COMMITMENTS CONCERNING THE USE
AND DEVELOPMENT OF REAL ESTATE

Pulte Homes of Indiana, LLC ("Pulte") makes the following Commitments Concerning the Use and Development of Real Estate (the "Commitments") to the City of Westfield, Indiana (the "City"), and to the Owners (other than Pulte) of lots defined in and subject to the Declaration of Covenants, Conditions and Restrictions for Viking Meadows, recorded on June 26, 2006, in the Office of the Recorder of Hamilton County, Indiana, as Instrument Number 200600035317, as amended (said owners hereafter the "Lot Owners" and the declaration hereafter the "Declaration"), regarding the use and development of the following described real estate (the "Real Estate") located in Hamilton County, Indiana:

Section 1. **Description of Real Estate**:

See Exhibit A attached hereto.

Section 2. **Statement of Commitments**:

A. Capital Contribution to Viking Meadows Homeowners Association, Inc. (the "HOA"): From each closing on a home that is constructed within the Enclave and Springs areas, as described in Exhibit B attached hereto, the HOA will receive $800 (the "Capital Contribution"). The minimum cumulative total amount of the Capital Contribution shall be $100,000. The Capital Contribution shall be placed in the HOA's reserve fund until the Class B Control Period, as defined in the Declaration (the "CBC Period"), terminates. After the CBC Period terminates, the HOA may utilize the Capital Contribution in its sole discretion for improvements in the amenities area, including the addition of a third swimming pool, or other improvements that the HOA deems appropriate.

B. Turnover of Control of the HOA: Within thirty (30) days after the Westfield Common Council's approval of Ordinance No. _____and Ordinance No. _____, Section 4.2(b) of the Declaration shall be deleted and in its entirety and replaced with the new Section 4.2(b) as shown on Exhibit C attached hereto

C. Use of the Viking Meadows Name: The Real Estate shall not utilize the words "Viking Meadows" in its name nor in its signage.

D. No Change in Architectural Standards: Pulte agrees not to request a modification of Sections 9.6 and 9.8 of the Viking Meadows Planned Unit Development District Ordinance, recorded as Instrument No. 200500022608 in the Office of the Recorder of Hamilton County, Indiana and adopted by the Westfield Town Council on June 14, 2004 as Ordinance No. 04-22.

E. Viking Meadows Clubhouse: Prior to December 31, 2013, Pulte agrees to provide the Lot Owners a detailed update on the construction of the current and future phases of the existing Viking Meadows clubhouse. This

update will include, but not be limited to, an overview of the proposed improvements and related fixtures and furnishings.

F. HOA Legal Fees: Pulte will consent to the HOA spending up to $5,000 in outside legal fees to review, on behalf of the Lot Owners, Ordinance No. _____, Ordinance No. _____, and these Commitments (the "Documents") to confirm the Documents' compliance with the Pulte Proposal dated August 29, 2013, attached hereto as Exhibit D.

G. Termination of Pulte's ability to add additional area into the HOA: Within thirty (30) days after the Westfield Common Council's approval of Ordinance No. _____and Ordinance No. _____, and subject to obtaining any approvals needed from the Lot Owners, Exhibit B of the Declaration shall be deleted and in its entirety and replaced with the new Exhibit B as shown on Exhibit E attached hereto.

Section 3. Binding Effect

The Commitments are binding upon Pulte, each subsequent owner of the Real Estate and each other person acquiring an interest in the Real Estate, unless modified or terminated. The Commitments may be modified or terminated only by approval of the Common Council of the City of Westfield, Indiana, following a public hearing held by the Plan Commission of the City of Westfield, Indiana.

Section 4. Effective Date

The Commitments shall be effective upon the City's approval of Ordinance No. _____ and Ordinance No. _____.

Section 7. Enforcement

These commitments may be enforced by the Common Council of the City of Westfield, Indiana and by the Lot Owners.

IN WITNESS WHEREOF, Pulte Homes of Indiana, LLC, has caused these commitments to be executed as of the _____ day of _____, 2013.

Pulte Homes of Indiana, LLC

By: _____
Printed:_____
Its:_____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ of Pulte Homes of Indiana, LLC, who having been duly sworn acknowledged the execution of the foregoing Commitments.

