

SURVEYOR'S REPORT

In accordance with Title 864, Article 1.1, Chapter 13, Section 1 through 34 of the Indiana Administrative Code, the following observations and opinions are submitted regarding the various uncertainties in the locations of the lines and corners established on this survey as a result of:

- a) Variances in the reference monuments;
- b) Discrepancies in record descriptions and plats;
- c) Inconsistencies in lines of occupation and;
- d) Random Errors in Measurement (Theoretical Uncertainty);

The Theoretical Uncertainty (due to random errors in measurement) of the corners of the subject tract established this survey is within the specifications for a Class B Survey (0.025 feet) as defined in IAC 864.

Neither record easements nor apparent prescriptive easements were located this survey. Should the location of easements be required an Indiana Land Title Survey or an ALTA/ACSM Land Title Survey should be requested.

The within plat and legal description was prepared for Frank H. and Mary E. Lowry, husband and wife. Lot 21 of Marleywood Estates is bounded by Conduitt Drive on the west, Lot 20 on the north, Lot 22 on the south and abuts the exterior boundary of the subdivision on the east.

The north and south lines of Lot 21 are parallel with each other and perpendicular to Conduitt Drive. The east line of Lot 21 is a portion of the exterior boundary of Marleywood Estates. The record description of said boundary calls "along the centerline of Forest Drive".

Forest Drive is an abandoned county road which has been superceded by State Road 67. Highway plans obtained from Indiana State Highway Commission project No. F-187(13) reveals the location of Forest Drive in relation to line "BB" of said project. Conduitt Drive is a bituminous paved street without curbs, its platted width is given as 50 feet. The plat obtained from the Morgan County Recorders Office and recorded in Deed Record (D.R.) 165, page (P.) 275.

To establish the boundaries of Lot 21, it is necessary to establish the centerline of Conduitt Drive and the centerline of Forest Drive.

A physical search of the subdivision for monumentation of lines reveals that very little surveying has been performed since Marleywood became platted. Reference monumentation found consisted of

two exterior boundary monuments along the south boundary of Marleywood (this also being a portion of the south line of Section 30, Township 14 North, Range 2 East) and interior lot corners along the north line of Lot 24 and the east line of Lot 13. It is this surveyors opinion that lot corners were not originally set because of the many different type and sizes of monuments which were found. Also, the owner of Lot 23 revealed to me that he had resided "here for 25 years since 1965" and that the line between Lots 23 and 24 were staked after the time he bought and constructed his house in 1965. Marleywood Estates First Section was platted and recorded in 1961.

The two exterior boundary monuments consisted of a railroad spike at the Southwest Corner of the East Half of the Southwest Quarter of Section 30, Township 14 North, Range 2 East and a 3/8" rebar found buried 5 inches below the road surface. Both on the south line of said Section.

The 3/8" rebar was used as a starting point to compute a set of coordinates for the exterior boundary. This decision was based on the facts: 1) the rebar was buried 5 inches below grade and pending the time which has elapsed was conceivable to be an original boundary monument, 2) the rebar lined up real well with other monumentation along the south line of Section 30. Also, the only discrepancies in the location of the rebar can be directly related to the accuracy of surveying equipment of the late 1950's as compared with electronic equipment of the 1980's.

The information obtained from the highway plans was used to compute the centerline of Forest Drive. This was compared with the record computed position of that portion of the exterior boundary of Marleywood which abuts Lot 21. This information revealed not an overlap, but a gap (see plat).

Unwritten rights associated with a strip of land between the east line of Lot 21 and the westerly Right-of-Way of State Road 67 may exist. These rights result from the State of Indiana acquiring only the minimum amount of land necessary for the construction of State Road 67. This land was originally acquired from George E. and Flossie V. Allison and would now be titled in the name of the Allison's successor in title.

The found monuments were compared with the computed record positions and also with the physical pavement split of Conduitt Drive. The found interior monuments varied from 0.7 to 1.0 feet south and 0.7 to 1.5 feet west of the record positions of the same points. For this reason and also because of the lack of adequate interior monumentation to survey from, this surveyor has decided to use the computed record positions to establish the corners to Lot 21.

RECEIVED FOR RECORD
June 14, 1990
2:48 P.M.
Cynthia K. Baker
MORGAN COUNTY RECORDER

12-0002

SURVEY PREPARED FOR:

FRANK H. and MARY E. LOWRY
husband and wife

RECORD OWNER:

ELITE ERECTORS, INC.

