

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF BLUEBERRY ISLAND ASSOCIATION
Approved June 17, 2023 Annual Meeting**

The lots in the annexed plat of Blueberry Island Association (cross referencing to Plats 5-65, 5-68, 5-100, 8-9) are hereby declared to be subject to the following conditions, covenants and use restrictions:

1. All lots shall be used for single family residential purposes only. There shall be no commercial retail sales operations. There shall be no commercial retail signage.
2. Only residence dwellings, not exceeding, two stories in height, together with appurtenant garage.
3. The minimum first floor area of any newly constructed residence shall be 1200 square feet.
4. No building shall be erected nearer than 5 feet to any side lot line and no building shall be located within the setback limits shown on said plat. In the event the Kosciusko County building codes requires a setback, the County or the Association's set back shall govern, whichever is greater.
5. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become any annoyance or nuisance to the neighborhood.
6. No trailer, tent, shack or other outbuilding shall be erected on any lot at any time to be used as a residence, temporary or permanent; provided, however, that a basement or garage may be used as a temporary residence for a period of 6 months during construction of a permanent residence.
7. Sanitary sewage disposal facilities of a design approved by the Kosciusko County health department, or other applicable county or state agency who from time to time shall have such design authority, shall be constructed at all residences and no outside toilets may be installed on any lot.
8. All lot owners shall keep lawns, grass, brush, and weeds mowed and removed from their premises and, upon failure to do so, and at the sole discretion of the Association upon a majority vote of the officers, the Association may have such lawn, grass, brush and weeds mowed or removed, and the cost and expense thereof shall be a lien upon the real estate and shall be enforceable in the same manner as a mechanic's lien.

In addition hereto, no lot owner or it's agent shall deposit or blow grass clippings, brush, weeds or leaves into the waterways surrounding Blueberry Island.

9. An easement is reserved over and across the rear 5 feet of each lot nearest the waterfront for use of public utilities as recorded with Kosciusko County and no building shall be constructed thereon.

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10. No animals, nor livestock shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not maintained for any commercial purposes.
11. These restrictions shall be covenants running with the land and shall be binding upon all lot owners and their successors in title until January 1, 1970, at which time said covenants shall be automatically extended for successive periods of 10 years, unless by vote of the majority of the owners of lots, it is agreed to change said restrictions in whole or in part.
12. All lot owners shall be responsible for maintaining weed control in their water frontage whether it be lakefront or channel. Weed control on the lakefront shall extend 50 feet from the shoreline outward and weed control on the channel (using DNR approved weed control products) shall be on half of the width of the channel. The membership understands and agrees that the Association may from time-to-time assist in the maintenance and control of weeds in the waterways surrounding Blueberry Island and the cost of said maintenance shall be borne by the Association's members.
13. A violation of any restriction, condition or covenant herein may be enforced by proceedings at law or equity against the person or persons violating any such restrictions, either to restrain persons from such violation or to recover damages therefore.
14. Unlicensed automobiles or motorized watercraft are prohibited on residence premises, unless kept enclosed within indoors.
15. Invalidity of any of these restrictions by judgment or court order shall not effect any of the other restrictions herein stated which shall remain in full force and effect.

The undersigned, Thomas Ducett President, and Nickie McCollough Secretary, of BLUEBERRY ISLAND ASSOCIATION, INC., an Indiana not-for-profit corporation, of Kosciusko County, Indiana, certify that the members of the Association adopted the foregoing Covenants and User Restrictions on June 17, 2023, and that the proceeding by the members was in compliance with the Articles and Regulations of the Association.

BLUEBERRY ISLAND ASSOCIATION, INC.

THOMAS G DUCETT

By:

President

NICKIE MCCULLOUGH

By:

Secretary

State of Indiana

SS:

County of Kosciusko

The foregoing instrument was acknowledged before me on Apr. 12th, 2024, by Thomas Ducett, President, and Nickie McCullough, Secretary, of BLUEBERRY ISLAND ASSOCIATION, INC., an Indiana not-for-profit corporation on behalf of the corporation



AMY ROGERS RENSBERGER
Notary Public
State of Indiana
Commission No. NP0726458
My Commission Expires
April 23, 2028

Amy Rogers Rensberger, notary public
Notary Public

PREPARED By:
THOMAS G DUCETT
PRESIDENT

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.

THOMAS G DUCETT