Witness my hand and Notarial Seal this _____day of _____, 2013.

_____
My Commission Expires: Notary Public

Printed_____
Residing in _____County

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: Steven D. Hardin.

Prepared by: Steven D. Hardin, Attorney at Law, Faegre Baker Daniels, LLP,
600 East 96th Street, Suite 600, Indianapolis, Indiana 46240, (317) 569-9600

EXHIBIT A

PARCEL "E":

A part of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet to the Point of Beginning of the herein described real estate; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 27 minutes 45 seconds West on said east line 822.59 feet to a point on the north line of said Southeast Quarter; thence South 87 degrees 26 minutes 20 seconds West on said north line 448.24 feet to a point on said east right-of-way line of said Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said east right- of-way line 803.81 feet to the Point of Beginning, containing 8.40 acres, more or less.

PARCEL "F":

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet to the Point of Beginning of the herein described real estate; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said west right-of-way line 801.15 feet to a point on said north line of said Southwest Quarter; thence South 87 degrees 45 minutes 58 seconds West on said north line 279.41 feet to the Point of Beginning, containing 5.12 acres, more or less.

EXHIBIT B

The Northeast quarter of the Southeast quarter of Section 11, Township 18 North, Range 3 East, containing 40 acres, more or less.

ALSO

The Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 3 East, in Hamilton County, Indiana, containing 40 acres, more or less.

EXCEPT:

That portion platted as Helios Subdivision as per plat thereof recorded in Plat Book 6, page 28, in the Office of the Recorder of Hamilton County, Indiana.

ALSO EXCEPTING:

A part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, bounded as follows:
Beginning at the Northeast corner of Helios Subdivision Section 1, the plat thereof recorded in Plat Book 6, pages 28-30 in the Office of the Recorder of Hamilton County, Indiana, said point being North 00 degrees 00 minutes 00 seconds (bearing system of plat assumed) 850.00 feet from the Southeast Quarter of said Section 11, the next 7 courses are along the bounds of said Helios Subdivision, Section 1; thence 1) South 89 degrees 24 minutes 33 seconds West 270.00 feet to a 5/8' iron rod with yellow cap stamped 5I:1083; thence 2) North 73 degrees 33 minutes 00 seconds West 123.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083; thence 3) South 47 degrees 30 minutes 00 seconds West 110.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083; thence 4) North 00 degrees 00 minutes 00 seconds 88.30 feet to a 5/8 inch iron rod with yellow cap stamped S0083 at the point of tangency of a curve having a radius of 225.00 feet and being concave to the Southwest; thence 5.) Northwesterly 200.64 feet along said curve to a 5/8' iron rod with yellow cap stamped 50083 at a point that lies North 38 degrees 54 minutes 28 seconds East from the radius point of said curve; thence 6) North 38 degrees 54 minutes 28 seconds East 173.67 feet to a 5/8 inch iron rod; thence 7) North 00 degrees 42 minutes 50 seconds West 105.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083 on the North line of the Southeast Quarter of said southeast Quarter; thence North 89 degrees 17 minutes 10 seconds East 445.00 feet along the North lien of the Southeast Quarter of said Southeast Quarter to the Northeast corner of the Southeast Quarter of the Northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds 466.79 feet along the East line of the Southeast Quarter of said Southeast Quarter to the point of beginning.

EXHIBIT C

New Section 4.2(b) of the Declaration

(b) Class B. The Class B Member shall be the Declarant. The rights of the Class B Member, including the right to approve actions taken under this Declaration and the By-Laws, are specified elsewhere in the Declaration and the By-Laws. The Class B Member shall be entitled to ten (10) votes for each Lot it owns or, in the case of unplatted land, ten (10) votes per the Lot based on the maximum number of Lots allowed for such a parcel of land by the applicable zoning ordinance. The Class B Member shall be entitled to appoint the member of the Board of Directors during the Class B Control Period as hereinafter defined. The Class B Control Period shall begin as of the date of this Declaration and extend to the earlier of: (i) the date on which eighty-eight percent (88%) of the Lots have been sold or conveyed to persons (other than Declarant) or builders holding title solely for purposes of development or sale (in making such calculation, the numerator shall be the total Lots sold, and the denominator shall be the total Lots anticipated for sale and ownership in the Community as determined by Declarant as of that date); (ii) May 31, 2021; or (iii) the date on which Declarant determines that the Class B Control Period shall end and notice of such termination is filed by means of an instrument recorded with the Recorder of Hamilton County, Indiana. The Class B Membership shall terminate and become converted to Class A Membership upon termination of the Class B Control Period.

