

DECLARATION OF RESTRICTIVE AND PROTECTIVE COVENANTS
OF
THE WOODS AT ST. MARYS

The Karen E. Waters Revocable Living Trust, dated July 11, 2007, by Successor Trustee, Thomas E. Waters, per the Resignation of Initial Trustees and Special Co-Trustee and Acceptance of Successor Trustee, recorded in the records of Floyd County, Indiana, Instrument #202009180, (the "Owner") being the Owner of all the lots in The Woods At St. Mary's Subdivision ("Subdivision") in Floyd Knobs, Floyd County, Indiana, of which is shown as Plat No. 1529 (the "Plat") in the office of the Recorder of Floyd County, Indiana, does hereby impose the following restrictions and protective covenants upon all real property comprising The Woods at St. Mary's Subdivision for the mutual benefit of all persons, firms, and corporations who may now or hereafter have any vested interest, legal or equitable, in any lot within The Woods at St. Mary's Subdivision.

RESIDENTIAL

The Woods at St. Mary's

1. Residential Use

No lot in The Woods at St. Mary's Subdivision shall be used for any purpose other than for one (1) private single family residence and accompanying outbuildings approved per county zoning regulations.

All builders building in The Woods at St. Mary's Subdivision shall be required to hire or retain a licensed surveyor in the State of Indiana in order to lay out home on lot within county requirements and the set-backs on the Plat. Owner shall not be responsible for any encroachments that may arise.

2. Restrictions

- A. The exterior building material of the front of all residences structures shall be brick or stone, brick veneer or stone veneer.
- B. The total livable square footage of any house to be constructed in the Subdivision shall be a minimum of 1,800 square feet, excluding basements or garages.
- C. No underground homes or log cabins will be allowed.
- D. No mobile homes or manufactured homes will be allowed to be placed on any lot.

- E. Driveways must use and conform to the layout of driveways shown on the Plat for ingress and egress to St. Mary's Road.
- F. Driveways may be a single lane width, a minimum of ten (10) feet wide at its narrowest point.
- G. Owners of Lot 1 and Lot 2, and Owners of Lot 3 and Lot 4, shall share the use of a single access point onto St. Mary's Road as described on the Plat, and each lot owner shall share with the adjoining lot owner the obligation and cost of maintenance of their respective single access driveway within their respective the joint access easement areas up to and including the point the driveway meets the surface of St. Mary's Road.
- H. No chain link, or barbed wire, fence shall be erected on any lot in the Subdivision.
- I. No solar unit may be visible from St. Mary's Road.
- J. Individual sewage disposal systems shall be permitted on all lots, and located and constructed in accordance with the requirements, standards, and recommendations of the State Board of Health and the Floyd County Health Department. Final approval of such systems as installed shall be obtained from the Floyd County Health Department. Sized to the number of bedrooms (currently sized up to 4 bedrooms per residence).
- K. All property in this Subdivision shall be conveyed subject to the easements and rights-of-way shown or noted on the recorded Plat.
- L. No trade or business of any kind shall be conducted on or out of any lot, including but not limited to, commercial breeding activities.
- M. No noxious or offensive activities shall be conducted on any lot, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood.

3. Restrictions Run With Land

Unless altered or amended under the provisions of this paragraph, these covenants and restrictions are to run with the land comprising The Woods of St. Mary's Subdivision and shall be binding on all parties claiming under them for a period of thirty (30) years from the date this documents is recorded, after which time they shall be extended automatically for successive periods of ten (10) years, unless and instrument signed by a majority of the then owners of the lots in The Woods of St. Mary's Subdivision have been recorded, agreeing to change said covenants in whole or in part. Failure of any owner to demand or insist upon observance of any of these restrictions or to proceed for restraint of violation shall not be deemed a waiver of the violation, or the right to seek enforcement of these restrictions. Owner reserves the right to modify these restrictions and covenants during the Owner of the Subdivision.

4. Invalidation

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.

5. Enforcement

Enforcement of these restrictions shall be by proceeding of law or in equity, brought by any owner of real property in The Woods at St. Mary’s, against any party violating or attempting to violate any covenant or restriction, either to restrain a violation, to direct restoration or to recover damages. The party which substantially prevails in an enforcement action shall be entitled to reasonable attorney’s fees and costs.

6. Integration

This Declaration of Restrictive and Protective Covenants of The Woods at St. Mary’s incorporates the description of the lots, right of way, driveway easements and other designations as shown on Plat No. 1529 recorded in the office of the Recorder of Floyd County, Indiana.

IN WITNESS WHEREOF, the undersigned has subscribed his name and signature this _____ day of January, 2022.

The Karen E. Waters Revocable Living Trust, dated July 11, 2007

By: Thomas E. Waters
Successor Trustee and
Representative of the Owner

STATE OF INDIANA)
) SS:
COUNTY OF FLOYD)

Before the undersigned, a Notary Public, in and for said county and state, personally appeared Thomas E. Waters, Successor Trustee of The Karen E. Waters Revocable Living Trust, dated July 11, 2007, herein representative of the Owner, and acknowledged the execution of the foregoing Agreement. Dated this _____day of January, 2022.

J. Scott Waters, IV, Notary Public
County of Residence: Floyd
NPC#676630

My Commission Expires:
January 10, 2024

Prepared by:

J. Scott Waters, IV
Waters, Tyler, Hofmann &
Scott, LLC
Attorneys at Law
1947 East Spring Street
New Albany, Indiana 47150
Telephone: (812) 949-1114

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, *J. Scott Waters, IV*.