

Protective Restrictions, Covenants and Limitations of
NORTH SHORES SECTION IV
with Amendments

This document is an adaptation of the document recorded with the plat for this addition and in no way replaces it. The Shores Association Board of Directors is providing this document as a simpler reference for itself as well as other Association members. These restrictions, covenants and limitations apply to the following addresses:

Whaler's Cove

| | | | | |
|------|------|------|------|------|
| 4302 | 4307 | 4312 | 4317 | 4322 |
| 4303 | 4308 | 4313 | 4318 | 4323 |
| 4304 | 4309 | 4314 | 4319 | |
| 4305 | 4310 | 4315 | 4320 | |
| 4306 | 4311 | 4316 | 4321 | |

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ARCHITECTURAL CONTROL

No building, fence, wall or other structure shall be commenced, erected or maintained upon any Tract, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by the Architectural Control Committee, such Committee to be composed of three members. A majority of 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 members shall have full authority to designate a successor. If the said Board, or the Architectural Control Committee, fails to approve or disapprove such design and location within thirty (30) days after said 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 this Article will be deemed to have been fully complied with.

GENERAL PROVISIONS

Section 1.

No Tract shall be used except for residential purposes. Tracts as shown on the face of the plat shall not be used for more than two (2) dwelling units (either single family detached or attached units) and shall include not less than a two car garage which shall be built as part of said structure and attached thereto.

Section 2.

No multiple family building shall be built on any Tract having a ground floor area upon the foundation, exclusive of one-story open porches, breezeway or garage, of less than 520 square feet per dwelling for a dwelling of more than one story nor less than 900 square feet per dwelling for a one-story dwelling.

Section 3.

No building shall be located on any Tract nearer to the front Tract line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event, no building shall be located nearer than a distance of seven (7) feet to an interior Tract line. No dwelling shall be located on any interior Tract nearer than fifteen (15) feet to the rear Tract line.

Section 4.

No dwelling shall be erected or placed on any Tract having a width of less than 70 feet at the minimum building setback line, nor shall any dwelling be erected or placed on any Tract having an area of less than 8,000 square feet.

Section 5.

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 Tract or as shown on the plat. No owner of any Tract shall erect or grant to any person, firm or corporation, the right, license or privilege to erect or use or permit the use of overhead wires, poles, or overhead facilities of any kind for electrical, telephone or television services (except such poles and overhead facilities that may be required at those places where distribution facilities enter and leave the Subdivision). Nothing herein shall be construed to prohibit street lighting or ornamental yard lighting serviced by underground wires or cables. Electrical service entrance facilities installed for any house or other structure connecting the same to the electrical distribution system of any electric public utility shall be provided by the owners of all Tracts and shall carry not less than three (3) wires and have a capacity of not less than 200 amperes. Any electric public utility charged with the maintenance of any underground installation shall have access to all easements in which said underground installations are located for operation, maintenance and replacement of service connections. Any such electric public utility shall not be liable for damage to walks, driveways, lawn or landscaping which may result from installation, repair or maintenance of such service.

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Section 5 (a).

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.

Section 6.

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

Section 7.

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

Section 8.

No sign of any kind shall be displayed to the public view on any Tract except one professional sign of not more than one square foot, 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.

Section 9.

No radio or television antenna with more than thirty (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 Tract.

Section 10.

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

Section 11.

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

Section 12.

No Tract 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 Tract.

Section 13.

All buildings shall be constructed in a substantial and good workmanlike manner and of new materials. No roll siding, asbestos 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 Tract of said Subdivision, and no roll roofing of any description or character shall be used on the roof of any dwelling house or attached garage on any of said Tracts.

Section 14.

All driveways from the street to the garage shall be poured concrete.

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Section 15.

No individual water supply system or individual sewage disposal system shall be installed, maintained or used on any Tracts in this Subdivision.

Section 16.

No rain and storm water runoff 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 Runoff Sewer System. No sanitary sewage shall at any time be discharged or permitted to flow into the above mentioned Storm Water and Surface Water Runoff Sewer System.

Section 17.

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, erect, 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.

Section 18.

Before any house or building on any Tract in this Subdivision shall be used and occupied as a dwelling or as otherwise provided by the Subdivision restrictions above, the developer or any subsequent owner of said Tract shall install improvements serving said Tract as provided in said plans and specifications for this Addition filed with the Board of County Commissioners. This covenant shall run with the land and be enforceable by the County of Allen, State of Indiana, or by any aggrieved Tract owner in this Subdivision.

Section 19.

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

Section 20.

No driveway access shall be permitted from Tracts "F" through "I" inclusive onto Aboite Center Road right-of-way.

Section 21.

The Association, The Aboite Corporation, or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of these covenants and restrictions. Failure by the Association or by any Owner to enforce any covenant or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 22.

Invalidation of any one of those covenants or restrictions by judgment or court order shall in nowise affect any other provisions which shall remain in full force and effect.

Section 23.

No Tract or combination of Tracts may be further subdivided until approval therefore has been obtained from the Allen County Plan Commission.

Section 24.

The covenants and restrictions herein contained shall run with the land, and be effective for a term of twenty (20) years from the date these covenants and restrictions are recorded, after which time they shall automatically be extended for successive periods of ten (10) years; provided these covenants and restrictions may be amended by an instrument signed by

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not less than 75% of the Tract Owners, and provided, further, The Aboite Corporation, its successors or assigns shall have the exclusive right of two (2) years from the date of recording of the plat to amend any of the Covenants and Restrictions, with the approval of the Allen County Plan Commission, except Section 2 above.