EXHIBIT D

Pulte's Proposal dated 8-29-13:

Items to be included in Private Agreement with Viking Meadows Homeowners:

1. **Capital Contribution to HOA Reserve Fund**: From each closing on a home that is constructed within the Enclave and Springs areas, the HOA will receive $800. The minimum total amount to be received by the HOA will be $100,000. This amount may be utilized in the sole discretion of the homeowners once the HOA is turned over to a Homeowner controlled board of directors. Its uses may include but are not limited to improvements in the amenities area including the addition of a third swimming pool or other improvements that the HOA controlled board deems appropriate.
2. **Turnover of Control of the Viking Meadows HOA**: Pulte will amend the Declaration to agree to turn over the Association duties (Except for the New Construction Committee) as previously set forth in section 4.2 (Voting) (b) after 88% of the lots within the Viking Meadows community after including the Enclave and Springs parcels have been transferred to third parties.
3. **Parcels E&F Naming requirements**: Parcels E&F would not utilize the name Viking Meadows in naming the community and the words Viking Meadows will not appear anywhere in the community signage related to parcels E&F.
4. **Miscellaneous E&F requirements:** Pulte Homes agrees not to modify the zoning requirements related to the building construction within Parcels E&F. Additionally, Pulte agrees that no garage doors will directly front on existing Viking Meadows common areas that are not part of the current legal description for Parcels E&F. Additionally, Pulte would not pursue any local business uses on either Parcel E or F.
5. **Viking Meadows Clubhouse:** Pulte agrees to provide a detailed update on the construction of phase III of the Clubhouse during the December 2013 HOA update meeting. This update will include but not be limited to: an overview of the proposed improvements to be located in phase III and related fixtures/furnishings.
6. **HOA legal Fees:** Pulte Home will consent to the HOA spending up to $5,000 in outside legal fees to be paid out of the Viking Meadows HOA to review any final agreement between Pulte and the existing Viking Meadows homeowners related to the Enclave and Springs PUD, this agreement and the amendment to parcels E&F.
7. **Termination of Pulte's ability to "Annex" additional area into the HOA**: Pulte Agrees to terminate it's right per the Declaration of Covenants and Restrictions to add/"Annex" additional real estate to the Viking Meadows Community after the annexation of the Enclave and the Springs areas. Additionally, Pulte agrees not to annex either the Fox Hollow nor the Peterson real estate into the Viking Meadows HOA.

EXHIBIT D (continued)

Items to be addressed in the Enclave/Springs PUD & Parcels E&F amendment to the Viking Meadows PUD:

1. **Removal of Parcels E&F from Viking Meadows Amenities Area usage**: Parcels E&F will be removed from the Viking Meadows amenities area and will not be able to utilize the Viking Meadows Amenities area or any of the improvements therein.
2. **Amenities to be provided in Parcels E&F:** Parcels E&F will be required to provide for their own number of amenities per the Westfield zoning ordinance MF2 District Table 16.04.040-1. The following items shall be added to amenities that count toward the number of amenities that must be provided: dog park, outdoor entertainment area (provided it has one gas grill and sitting area) and connection to the Monon Trail provided that such connection provides for the following: sitting area, landscaped entrance to trail area, drinking fountain.
3. **The Springs – Addition of a playground area:** Pulte Homes agrees to add a playground in the Springs area that is consistent with the playground requirements set forth in the MF2 district.
4. **The Springs and Enclave – Entranceway and perimeter landscape requirements**: The Enclave and Springs would have entranceways substantially similar to those at Two Gaits on their exterior roadways with the same perimeter fencing and landscaping requirements.
5. **Architectural Standards for the Springs and Enclave**: The Architectural standards for the Springs would be the same as those for the Meadowlands lots that are not on the spine road. The Architectural Standards for the ranch homes would be set forth in the PUD but would include the following: Hardee plank siding, dimensional roof shingles and side overhangs.
6. **Perimeter walking trails and paths around the Springs and Enclave**: Perimeter walking trails/paths would be installed around both communities.

