
Z.K. TAZIAN ASSOCIATES, INC.  
345 W. WAYNE STREET  
FORT WAYNE, IN. 46802



Left Guard Corporation, by its President Mark F. Hagerman,  
owner of the real estate described as:

Part of the East Half of Section 36, Township 32 North, Range  
12 East, Allen County, Indiana, more particularly described  
as follows, to wit:

Beginning on the East line of the Southeast Quarter of said  
Section 36 at a point situated 1771.23 feet, N 00°-00' E  
(adjoining deed bearing and is used as the basis for the  
bearings in this description) from the Southeast corner of  
said Southeast Quarter; thence N 00°-00' E, on and along said  
East line, being within the right-of-way of Tunnel Road, a  
distance of 539.45 feet; thence S 89°-52'-40" W and parallel  
to the North line of the Fractional South Half of said  
Southeast Quarter, and by deed parallel to the South line of  
said Section 36, a distance of 1280.95 feet; thence S 00°-  
00'-50" E, a distance of 530.0 feet to the Northwest corner  
of Oak Crossing, Section I, the Plat of which is recorded in  
Plat Cabinet "A", page 45 in the Office of the Recorder of  
Allen County, Indiana; thence S 88°-40' E, on and along a  
North line of said Oak Crossing, Section I, a distance of  
290.0 feet; thence S 72°-00' E, on and along a North line of  
said Oak Crossing, Section I, a distance of 207.35 feet;  
thence S 84°-20' E, on and along a North line of said Oak  
Crossing, Section I, a distance of 140.92 feet to the  
Northeast corner of said Oak Crossing, Section I; thence  
N 00°-00' E and parallel to the East line of said Southeast  
Quarter, a distance of 180.0 feet; thence N 89°-52'-40" E and  
parallel to the North line of said Fractional South Half, a  
distance of 653.0 feet to the point of beginning, containing  
17.659 acres of land, subject to legal right-of-way for  
Tunnel Road and subject to all easements of record.

The net area, exclusive of right-of-way is 14.268 acres.

doe hereby subdivide and plat the same into lots, streets  
and easements as shown on the plat to be known as OAK  
CROSSING, SECTION II, this 27<sup>th</sup> day of May  
1988, doe hereby dedicate the streets thus shown to the  
public use and doe hereby subject and impress all of said  
lots in said addition with the restrictions, covenants,  
limitations and easements referred to in the Declaration of  
Covenants, Conditions and Restrictions attached hereto and  
made a part hereof by reference.

Left Guard Corporation, by:

*Mark F. Hagerman*  
Mark F. Hagerman, President

FILED FOR RECORD

MAY 2 1988

*Frank Brown*  
NOTARY PUBLIC

INSTRUMENT # 9407

STATE OF INDIANA

SS:

COUNTY OF ALLEN

Before me, the undersigned authority, a Notary Public in and  
for said County and State, this day personally appeared Mark  
F. Hagerman, known to me to be the person and President of  
Left Guard Corporation whose name is subscribed to the  
foregoing instrument, and acknowledged to me that the same  
was the act of the said Left Guard Corporation for the  
purpose and consideration therein expressed, and in the  
capacity therein stated.

Given under my hand and Seal of Office this 27<sup>th</sup> day of  
May, 1988.

*John A. Hester*  
Notary Public  
Resident of Allen County, Indiana

My Commission Expires:

2/3/92

- NOTES:
1. ALL BURIED UTILITIES SHALL BE REMOVED  
SINCE GRADES AS SHOWN ON THE ENGINEERING PLANS.
  2. (1) CHURCHES SUGGESTED MINIMUM BUILDING  
GRADE (MIN. LOT).
  3. ALL INTERSECTION RADIUS 20 FEET.
  4. ALL LOTS EXCEPT THE 15' N.W. COR. OF LOT  
80.0 ELEVATION = 814.00 (MSL).
  5. U.S.D.E. CHURCHES CHURCHES SUGGESTED  
MINIMUM BUILDING GRADE (MIN. LOT).
- BOUNDARY: AL-AT BOUNDARY (TOP N.W. CORNER)  
BY BOUNDARY (TOP N.W. CORNER) ST. J. R. R. ELEVATION = 814.00 (MSL)

