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JUL - 9 1997

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JAMES ASHAUER, DAVIS CITY RECORDER
1997 JUL 9 9:34 AM FEE \$2.00 DEF MT
REC'D FOR BONNEVILLE TITLE COMPANY, INC

104 thru 115 Cedar Bench 7

THE PROTECTIVE COVENANTS FOR CEDAR BENCH

SUBDIVISION PHASES 7-8, LOTS 104-131 NORTH OF DAVIS WEBER CANAL

116 thru 131 Cedar Bench 8

1. ALL LOTS IN THE TRACT SHALL BE KNOWN AND DESCRIBED AS ^{thru 115} RESIDENTIAL LOTS FOR A DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED TWO STORIED IN HEIGHT AND A PRIVATE 2 OR 3 CAR GARAGE. ¹³⁻¹⁷⁵⁻⁰¹⁰⁴ and ¹³⁻¹⁷⁶⁻⁰¹¹⁶

2. NO BUILDING SHALL BE ERECTED, ALTERED OR PLACED ON ANY LOT ^{thru 0131} UNTIL THE CONSTRUCTION PLANS AND SPECIFICATIONS AND A PLAN SHOWING THE LOCATION OF THE STRUCTURE HAVE BEEN APPROVED BY SOUTH WEBER CITY.

3. THE ARCHITECTURAL CONTROL COMMITTEE IS COMPOSED OF CHAD STOKES, SHAWN F. RICKS AND DAVID R. BROWN. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT AS THE COMMITTEE SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. AT ANY TIME, THE THEN RECORDED OWNERS OF A MAJORITY OF THE LOTS SHALL HAVE THE POWER THROUGH A DAILY RECORDED WRITTEN INSTRUMENT TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR WITHDRAW FROM THE COMMITTEE OR RESTORE IT TO ANY OF ITS POWERS AND DUTIES.

4. ALL PLANS AND SPECIFICATIONS MUST BE APPROVED BY THE COMMITTEE PRIOR TO STARTING CONSTRUCTION. TWO COMPLETE SETS OF PLANS SHALL BE SUBMITTED TO THE COMMITTEE BEFORE CONSTRUCTION CAN COMMENCE. ONE SIGNED SET WILL BE SIGNED AND RETURNED TO THE CONTRACTOR AND ONE SIGNED SET WILL BE RETAINED IN A PERMANENT FILE BY THE DEVELOPER.

5. ALL DWELLINGS SHALL BE SET BACK AT LEAST 30 FEET TO ANY SIDE STREET LINE, NOT NEARER THAN 10 FEET TO ANY SIDE LOT LINE AND THE TOTAL WIDTH OF THE TWO SIDE YARDS SHALL BE NOT LESS THAN 20 FEET, AND THE REAR YARDS SHALL NOT BE LESS THAN 25 FEET, EXCEPT THAT HOMES LOCATED ON CORNER LOTS SHALL BE REQUIRED TO HAVE A REAR YARD OF NOT LESS THAN 20 FEET. FOR THE PURPOSE OF THESE COVENANTS, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS PART OF THE BUILDING TO DETERMINE SETBACKS. A DETACHED GARAGE OR OTHER PERMITTED ACCESSORY BUILDING MUST BE LOCATED 40 FEET OR MORE FROM THE SET BACK LINE, AND SHALL HAVE A MINIMUM SIDE YARD OF NOT LESS THAN 1 FOOT.

6. NO DWELLING SHALL BE PERMITTED ON ANY LOT WITH THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF OPEN PORCHES AND

GARAGES, TO BE LESS THAN 1350 SQUARE FEET FOR ONE STORY DWELLING. A TWO-STORY DWELLING MUST HAVE 1700 SQUARE FEET ON THE MAIN AND UPPER LEVELS. A SPLIT ENTRY, BI-LEVEL, OR SPLIT LEVEL PLAN MUST HAVE 1700 SQUARE FEET ON THE MAIN LEVELS. THE CONSTRUCTION MATERIALS FOR EACH HOME SHALL BE OF A QUALITY EQUAL TO OR SUPERIOR TO FHA OR VA REQUIREMENTS.

7. THE EXTERIOR MATERIALS OF THE BUILDINGS ERRECTED WILL CONSIST OF BRICK, STONE OR STUCCO. THE ROOF MATERIALS SHALL BE ARCHITECTURAL GRADE SHINGLES. NO ALUMINUM OR VINYL SIDING SHALL BE ALLOWED ON EXTERIOR WALLS EXCEPT ON THE REAR OR BY WRITTEN APPROVAL OF THE ACC ON A CASE BY CASE BASIS.