EXHIBIT E

EXHIBIT B OF THE DECLARATION

The following legal description is comprised of three sections:

1) The legal description of the original Viking Meadows PUD Ordinance, recorded as Instrument No. 200500022608 ("Original Legal Description");

2) The legal description of Parcels E & F ("Parcels E & F Legal Description"), which is excepted from the Original Legal Description; and

3) The legal description of the Enclave and Springs ("Enclave and Springs Legal Description") which is added to the Original Legal Description.

Section 1: Original Legal Description:

The Northwest Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East, containing forty (40) acres (39.552 acres, more or less measured) except two (2) rods off the West side for railroad, leaving 39 acres (38.547 acres, more or less measured) in Hamilton County, Indiana.

Also,

Part of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, range 3 East in Hamilton County, Indiana described as follows:

Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence South 00 degrees 23 minutes 47 seconds East (assumed bearing) on the West line thereof 1,307.24 feet; thence North 87 degrees 13 minutes 40 seconds East 13.79 feet to the West line of real estate described in a Warranty Deed, recorded in Deed Record 206, page 219, in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 42 minutes 15 seconds West on said West line 1306.83 feet to the Northwest corner of said real estate; thence South 88 degrees 22 minutes 33 seconds West on the North line of the Northeast Quarter of said Northeast Quarter Section 6.76 feet to the beginning point; containing 0.308 acres more or less.

Part of the Northeast Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on and along the West line of said Northeast Quarter 190.0 feet to the centerline

of Greyhound Pass (an undedicated road); thence South 85 degrees 57 minutes 33 seconds East on and along said centerline 275.80 feet to the point of curvature of a curve to the right having a radius of 300.00 feet, the radius point of which bears South 04 degrees 02 minutes 27 seconds West from said point; thence Southeasterly on and along said centerline and curve to the right 53.95 feet to the centerline of Ascot Hill North (an undedicated road); thence North 14 degre.es 20 minutes 40 seconds East on and along said centerline 147.98 feet to the point of curvature of a curve to the left having a radius of 250.00 feet, the radius point of which bears North 75 degrees 39 minutes 20 seconds West from said point; thence Northerly on and along said curve and centerline 63.53 feet to the point of tangency thereof; thence North 00 degrees 12 minutes 55 seconds West on and along said centerline 336.60 feet to the place of beginning of this tract; thence North 89 degrees 15 minutes 24 seconds East 25.00 feet to the East right of way line of the said Ascot Hill North; thence continuing North 89 degrees 15 minutes 24 seconds East 910.88 feet; thence North 00 degrees 18 minutes 28 seconds East 667.83 feet; thence South 87 degrees 13 minutes 40 seconds West 942.88 feet; thence South 00 degrees 12 minutes 55 seconds East 273.28 feet to a point on the North right of way line of said Ascot Hill North; thence continuing South 00 degrees 12 minutes 55 seconds East 361.00 feet to the place of beginning, containing 14.03 acres, more or less.

Subject to an easement over the following described real estate:

Beginning at the Southwest corner of the above described tract; thence North 00 degrees 12 minutes 55 seconds West 361.00 feet to the point of curvature of a curve with a radius of 50 feet, the radius point of which bears South 00 degrees 12 minutes 55 seconds East from said point; thence Southeasterly on and along said curve 78.54 feet to the point of tangency thereof; thence South 00 degrees 12 minutes 55 seconds East 74.92 feet to the point of curvature of a curve to the right with a radius of 50.00 feet, the radius point of which bears South 89 degrees 47 minutes 05 seconds West from said point; thence Southwesterly on and along said curve 52.36 feet to a point which bears South 59 degrees 07 minutes 10 seconds East from said radius point; thence south 00 degrees 12 minutes 55 seconds East 192.55 feet; thence South 89 degrees 15 minutes 24 seconds West 25.00 feet to the place of beginning.

