

RESTRICTIVE COVENANTS

93-051552

WHEREAS, MacKids, Inc. is the owner of the real estate described on Exhibit A attached, more commonly known as Stallhorn Village, Fort Wayne, Indiana (hereinafter referred to as the "Real Estate"); and

WHEREAS, the Real Estate is currently located in B-2-A, B-1-A, and R-1 zoning districts; and

WHEREAS, MacKids, Inc. has petitioned the Plan Commission to amend the Zoning Ordinance to reclassify the Real Estate as a B-1-B district, with a portion to be R-1; and said request was granted, contingent upon MacKids, Inc. placing certain restrictive covenants upon the Real Estate;

NOW THEREFORE, in consideration of the granting of the zoning reclassification by the Plan Commission of the City of Fort Wayne, Indiana, the undersigned owner of the Real Estate hereby imposes the following restrictions upon the above-described Real Estate:

MacKids, Inc. agrees to abide by or perform the following condition:

MacKids, Inc. agrees to plant and maintain a landscape buffer along the boundary of the MacKids property pursuant to a plan attached hereto as Exhibit B;

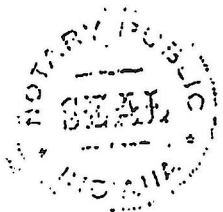
These covenants shall be enforceable by the Maplewood Terrace and Downs Neighborhood Association, or its successor, and shall not relieve the owner from compliance with all zoning and building ordinances in effect and concerning this Real Estate.

These restrictive covenants shall be binding upon MacKids, Inc. and their successors and assigns in interest in the Real Estate, and shall not be voided without the approval of the Maplewood Terrace and Downs Neighborhood Association.

WITNESS its hand this 1st day of September, 1993.

MacKids, Inc.

By: Charles R. McLaughlin  
Charles R. McLaughlin



STATE OF INDIANA }  
COUNTY OF ALLEN } SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 1st day of September, 1993, personally appeared Charles R. McLaughlin, the President of MacKids, Inc., to me known to be such officer of said corporation, who acknowledged the execution of the foregoing instrument for and on behalf of said corporation and by its authority, and who, under the penalties of perjury, affirmed and stated that the facts and matters therein set forth are true and correct. Witness my hand and notarial seal.

My Commission Expires: March 14, 1997

Shirley McLaughlin  
Notary Public  
Printed SHIRLEY McLAUGHLIN  
County of Residence Hamilton

Allen County Recorder

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The undersigned acknowledges that he has been provided a copy of those restrictive covenants, including the landscape plan attached as Exhibit B and has been advised that the Maplewood Terrace and Downs Neighborhood Association is hereby granted the authority to enforce these Restrictions, which Restrictions may not be voided without the approval of said Association.

Maplewood Terrace and Downs  
Neighborhood Association

By: Jay Herbrand  
Jay Herbrand, President



STATE OF INDIANA }  
COUNTY OF ALLEN } SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 28<sup>th</sup> day of August, 1993, personally appeared Jay Herbrand, the President of Maplewood Terrace and Downs Neighborhood Association; to me known to be such officer of said association, who acknowledged the execution of the foregoing instrument for and on behalf of said association and by its authority, and who, under the penalties of perjury, affirmed and stated that the facts and matters therein set forth are true and correct. Witness my hand and notarial seal.

My Commission Expires:  
Jan 27, 1995

Kathleen Ann Rinehold  
Notary Public  
Printed Kathleen Ann Rinehold  
County of Residence Allen

This instrument prepared by Charles D. Bash, Attorney, 803 S. Calhoun Street, Suite 500, Fort Wayne, Indiana 46802.

EXHIBIT A

Part of the Southwest Quarter of the Southwest Quarter of Section 22, Township 31 North, Range 13 East, Allen County, Indiana, more particularly described as follows, to wit:

COMMENCING at the Southwest corner of the Southwest One-quarter of Section 22, Township 31 North, Range 13 East; thence North 0 degrees 00 minutes East along the West line of said Southwest One-quarter, a distance of 250.0 feet to the point of beginning. BEGINNING at the above described point; thence continuing North along said West line, a distance of 907.0 feet to a point located 140.0 feet South of the South line of Maplewood Downs, Section 11; thence North 89 degrees 36 minutes East and parallel to said South line, a distance of 818.3 feet; thence South 36 degrees 47 minutes 30 seconds West, a distance of 122.16 feet; thence South 83 degrees 30 minutes West, a distance of 23.6 feet; thence South 00 degrees 00 minutes West and parallel to the West line of said Southwest Quarter, a distance of 808.72 feet to a point situated 250.0 feet, North 00 degrees 00 minutes East from the South line of said Southwest Quarter; thence South 89 degrees 34 minutes West and parallel to said South line, a distance of 721.7 feet to the point of beginning, containing 15.16 acres of land, subject to legal right-of-way for Maplecrest Road, subject to a drainage easement dedicated in Document # 81-005033 in the Office of the Recorder of Allen County, Indiana, subject to the statutory drainage easement for Bullerman Drain (I.C. 36-9-27-33), subject to legal right-of-way for Maplecrest Road and subject to all other easements of record.

TOGETHER WITH THE FOLLOWING PARCEL ON STELLHORN ROAD

COMMENCING at the Southwest corner of the Southwest One-quarter of Section 22, Township 31 North, Range 13 East; thence North 89 degrees 34 minutes 00 seconds East along the South line of said Southwest One-quarter, a distance of 370 feet; thence North 00 degrees 26 minutes 00 seconds West, a distance of 40 feet to the North right-of-way of Stellhorn Road also being the point of beginning; thence continuing North 00 degrees 28 minutes West, a distance of 210.00 feet; thence North 89 degrees 34 minutes East, a distance of 410.84 feet to the West line of a 50 foot roadway easement as recorded in Deed Record 548, page 177; thence South along a curve to the right having a radius of 745.0 feet, a length of 81.51 feet subtended by a chord having a length of 81.50 feet and a chord bearing of South 3 degrees 28 minutes 31 seconds East; thence South 00 degrees 07 minutes East, a distance of 128.61 feet to the North right-of-way of Stellhorn Road; thence South 89 degrees 34 minutes West along said North right-of-way, a distance of 415 feet to the point of beginning, containing 2.0 acres, more or less, and subject to all easements and rights-of-way of record.

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