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IN THE MCCORDSVILLE TOWN COUNCIL
RE: PETITION OF CROSS/CORD, LLC FOR APPROVAL
OF A PRELIMINARY PLAN FOR DEER CROSSING AT GEIST SUBDIVISION

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

In accordance with I.C. §36-7-4-613, Cross/Cord, LLC ("Petitioner"), having heretofore filed its Petition for Approval of a Preliminary Plan (the "Petition") regarding real estate located in Hancock County, Indiana, which is described below, makes the following COMMITMENT concerning the use and development of the parcel of real estate ("Real Estate"):

(See attached "Exhibit A" for legal description)

Statement of COMMITMENT:

If the Preliminary Plan of the Real Estate is approved as presented to the McCordsville Town Council, Indiana (the "Council"), the Petitioner agrees that:

1. The number of lots shall not exceed 270.
2. With regard to single-story homes:
 - a) the model home will be 1,500 square feet or more, exclusive of basements, porches, and garages;
 - b) the minimum square footage of such homes, exclusive of porches and garages, will be 1,500 square feet, except that no more than 40 homes may be constructed between 1,400 and 1,500 square feet, exclusive of porches and garages;
 - for such 40 homes, (unless such home is of a log home design) a minimum of 75% of the front elevation shall be brick or masonry;
 - however, if one or more of such 40 homes is located on a corner lot, a minimum of 75% of all four (4) elevations shall be brick or masonry;
 - c) any such homes constructed between 1,400 and 1,500 square feet shall not be located on the perimeter of the subdivision; and
 - d) the average square footage of all single-story homes in the subdivision will exceed 1,500 square feet.
3. With regard to two-story homes, the minimum square footage of such homes, exclusive of porches and garages, will be 1,700 square feet.

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HANCOCK COUNTY RECORDER

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4. Where vinyl siding is used on a house, it must be of premium grade and a minimum of 50% of the front of the house must be masonry. Also, where a vinyl house backs up to a county road, then 50% of the back of the house must be masonry. If a vinyl house is located on a corner lot, then 50% of the front of the house and 50% of the side of the house facing the street must be masonry. All computations shall be exclusive of doors, windows, and garage doors. If a home is of a colonial, Cape Cod or log home design, then this masonry requirement shall not apply. The style of vinyl to be used shall be lap-board in appearance, and the colors of vinyl shall be neutral in appearance.
5. No duplexes, condominiums, or multi-family uses of any type will be permitted on the Real Estate.
6. Street lights shall be located within Deer Crossing at Geist and the type, design and installation shall be pursuant to the specifications of the Town of McCordsville.
7. Cross/Cord commits to entering into a Development Agreement for the Real Estate prior to final approval of a Detailed Plan for the Real Estate or any portion thereof, but in no event later than May 2, 2000, unless extended by the Town of McCordsville.

This COMMITMENT shall be binding on the Petitioner, its successors and assigns, subsequent owners of the Real Estate, and other persons acquiring an interest therein.

This COMMITMENT and the Preliminary Plan may be modified or terminated only by a decision of the Hancock County Area Planning Commission which has been approved by the Town of McCordsville, both made only after a public hearing after proper notice has been given.

This COMMITMENT may be enforced jointly or severally by:

1. The Hancock County Area Planning Commission and the Hancock County Board of Zoning Appeals;
2. The Town of McCordsville, Indiana;
3. The Hancock County Commissioners; and
4. Any person who is aggrieved by a violation of the COMMITMENT, including but not limited to all owners of real estate which is abutting or adjoining the Real Estate.

In the event it becomes necessary to enforce this COMMITMENT in a court of competent jurisdiction, and the owner of the Real Estate is found to be in violation of this COMMITMENT, the owner shall pay all reasonable costs in the enforcement of this COMMITMENT, including

attorney fees.

The undersigned hereby authorizes the Hancock County Area Planning Commission, the Town of McCordsville, Indiana, and the Hancock County Commissioners to record this COMMITMENT in the Office of the Recorder of Hancock County, Indiana upon final approval of the Hancock County Commissioners and the Town of McCordsville, Indiana to the Petition for Approval of Preliminary Plan.

This COMMITMENT shall run with the land and be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, Cross/Cord, LLC has executed this instrument this 22nd day of ~~February, 2000.~~ OCTOBER, 2001

CROSS/CORD, LLC

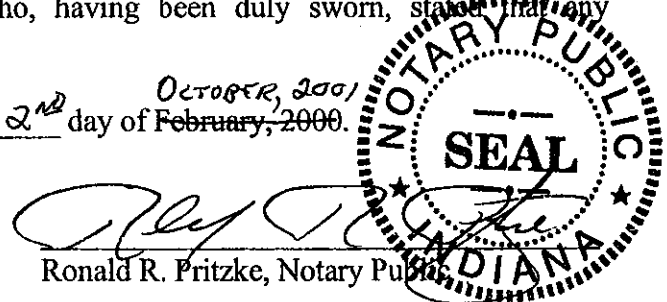
BY: Charles D. Scheumann
Manager, Member

"PETITIONER"

STATE OF INDIANA)
) SS:
COUNTY OF HANCOCK)

Before me, a Notary Public in and for said County and State, personally appeared Charles D. Scheumann a Member of Cross/Cord, LLC, Petitioner, who acknowledged the execution of the foregoing instrument, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 22nd day of ~~February, 2000.~~ OCTOBER, 2001



My Commission Expires: 11/13/01
County of Residence: Hancock

This instrument was prepared by Ronald R. Pritzke, Attorney at Law.