Together with an easement for ingress and egress over undedicated roads known as Ascot Hill North and Greyhound Pass as shown on a survey attached to Covenants and Restrictions recorded February 8, 1978, in Miscellaneous Record 153, page 133-139, and Miscellaneous Record 153, page 140-143 in the Office of the Recorder of Hamilton County, Indiana, to a public dedicated highway or road.

Subject to and together with an easement for trail and public utilities and incidental purposes over a 30 foot strip across the north side and east side of caption real estate as

disclosed by survey prepared by Allan H. Weihe, Registered Land Surveyor, Dated July 27, 1979.

Subject to and together with area covenants and restrictions recorded February 8, 1978 in Miscellaneous Record 153, page 133-139 and Miscellaneous Record 153, page 140-153. Violation thereof will not result in forfeiture or reversion of title.

Subject to a pipe line easement for Roy E. Steel and Madeline J. Steele, husband and wife, to Indiana Gas Transmission Corporation, dated October 4, 1935, recorded October 25, 1936 in Miscellaneous Record 32, page 213, assigned to Michigan Gas Transmission Corporation by assignment dated August I 0, 1936, recorded August 15, 1936, in Miscellaneous Record 32, page 429 and further assigned to Panhandle Eastern Pipeline Company by General Deed and bill of Sale dated March 31, 1943, recorded April 2,, 1943 in Miscellaneous Record 36, page 401 et seq. and amended by Amendment and Restriction of Right-of-Way Grants, executed by Thirty One Realty Investment Company and Panhandle Eastern Pipeline Company dated May 9, 1977, recorded July 8, 1977, in Miscellaneous Record 151, page 620.

ALSO:

Part of the Northeast Quarter of Section I 3, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows:

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 seconds East on said centerline 32.32 feet to the True Beginning Point of the real estate herein described on the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of said railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way line 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58 feet to the North line of property described in a Warranty Deed recorded in Deed Record 266, page 362 in the Office of the Recorder of Hamilton County, Indiana, thence North 87 degrees 13 minutes 40 seconds East on said North line 342.49 feet to the Northerly prolongation of the centerline of Ascot Hill North; thence South 00 degrees 12 minutes 55 seconds East on said prolongation and centerline 634.36 feet to a point that is 336.60 North 00 degrees 12 minutes 55 second West of the point of tangency of a curve in said Ascot Hill North, thence North 89 degrees 15 minutes 24 seconds East 388.72 feet; thence South 01 degrees 27 minutes 05 seconds East 638.43 feet to the centerline of Greyhound Pass;

thence South 88 degrees 32 minutes 55 seconds West on said centerline 140.17 feet to the point of curvature of a curve having a radius length of 375.00 feet which bears North 01 degrees 27 minutes 05 seconds West; thence Westerly and Northwesterly on said curve to the right 170.83 feet to the point of tangency thereof; thence North 65 degrees 21 minutes 07 seconds West on said centerline 100.39 feet to the point of curvature of a curve having a radius length of 300.00 feet which bears South 24 degrees 38 minutes 53 seconds West; thence Westerly on said centerline and curve l 07.90 feet to the point of tangency thereof; thence North 85 degrees 57 minutes 33 seconds west on said centerline 243.48 feet to the True Beginning Point; containing 14.729 acres, more or less.

AND ALSO:

Beginning at the Southwest corner of the Northeast Quarter of Section 13, Township 18 North, Range 3 East; thence North 00 degrees 12 minutes 55 seconds West (assumed bearing) on the West line thereof 190.00 feet to the centerline of Greyhound Pass; thence South 85 degrees 57 minutes 33 second East on said centerline 32.32 feet to the East right-of-way line of the Monon Railroad (said point being 33 feet East of the centerline of the railroad); thence North 00 degrees 27 minutes 08 seconds West on said East right-of-way 382.15 feet to the point of curvature of a curve having a radius length of 22,885.31 feet which bears North 89 degrees 32 minutes 05 seconds East; thence Northerly on said right-of-way line and curve to the right 124.15 feet to the point of tangency thereof; thence North 00 degrees 08 minutes 29 seconds West on said right-of-way line 628.58 feet to the True Beginning Point of the parcel herein described on the North line of property described in Warranty Deed recorded in Deed Record 266, page 362 in the Office of the Recorder of Hamilton County, Indiana; thence North 87 degrees 13 minutes 40 seconds East on said North line 261.12 feet thence North to the South line of the Northwest Quarter of said Northeast Quarter, thence 88 degrees 26 minutes 01 seconds West on said South line 260.93 feet to the East right-of-way line of the Monon Railroad; thence South 00 degrees 08 minutes 29 seconds East on said right-of-way line 5.50 feet to the True Beginning Point; containing 0.016 acre, more or less.

