

## AMENDMENT TO DECLARATION OF RESTRICTIONS

This document is an Amendment to the Declaration of Restrictions dated November 13, 1995, and recorded on November 16, 1995, in the office of the Recorder of Hamilton County as Instrument #9561310.

### WITNESSETH:

WHEREAS, the Declaration of Restrictions by Thompson Land Company, Inc., an Indiana Corporation dated November 13, 1995, and recorded on November 16, 1995, as Instrument #9561310 in the office of the Recorder of Hamilton County, Indiana contains certain errors of omission, and

WHEREAS, the Developer, Thompson Land Company, Inc., for itself and on behalf of Sweet Briar Development, LLC and Sunblest Farms, Inc., having discovered such omissions agree to now cure same.

Now, THEREFORE, the Developer, Thompson Land Company, Inc. declares that the following is intended to be a "Nunc Pro Tunc" style Amendment to the Declaration above identified, to have same effect as if the following had been contained in the Declaration dated November 13, 1995, to-wit:

PARAGRAPH 7. J. - Utility Services. - is hereby removed.

PARAGRAPH 4. B. - Construction of Sewage Lines. - Line 1 is amended by inserting "and Hamilton Southeastern Utilities, Inc. ("HSE") after the word "Health."

PARAGRAPH 4. - Provisions Respecting Disposal of Sanitary Waste. - is amended by adding:

4. C. Sanitary sewer and utility easements allow for the construction, extension, operation, inspection, maintenance, reconstruction, and removal of sanitary sewer facilities and gives HSE the right of ingress/egress.
- D. Pavement or concrete, including driveways and sidewalks, shall not be constructed on or within one (1) foot horizontal distance of any sanitary sewer manhole or clean-out casting.
- E. The drip line of all trees must be located a minimum of ten (10) feet from the center of sanitary sewers and manholes and no trees shall be planted directly over building sewers (laterals). Any landscaping placed within easements or right-of-ways is at risk of being removed by utilities without the obligation of replacement.
- F. No mounding, lighting, fencing, signs, retaining/landscaping/entrance walls, irrigation lines, etc. shall be placed within ten (10) feet of the center of the sanitary sewer infrastructure. Any of the above listed items placed within

easements or right-of-ways is at risk of being removed by utilities without obligation of replacement.

- G. All homeowners not serviced by gravity sanitary sewer service are responsible for all maintenance, repair and replacement of all grinder/ejector pumps, force mains and gravity laterals from the residence to its connection to the sanitary sewer main.
- H. Any discharge of clear water sources (foundation drains, sump pumps, roof drains, etc.) into the sanitary sewer system is strictly prohibited.
- I. Grade changes across sanitary sewer facilities must be approved in writing by Hamilton Southeastern Utilities, Inc.

The foregoing concludes the Amendment to the herein above referenced Declaration of Restrictions.

IN WITNESS WHEREOF, the undersigned, being the Developer herein has hereunto affixed its duly authorized signature this 31<sup>st</sup> day of July, 1998.

THOMPSON LAND COMPANY, INC.

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Corby D. Thompson, President

ATTEST:

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Jeffrey E. Thompson, Secretary

Before me, a Notary Public in and for the County of Hamilton and State of Indiana, personally appeared Corby D. Thompson and Jeffrey E. Thompson, President and Secretary respectively of Thompson Land Company, Inc., an Indiana Corporation and acknowledged their signature to the foregoing document for and in behalf of said corporation.

Witness by hand and Notarial Seal this 31<sup>st</sup> day of July, 1998.

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Donna Hansen - Notary Public

Commission Expires:

May 18, 1999  
County of Hamilton

This instrument was prepared by: Corby D. Thompson, President,

Thompson Land Company, Inc.