T.B.M. #1 : P.N. NAIL SET IN WEST FACE OF 18" ELM  
TREE 15' SOUTH OF N.E. COR. OF LOT  
80.0. ELEVATION = 814.00 (MSL)  
(SEE PLAN FOR NAIL SET LOCATION)

T.B.M. #2 : I.D.W. CORNER MONUMENT BOX IN  
P.A.VEMENT TUNNEL ROAD.  
ELEVATION = 815.10 (MSL)

T.B.M. #3 : TOP OPERATING WPT OF FIRE HYDRANT  
OAKS WEST COURT  
ELEVATION = 815.10 (MSL)

C.E. COR.  
S.E. & S.W. COR.  
T.S. & R. 202.

VALS

COUNTY SURVEYOR  
DATE 10-20-88  
*Louis A. Hester*  
Louis A. Hester, S.S.

PROTECTIVE RESTRICTIONS  
COVENANTS, LIMITATIONS, AND EASEMENTS  
APPENDED TO AS PART OF THE  
DEDICATION AND PLAT  
AMENDED PLAT OF OAK CROSSING, SECTION II

A Subdivision of part of the East Half of Section 36, Township 32 North, Range 13 East, Allen County, Indiana.

-----  
Left Guard Corporation, an Indiana Corporation, by its president, Mark F. Hagerman, and Jeffrey D. Rice and Tammy A. Rice, owners of Lot #69 in the plat of OAK CROSSING, SECTION II, hereby declare that they are the owners of the real estate shown and described in the AMENDED plat of OAK CROSSING, SECTION II, and do hereby lay off, plat and subdivide said real estate in accordance with the information shown on the certified plat appended hereto and incorporated herein. The subdivision shall be known and designated as the AMENDED PLAT of OAK CROSSING, SECTION II, a Subdivision of part of the East Half of Section 36, Township 32 North, Range 12 East, Allen County, Indiana.

The lots are numbered 40 through 82, both inclusive, and all dimensions are shown in feet and decimals of a foot on the plat. All streets and easements specifically shown or described are hereby expressly dedicated to public use for their usual and intended purpose.

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two and one-half stories in height. Each house shall include not less than a two car garage, which shall be built as part of said structure and attached thereto.

2. No building shall be built on any lot having a ground floor area upon the foundation, exclusive of one-story open porches, breezeway or garage, of less than 1400 square feet for a one-story dwelling, nor less than 950 square feet for a dwelling of more than one story.

3. No building shall be located on any lot nearer to the front lot line or nearer to the side street than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located nearer than a distance of ten percent (10%) of the lot width at the building line, and the combined width of both side yards shall be not less than a distance equal to twenty-five percent (25%) of the lot width. No dwelling shall be located on any interior lot nearer than 25 feet to the rear lot line.

4. No dwelling shall be erected or placed on any lot having a width of less than 75 feet at the minimum building setback line, nor shall any dwelling be erected or placed on any lot having an area of less than 12000 square feet.

5. No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure, have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finished grade elevations. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line.

6. Easements for the installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear seven (7) feet of each lot, or as shown on the plat for the construction of poles, wires and conduits and the necessary or proper attachments in connection therewith for the transmission of utilities, telephone service, construction and maintenance of drains, sewers, pipe lines, gas, water and heat and for any other public or quasi public utility or function. Any municipal, public or quasi public corporation engaged in supplying any one of more of the above utilities will have the right to enter upon said easements for any purpose of which said easements are reserved. All of said easements shall be kept free of permanent structures (except those installed by any such municipal, public or quasi public corporation) and removal of any obstructions by any such utility company shall in no way obligate the utility company to pay damages or to restore any such removed obstruction to its original form. All such obstructions, whether temporary or permanent, shall be subject to the paramount rights of any such utility company to construct, install, repair, maintain or replace its utilities and/or sewer installations.

7. No noxious or offensive activity shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance of the neighborhood.

8. No structure of a temporary character, trailer, boat, boat trailer, camper or camping trailer, basement, tent, shack, garage, barn or other outbuilding shall be either

ONLY ENTERED FOR TAXATION

used or located on any lot at any time or used as a residence, either temporarily or permanently.

9. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one foot square, one sign of not more than five square feet, advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

10. No radio or television antenna with more than 30 square feet of grid area or which attains a height in excess of six (6) feet above the highest point of the roof shall be attached to any dwelling house. No free standing radio or television antenna shall be permitted on any lot.

11. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot. No derrick or other structure designed for the use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

12. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.

13. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. No incinerators or outside incinerators shall be kept or allowed on any lot.

14. No fence, wall, hedge or shrub planting which obstructs sightline at elevations between two (2) and six (6) feet above roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sightline limitations shall apply on any lot within 10 feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections, unless the foliage line is maintained at sufficient height to prevent obstruction of such sightlines.

15. All buildings shall be constructed in a substantial and good workmanlike manner and of new materials. No roll siding, asbestos shingle siding, or siding containing asphalt or tar as one of its principal ingredients shall be used in the exterior construction of any building on any lots of said subdivision, and no roll roofing of any description or character shall be used on the roof of the dwelling house or attached garage on any of said lots.

16. All driveways from the street to the garage shall be poured concrete and not less than 16 feet in width. Any driveway constructed within the boundary lines of any lot prior to the existence of sidewalks shall be so constructed that the elevation thereof at a point one (1) foot outside of the lot boundary line shall be four (4) inches above the grade elevation of the established curb adjacent to such lot. It shall at this point have installed one-half inch bituminous expansion joint, and then proceed at a gradient of one-fourth inch per foot to a point of six (6) feet outside the lot boundary line at which point another one-half inch bituminous expansion joint shall be installed. The remaining five and one-half (5 1/2) feet to the curb shall have a gradient of one-half inch per foot.

17. All fuel and oil storage tanks shall be installed underground or concealed within the main structure of the dwelling house, its basement or attached garage.

18. No individual water supply, system or individual sewage disposal system shall be installed, maintained or used on any lots in this subdivision.

19. In addition to the utility easements herein designated, easements in the streets, as shown on this plat, are hereby reserved and granted to all public utility companies, the proprietors of the land herein platted and their respective successors and assigns, to install, lay, construct, renew, operate, repair, replace, maintain and remove all and every type of gas main, water main and sewer main (sanitary and/or storm) with all necessary appliances, subject nevertheless, to all reasonable requirements of any governmental body having jurisdiction thereof as to maintenance and repair of said streets.

20. No rain and storm water run off or such things as roof water, street pavement and surface water, caused by natural precipitation, shall at any time be discharged into or permitted to flow into the sanitary sewage system, which shall be a separate sewer system from the storm water and surface water run off sewer system. No sanitary sewage shall at any time be discharged or permitted to flow into the above-mentioned storm water and surface water run off sewer system.

21. The Architectural Control Committee is composed of two (2) members, the first Committee members to be Andrew C. Kurtz, Jr. and Mark F. Hagerman. The Committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining member shall have full authority to designate a successor. Neither the members of the Committee nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

22. The Architectural Control Committee's approval or disapproval, as required by these covenants, shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days, after plans and specifications have been submitted to it, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

23. The restrictions and covenants herein contained shall run with the land and be effective for a period of 25 years, unless prior to the expiration of 25 years said restrictions and covenants are altered or amended by the owners of sixty percent (60%) of the lots in said subdivision at the time the alteration or amendment of restrictions and covenants are made; provided, however, Left Guard Corporation, their successors or assigns shall have the exclusive right of two (2) years from the date of recording of this plat to amend any of the covenants and restrictions except Section 2 above. The term "owners" shall be a person firm or corporation in whose name the fee simple title appears of record in the Office of the Recorder of Allen County, Indiana. Any and all amendments or alterations to these restrictions and covenants shall be made subject to the prior approval of the Allen County Plan Commission.

24. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

25. No driveway access shall be permitted from lots numbered 48, 49, 50, 51 and 52 to the Tonkel Road right-of-way.

26. Before any house or building on any platted lot or tract in this subdivision shall be used and occupied as a dwelling or as otherwise provided in the subdivision restrictions above, the developer or any subsequent developing owner of said platted lot or tract shall install all improvements serving said platted lot or tract as provided in said plans and specifications for this addition filed with the Allen County Plan Commission.