RECORD LAND DESCRIPTIONS

Parcel West of the Monon Railroad (north of 156th Street)

Part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows;

Beginning at the Southwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East; thence North 00 degrees 04 minutes 52 seconds West (assumed bearing) on and along the West line of said Southwest Quarter 2663.29 feet to the Northwest corner thereof; thence North 87 degrees 45 minutes 13 seconds East on and along the North line of said Southwest Quarter 2554.24 feet to the West right-of-way line

of the Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on and along said West right-of-way line 2611.15 feet to the South line of said Southwest Quarter; thence South 87 degrees 15 minutes 41 seconds West on and along aforesaid South line 2558.83 feet to the place of beginning, containing 153.76 acres, more or less.

EXCEPTING THEREFROM the real estate granted to the Board of Commissioners of Hamilton County, Indiana in Instrument No. 2001-22531 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right-of-way lines described as follows:

Beginning on the west line of said section North 0 degrees 00 minutes 48 seconds West (bearing based on the location Control Route Survey Plat recorded as Instrument #9809865686, in the Office of the Recorder of Hamilton County, Indiana) 837.03 feet from the southwest corner of said section, said southwest corner being designated as point "510" on said plat; thence North 00 degrees 00 minutes 48 seconds West 390.00 feet along the west line of said section; thence North 89 degrees 59 minutes 55 seconds East 17.63 feet to point "5549" designated on said plat which point is on the east boundary of Oak Ridge Road; thence South 15 degrees 26 minutes 05 seconds East 46.68 feet to point "5551" designated on said plat; thence South 0 degrees 00 minutes 05 seconds East 90.00 feet to point "5552" designated on said plat; thence South 23 degrees 45 minutes 03 seconds East 54.63 feet to point "5553" designated on said plat; thence South 0 degrees 00 minutes OS seconds East 25.00 feet to point "5554" designated on said plat; thence South 34 degrees 01 minutes OS seconds West 48.26 feet to point "5555" designated on said plat; thence South 00 degrees 00 minutes OS seconds East 95.00 feet to point "5556" designated on said plat; thence South 09 degrees 04 minutes 33 seconds West 45.57 feet to point "5539" designated on said plat, which point is on the east boundary of Oak Ridge Road; thence South 89 degrees 59 minutes 55 seconds West 17.78 feet to the point of beginning and containing 0.276 acres, more or less, inclusive of the presently existing right of way which contains 0.158 acres, more or less. The portion of the above described real estate, which is not already embraced within public rights of way, contains 0.118 acres, more or less.

ALSO

Parcel East of the Monon Railroad (north of 156th Street)

Part of the Southeast Quarter of Section 12, Township 18 North, Range 3 East in Hamilton County, Indiana, described as follows;

Beginning at a point on the South line of the Southeast Quarter of Section 12, Township 18 North, Range 3 East which is 33.01 feet North 88 degrees 22 minutes 33 seconds East (assumed bearing) of the Southwest corner thereof; said point also being on the East right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on and along said East right-of-way line 2611 .49 feet to the North line of said Southeast Quarter; thence North 87 degrees 25 minutes 54 seconds East on and along aforesaid North line 448.24 feet to a point which is 495.00 feet North 87 degrees 25 minutes 54 seconds East of the Northwest corner of said Southeast Quarter; thence South 00 degrees 27 minutes 45 seconds East parallel with the West line of said Southeast Quarter 1309.27 feet to the North line of the Southwest Quarter of said Southeast Quarter; thence North 87 degrees 54 minutes 14 seconds East on and along the North line of the Southwest Quarter of said Southeast Quarter 801.97 feet to the East line thereof; thence South 00 degrees 25 minutes 38 seconds East on and along the East line of the Southwest Quarter of said Southeast Quarter 1315.92 feet to the South line of said Southeast Quarter; thence South 88 degrees 22 minutes 33 seconds West on and along aforesaid South line 1262.74 feet to the place of beginning, containing 51.44 acres, more or less.