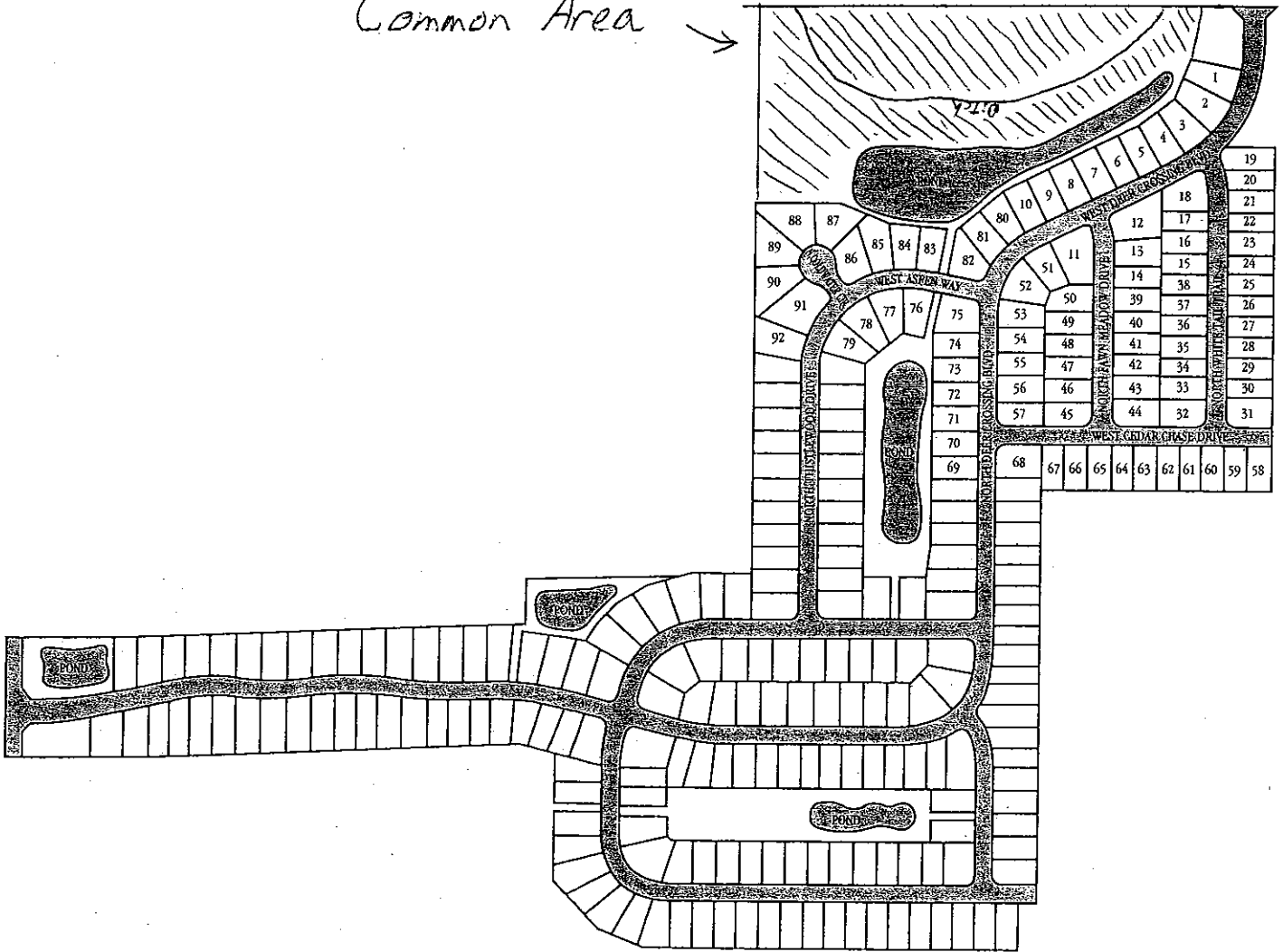
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Deer Crossing Overview

Common Area →



TRINITY
HOMES

Via fax = 1 page (335-2811).

To: Town of McCordsville, c/o - Terri Messeramith
From: Neal Tucker
Date: 1/12/04
Re: Deer Crossing - Common Area Turf



Pursuant to our conversation regarding the turf at Deer Crossing, after inspecting the common area west of the main entry on CR 900, I recommend the area be seeded and properly maintained to bring this area to a "Finished turf".

There are far too many weeds and bare spots to try and develop this to a finished turf by just mowing regularly and beginning chemical applications.
The current overall rating of this turf is "Poor" to "Extremely poor".

My recommendation would be to slice seed this entire area. The area should also begin to receive lawn care applications (fertilizer and weed control), and mowing at a height of approximately 3" on a regular basis.

Core turf aeration would also help.

Please note that we did not address any soil conditions, grading, or drainage issues.

Please contact me with any questions. Thank you.



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