27. For the purposes of this plat and the covenants appended thereto, the word "lot" may mean either any of said lots as platted or any tract or tracts of land as conveyed originally or by subsequent owners, which may consist of one or more lots or parts of one or more lots as platted upon which a residence may be erected in accordance with the restrictions hereinabove set out or such further restrictions as may be imposed by any applicable zoning ordinance, PROVIDED, HOWEVER, no tract of land consisting of part of any one lot or parts of more than one lot shall be considered a "lot" unless said tract of land has a frontage of 75 feet in width at the established building lines as shown in this plat.

28. No lot or combination of lots may be further subdivided until approval therefor has been obtained from the Allen County Plan Commission.

29. Before any lot or tract may be used or occupied, such user or occupier shall first obtain an Improvement Location Permit and Certificate of Occupancy, as required by the Allen County Zoning Ordinance.

30. Every owner of a lot shall be a member of the Oak Crossing Association, Inc. Membership shall be appurtenant to and may not be separated from ownership of any lot which is subject to assessment.

Said not-for-profit corporation, acting for and on behalf of the owners of lots as aforesaid, may impose upon the owners of each lot an annual maintenance fee in an amount to be determined by said corporation, but in no event more than Fifty Dollars (\$50.00) per year, and funds so collected shall be used by said corporation for the purpose of cutting of weeds on sold or vacant lots, seeing to the repair of public drains, providing community services and activities, and for such other purposes as the corporation may desire.

The membership within the association of owners of Lots in said Oak Crossing, Section I shall be comprised of two classes of voting membership:

Class A. Class A member(s) shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such

persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one vote be cast with respect to any one Lot.

Class B. The Class B member(s) shall be either Left Guard Corporation or any subsequent builder owner who is holding a lot for building and eventual sale. Class B members shall be entitled to three (3) votes for each lot owned. The Class B membership shall be converted to Class A membership on the happening of either of the following events, whichever occurs earlier.

(i) when title to all lots in all sections has been conveyed by Class B member(s) or

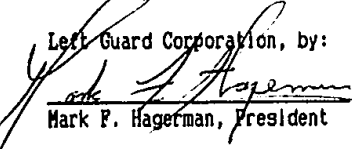
(ii) on December 31, 1995.

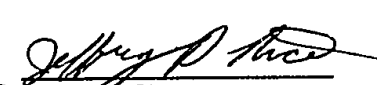
31. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect. Further, the owners expressly acknowledge that they have no right of reversion in the event any one of these covenants is violated by a subsequent owner.

32. Plans and specifications for this subdivision, on file with the Allen County Plan Commission require the installation of concrete sidewalks within the street rights-of-way in front of all lots. Installation of said sidewalks shall be the obligation of the owner of any such lot, exclusive of Left Guard Corporation, shall be completed in accordance with said plans and specifications and prior to the issuance of a Certificate of Occupancy for any such lot and the cost of said installation shall be a lien against any such lot enforceable by the Allen County Plan Commission or its successor agency. Should such Certificates of Occupancy be issued to Left Guard Corporation, said individual or corporation shall be considered an owner for the purposes of the enforcement of this covenant.

33. Surface drainage easements and common areas used for drainage purposes as shown on the plat are intended for either periodic or occasional use as conductors for the flow of surface water runoff to a suitable outlet, and the land surface shall be constructed and maintained so as to achieve this intention. Such easements shall be maintained in an unobstructed condition and the County Surveyor or a proper public authority having jurisdiction over storm drainage shall have the right to determine if any obstruction exists and to repair and maintain, or to require such repair and maintenance as shall be reasonably necessary to keep the conductors unobstructed.

Left Guard Corporation, by:

  
Mark F. Hagerman, President

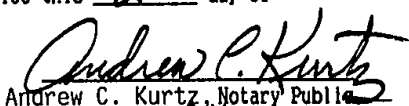
  
Jeffrey D. Rice

  
Tammy A. Rice

STATE OF INDIANA )  
                          ) SS:  
COUNTY OF ALLEN )

Before me, the undersigned authority, a Notary Public in and for said County and State, this day personally appeared Mark F. Hagerman, known to me to be the person and President of Left Guard Corporation whose name is subscribed to the foregoing instrument, and acknowledged to me that the same was for the act of the said Left Guard Corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

Given under my hand and Seal of Office this 2<sup>ND</sup> day of November, 1989.

  
Andrew C. Kurtz, Notary Public  
Resident of Allen County

My Commission Expires: 9-19-91