ALSO

(Parcel south of 156th Street)

Part of the North Half of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

The Northwest Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana.

The West Half of the Northeast Quarter of the Northwest Quarter of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana.

Part of the West Half of Section 13, Township 18 North, Range 3 East in Hamilton County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 13; thence North 00 degrees 07 minutes 03 seconds West (assumed bearing) North 00 degrees 02 minutes 44 seconds East (measured) along the West line of said Quarter Section 1312.77 feet (deed), 1312.98 feet (measured), to the North line of the South Half of said Quarter Section; thence North 87 degrees 34 minutes 59 seconds East (deed), North 87 degrees 44 minutes 25 seconds East (measured), along said North line 1945.13 feet (deed), 1945.323 feet (measured), to the Point of Beginning of this Description; said point being the Southwest corner of the East Half of the Northeast Quarter of said Quarter Section; thence North 00 degrees II minutes 28 seconds West (deed), North 00 degrees 02 minutes

II seconds West (measured), 1323.62 feet (deed), 1323.72 feet (measured), on and along the West line of the said Half Quarter Quarter to the Northwest corner of said Half Quarter Quarter; thence North 87 degrees 15 minutes 41 seconds East (deed), North 87 degrees 25 minutes 19 second East (measured), on and along said North line 9.06 feet (deed & measured); thence South 00 degrees 03 minutes 06 seconds East (deed), South 00 degrees 06 minutes 11 seconds West (measured), 1323.80 feet (deed), 1323.90 feet (measured), to the South line of the Northeast Quarter of the Northwest Quarter of said Section; thence South 87 degrees 34 minutes 59 seconds West (deed), South 87 degrees 44 minutes 25 seconds West (measured), on and along said South line of said Quarter Quarter Section 5.83 feet (deed & measured), to the point of beginning.

EXCEPTING THEREFROM the real estate granted to the Board of Commissioners of Hamilton County, Indiana in Instrument No. 2001-22530 in the Office of the Recorder of Hamilton County, Indiana, more particularly described as follows:

A part of the Northwest Quarter of the Northwest Quarter of Section 13, Township 18

North, Range 3 East, Hamilton County, Indiana, and being that part of the grantor's land lying within the right of way lines, described as follows:

Beginning at the southwest corner of said quarter-quarter section; thence North 0 degrees 02 minutes 59 seconds West (bearing is based on the Location Control Route Survey Plat recorded as Instrument #9809865686, in the Office of the Recorder of Hamilton County, Indiana) 291.35 feet along the west line of said quarter-quarter section; thence South 90 degrees 00 minutes 00 seconds East 24.11 feet to point "5531" designated on said plat; thence South 0 degrees 00 minutes 00 seconds West 90.00 feet to point "5530" designated on said plat; thence South 11 degrees 46 minutes 06 seconds East 122.58 feet to point "5529" designated on said plat; thence South 15 degrees 15 minutes 18 seconds West 57.01 feet to point "5528" designated on said plat; thence South 0 degrees 00 minutes 00 seconds West 24.96 feet to the south line of said quarter-quarter section; thence South 87 degrees 39 minutes 03 seconds West 33.89 feet along said southern line to the point of beginning and containing 0.222 acres, more or less, inclusive of the presently existing right of way which contains 0.104 acres, more or less. The portion of the above described real estate which is not already embraced within the presently existing right of way contains 0.118 acres, more or less.