SURVEY OF:

LOT 21 of MAPLEWOOD ESTATES
FIRST SECTION

Part Deed Record 185, p. 275

RECORD REFERENCE

Maplewood Estates (21) in Maplewood Estates, First Section, as per plat recorded in Deed Record No. 185, page 275, in the Office of the Recorder of Morgan County, Indiana.

NOTES:

The improvements exist on Lot 21.

The names of adjoining owners given herein and recitation data given therein were obtained from information found at the Auditor and Recorder Offices in Morgan County. No assurance is given that the information regarding adjoining owners is current nor correct.

Plat of Stake Survey

SOUTH-CENTRAL LAND SURVEYING, INC.

5050 TURKEY TRACK ROAD
MARTINSVILLE, IN 46151
317-342-1887

Page 1 of 2



SCALE 1" = 50'

NOTE OF BEARING - Same as that given for the South line of the Southwest Quarter of Section 30, Township 14 North, Range 2 East, 1st Plat of Maplewood Estates First Section, Morgan County, Indiana.

Certificate of Survey

I hereby certify that to the best of my information, knowledge and belief, the within plat represents a survey made under my supervision and completed on June 9, 1990.

S.D. Bennett

Sid D. Bennett
Indiana Registered Land Surveyor
No. EM 860015
June 9, 1990



CONDUIT DRIVE 50' R/W
N 06° 12' 00" E
112.00'

30' BUILDING LINE
5 83° 48' 00" E
197.94(C) 178.15(C)

ELITE ERECTORS
LOT 20
DR. 330, p. 98

LOT 21

LOT 22
DWLER
DR. 209, p. 120

FOREST DRIVE PER PLAT
12' UTILITY STRIP
112.00'
FOREST DRIVE PER HIGHWAY PLANS
STATE ROAD 67 RIGHT OF WAY
CHAIN LINK TYPE FENCE

B165 PARTS

MARLEYWOOD ESTATES

FIRST SECTION

BROWN TOWNSHIP MORGAN COUNTY, INDIANA

NAME	NUMBER	LOCATION	DELTA	TANGENT	RADIUS	LENGTH
CONDUITT DRIVE	1	INSIDE	90° 00'	110.00'	110.00'	172.78'
		OUTSIDE	78° 37'	97.22'	60.00'	127.26'
CONDUITT DRIVE	2	INSIDE	46° 45' 30"	73.08'	65.44'	162.90'
		OUTSIDE	62° 58'	209.76'	112.58'	158.32'
CONDUITT DRIVE	3	INSIDE	190° 43' 30"	195.65'	143.18'	308.48'
		OUTSIDE	182° 20' 30"	135.46'	1189.50'	258.94'



*Outline of map to be released as to assessment
 Book 38 page 185
 March 18 1878
 Page 149*

KNOW ALL MEN BY THESE PRESENTS, THAT JUSTIN L. MARLEY AND BONITA C. MARLEY, HUSBAND AND WIFE, OF MORGAN COUNTY, INDIANA, BEING THE OWNERS IN FEE SIMPLE OF THE FOLLOWING DESCRIBED REAL ESTATE IN MORGAN COUNTY, STATE OF INDIANA, TO-WIT:

PART OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 14 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING ON THE SOUTH LINE OF THE SAID SOUTHWEST QUARTER AT A POINT THAT IS 267.84 FEET WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE SAID SOUTHWEST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 658.80 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 30 SECONDS EAST 279.67 FEET; THENCE SOUTH 51 DEGREES 06 MINUTES 30 SECONDS EAST 143.06 FEET; THENCE SOUTH 84 DEGREES 15 MINUTES 30 SECONDS EAST 250.67 FEET; THENCE NORTH 84 DEGREES 30 MINUTES 30 SECONDS EAST 20.00 FEET; THENCE NORTH 03 DEGREES 53 MINUTES 00 SECONDS WEST 148.78 FEET; THENCE NORTH 13 DEGREES 24 MINUTES 00 SECONDS EAST 52.95 FEET; THENCE NORTH 13 DEGREES 09 MINUTES 00 SECONDS WEST 204.59 FEET; THENCE NORTH 60 DEGREES 24 MINUTES 00 SECONDS EAST 65.00 FEET; THENCE NORTH 06 DEGREES 12 MINUTES 00 SECONDS EAST 546.40 FEET; THENCE NORTH 47 DEGREES 18 MINUTES 00 SECONDS WEST 72.16 FEET; THENCE NORTH 04 DEGREES 11 MINUTES 00 SECONDS EAST 150.14 FEET; THENCE NORTH 84 DEGREES 40 MINUTES 00 SECONDS EAST 180.02 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 00 SECONDS WEST 7.92 FEET; THENCE NORTH 64 DEGREES 24 MINUTES 00 SECONDS EAST 441.71 FEET TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD No. 67; THENCE SOUTH 10 DEGREES 47 MINUTES 00 SECONDS WEST 80.15 FEET ON AND ALONG THE SAID WEST RIGHT-OF-WAY LINE TO THE CENTERLINE OF FOREST DRIVE; THENCE SOUTH 23 DEGREES 31 MINUTES 00 SECONDS WEST 117.05 FEET ON AND ALONG SAID CENTERLINE; THENCE SOUTH 26 DEGREES 24 MINUTES 00 SECONDS WEST 127.79 FEET ON AND ALONG SAID CENTERLINE; THENCE SOUTH 05 DEGREES 59 MINUTES 00 SECONDS WEST 724.42 FEET ON AND ALONG SAID CENTERLINE TO THE WEST RIGHT-OF-WAY LINE OF STATE ROAD No. 67; THENCE SOUTH 10 DEGREES 45 MINUTES 00 SECONDS WEST 738.31 FEET ON AND ALONG SAID WEST RIGHT-OF-WAY LINE; THENCE SOUTH 89 DEGREES 22 MINUTES 00 SECONDS WEST 121.50 FEET; THENCE SOUTH 89 DEGREES 14 MINUTES 00 SECONDS WEST 395.90 FEET; THENCE SOUTH 00 DEGREES 47 MINUTES 00 SECONDS EAST 176.87 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 14 MINUTES 00 SECONDS WEST 420.38 FEET ON AND ALONG THE SAID SOUTH LINE TO THE PLACE OF BEGINNING, CONTAINING 1.10 ACRES, MORE OR LESS, SUBJECT TO ALL LEGAL RIGHTS-OF-WAY.

DO HEREBY MAKE, PLAT, SUBDIVIDE, LAY OFF AND DEDICATE SAID DESCRIBED REAL ESTATE INTO LOTS AND STREETS IN ACCORDANCE WITH THE PLAT HERETO ATTACHED, WHICH ADDITION SHALL BE KNOWN AS "MARLEYWOOD ESTATES, FIRST SECTION," IN BROWN TOWNSHIP, MORGAN COUNTY, INDIANA. THAT THE STREETS AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO PUBLIC USE AND THAT ALL OF THE LOTS CONTAINED IN THE ABOVE PLAT OR ANY PORTION THEREOF SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS, WHICH RESTRICTIONS SHALL BE CONSIDERED AND HEREBY DECLARED TO BE COVENANTS RUNNING WITH THE LAND, WHICH SAID RESTRICTIVE COVENANTS ARE AS FOLLOWS, TO-WIT:

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES. NO BUILDING SHALL BE ERRECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLE-FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN TWO (2) CARS. GARAGES SHALL BE ATTACHED, UNLESS OTHERWISE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.
2. NO BUILDING SHALL BE ERRECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE CONSTRUCTION PLAN 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 FINISH GRADE ELEVATIONS. NO FENCE OR WALL SHALL BE ERRECTED, PLACED OR ALTERED ON ANY LOT NEARER TO ANY STREET THAN THE MINIMUM BUILDING SETBACK LINE, UNLESS SIMILARLY APPROVED. APPROVAL SHALL BE AS PROVIDED IN PART II.
3. NO DWELLING SHALL BE PERMITTED ON ANY LOT UNLESS THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES, SHALL BE NOT LESS THAN 1250 SQUARE FEET FOR A ONE STORY DWELLING, NOR LESS THAN 1000 SQUARE FEET FOR A DWELLING OF MORE THAN ONE STORY.
4. NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT 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 ON ANY LOT NEARER THAN 30 FEET TO THE FRONT LOT LINE, OR NEARER THAN 30 FEET TO ANY SIDE STREET.
NO BUILDING SHALL BE LOCATED NEARER THAN 10 FEET TO AN INTERIOR LOT LINE NOR NEARER THAN 50 FEET TO ANOTHER DWELLING, EXCEPT THAT NO SIDE YARD SHALL BE REQUIRED FOR A GARAGE OR OTHER PERMITTED ACCESSORY BUILDINGS LOCATED 30 FEET OR MORE FROM THE MINIMUM SETBACK LINE. NO DWELLING SHALL BE LOCATED ON ANY INTERIOR LOT NEARER THAN 60 FEET TO THE REAR LOT LINE. FOR THE PURPOSES OF THIS COVENANT, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS A PART OF THE BUILDING, PROVIDED, HOWEVER, THAT THIS SHALL NOT BE CONSTRUED TO PERMIT ANY PORTION OF A BUILDING ON A LOT TO ENCRDACH UPON ANOTHER LOT.