Section 2: Parcels E & F Legal Description

THE FOLLOWING PARCELS E & F LEGAL DESCRIPTION IS EXCEPTED FROM THE ORIGINAL LEGAL DESCRIPTION:

PARCEL "E":

A part of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the southwest corner of the Southeast Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 88 degrees 22 minutes 33 seconds East (assumed bearing) on the south line of said Southeast Quarter 33.01 feet to a point on the east right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said east right-of-way line 1807.99 feet to the Point of Beginning of the herein described real estate; thence North 89 degrees 50 minutes 19 seconds East 452.17 feet to a point on the east line of the real estate described in Instrument No. 97-45676 (Exhibit C) in the Office of the Recorder of Hamilton County, Indiana; thence North 00 degrees 27 minutes 45 seconds West on said east line 822.59 feet to a point on the north line of said Southeast Quarter; thence South 87 degrees 26 minutes 20 seconds West on said north line 448.24 feet to a point on said east right-of-way line of said Monon Railroad; thence South 00 degrees 09 minutes 41 seconds East on said east right- of-way line 803.81 feet to the Point of Beginning, containing 8.40 acres, more or less.

PARCEL "F":

A part of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana, being more particularly described as follows:

Commencing at the northwest corner of the Southwest Quarter of Section 12, Township 18 North, Range 3 East, Hamilton County, Indiana; thence North 87 degrees 45 minutes 58 seconds East (assumed bearing) on the north line of said Southwest Quarter 2274.66 feet to the Point of Beginning of the herein described real estate; thence South 00 degrees 00 minutes 00 seconds East 790.25 feet; thence North 90 degrees 00 minutes 00 seconds East 281.45 feet to a point on the west right-of-way line of the Monon Railroad; thence North 00 degrees 09 minutes 41 seconds West on said west right-of-way line 801.15 feet to a point on said north line of said Southwest Quarter; thence South 87 degrees 45 minutes 58 seconds West on said north line 279.41 feet to the Point of Beginning, containing 5.12 acres, more or less.

Section 3: Enclave and Springs Legal Description

THE FOLLOWING ENCLAVE AND SPRINGS LEGAL DESCRIPTION IS ADDED TO THE ORIGINAL LEGAL DESCRIPTION:

The Northeast quarter of the Southeast quarter of Section 11, Township 18 North, Range 3 East, containing 40 acres, more or less.

ALSO

The Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 3 East, in Hamilton County, Indiana, containing 40 acres, more or less.

EXCEPT:

That portion platted as Helios Subdivision as per plat thereof recorded in Plat Book 6, page 28, in the Office of the Recorder of Hamilton County, Indiana.

ALSO EXCEPTING:

A part of the Southeast Quarter of the Southeast Quarter of Section 11, Township 18 North, Range 3 East, located in Washington Township, Hamilton County, Indiana, bounded as follows:

Beginning at the Northeast corner of Helios Subdivision Section 1, the plat thereof recorded in Plat Book 6, pages 28-30 in the Office of the Recorder of Hamilton County, Indiana, said point being North 00 degrees 00 minutes 00 seconds (bearing system of plat assumed) 850.00 feet from the Southeast Quarter of said Section 11, the next 7 courses are along the bounds of said Helios Subdivision, Section 1; thence 1) South 89 degrees 24 minutes 33 seconds West 270.00 feet to a 5/8' iron rod with yellow cap stamped 5I:1083; thence 2) North 73 degrees 33 minutes 00 seconds West 123.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083; thence 3) South 47 degrees 30 minutes 00 seconds West 110.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083; thence 4) North 00 degrees 00 minutes 00 seconds 88.30 feet to a 5/8 inch iron rod with yellow cap stamped S0083 at the point of tangency of a curve having a radius of 225.00 feet and being concave to the Southwest; thence 5.) Northwesterly 200.64 feet along said curve to a 5/8' iron rod with yellow cap stamped 50083 at a point that lies North 38 degrees 54 minutes 28 seconds East from the radius point of said curve; thence 6) North 38 degrees 54 minutes 28 seconds East 173.67 feet to a 5/8 inch iron rod; thence 7) North 00 degrees 42 minutes 50 seconds West 105.00 feet to a 5/8 inch iron rod with yellow cap stamped S0083 on the North line of the Southeast Quarter of said southeast Quarter; thence North 89 degrees 17 minutes 10 seconds East 445.00 feet along the North lien of the Southeast

Quarter of said Southeast Quarter to the Northeast corner of the Southeast Quarter of the Northeast corner of the Southeast Quarter of said Southeast Quarter; thence South 00 degrees 00 minutes 00 seconds 466.79 feet along the East line of the Southeast Quarter of said Southeast Quarter to the point of beginning.