8. NO BUILDING SHALL BE ERRECTED OR PLACED ON ANY LOT HAVING AN AREA OF LESS THAN 10,000 SQUARE FEET.

9. NO OBNOXIOUS OR OFFENSIVE 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. NO CLOTHES DRYING OR STORAGE OF ANY ARTICLES WHICH ARE UNSIGHTLY ON PATIOS, UNLESS IN ENCLOSED AREAS BUILT AND DESIGNED FOR SUCH PURPOSES. NO AUTO MOBILES, TRAILERS, BOATS, OR OTHER VEHICLES ARE TO BE STORED ON STREETS OF FRONT AND SIDE LOTS UNLESS THEY ARE IN RUNNING CONDITION, PROPERLY LICENSED, AND ARE BEING REGULARLY USED. AUTOMOBILES MUST BE MOVED EVERY 24 HOURS.

10. NO STRUCTURE OF TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDINGS SHALL BE USED ON ANY LOT AT ANYTIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY. EXCEPTION: TEMPORARY CONSTRUCTION OFFICE.

11. SUCH EASEMENT AND RIGHTS OF WAY SHALL BE RESERVED TO THE UNDERSIGNED, ITS SUCCESSORS AND ASSIGNS, ON AND OVER SAID REAL PROPERTY FOR THE ERECTION, CONSTRUCTION AND MAINTENANCE AND OPERATION THEREIN OR THEREON OF DRAINAGE PIPES OR CONDUITS AND PIPES, CONDUITS, POLES, WIRES AND OTHER MEANS OF CONVEYING TO AND FROM LOTS IN SAID TRACT, GAS, ELECTRICITY, POWER, WATER, TELEPHONE AND TELEGRAPH SERVICES, SEWAGE AND OTHER THINGS FOR CONVENIENCE TO THE OWNERS OF LOTS IN SAID TRACT, AS MANY ARE SHOWN ON THE SAID MAP AND THE UNDERSIGNED, ITS SUCCESSORS, AND ASSIGNS, SHALL HAVE THE RIGHT TO SO RESERVE ANY OR ALL OF THE LOTS SHOWN ON SAID MAP. NO STRUCTURES OF ANY KIND SHALL BE ERRECTED OVER ANY OF SUCH EASEMENTS EXCEPT UPON WRITTEN PERMISSION OF THE OWNER OF THE EASEMENT, THEIR SUCCESSORS OR ASSIGNS.

12. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON

ANY LOT EXCEPT ON PROFESSIONAL SIGN OF NOT MORE THAN ONE SQUARE FOOT, ONE SIGN OF NOT THAN FIVE SQUARE FEET ADVERTISING THE PROPERTY FOR SALE OR RENT, OR SIGNS USED BY A BUILDER TO ADVERTISE DURING THE CONSTRUCTION AND SALE PERIOD.

13. NO LOT SHALL BE USED OR MAINTAINED AS DUMPING GROUND FOR RUBBISH TRASH AND GARBAGE OR OTHER WASTE SHALL BE KEPT IN SANITARY CONTAINERS. ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION. EACH LOT, AND ITS ABUTTING STREET, ARE TO BE DEPT FREE OR TRASH, AND OTHER REFUSE BY THE LOT OWNER. NO UNSIGHTLY MATERIALS OR OTHER OBJECTS ARE TO BE STORED ON ANY LOT IN VIEW OF THE GENERAL PUBLIC, PURCHASER OR CONTRACTOR OF LOT SHALL BE HELD RESPONSIBLE FOR DAMAGES CAUSED BY HIS OR HER CONTRACTOR TO ANY LOTS IN THIS SUBDIVISION.

14. NO FENCE, WALL, OR OTHER OBJECT OF SIMILAR DESIGN MAY BE CONSTRUCTED ON ANY LOT NEARER THE STREET LINE THAN THE FRONT HOUSE LINE, NOR SHALL ANY FENCE, WALL OR OTHER OBJECT OF SIMILAR DESIGN BE CONSTRUCTED ON ANY LOT TO A HEIGHT GREATER THAN 6 FEET.

15. NO FENCE, WALL HEDGE OR SHRUB PLANTING WHICH OBSTRUCT SIGHT LINES AT ELEVATIONS BETWEEN 2 AND 6 FEET ABOVE THE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES AND LINES CONNECTING THEM AT POINT 20 FEET FROM THE INTERSECTION OF THE STREET LINES, OR IN THE CASE OF A ROUNDED PROPERTY CORNER FROM THE INTERSECTION TO THE STREET LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH THE EDGE OF A DRIVEWAY OF ALLEY PAVEMENT. NO TREE SHALL BE PERMITTED TO REMAIN WITHIN SUCH DISTANCES OF SUCH INTERSECTIONS UNLESS THE FOLIAGE LINE IS MAINTAINED AT SUFFICIENT HEIGHT TO PREVENT OBSTRUCTION OF SUCH SIGHT LINES.

16. NO OIL DRILLING, OIL DEVELOPMENT OPERATIONS, OIL REFINING, QUARRYING OR MINIMUM OPERATIONS OF ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE BORING FOR OIL OR NATURAL GAS SHALL BE ERRECTED, MAINTAINED OR PERMITTED UPON ANY LOT.

17. WITHIN ONE YEAR OF OCCUPANCY OF ANY HOME BUILT ON A LOT IN SAID SUBDIVISION, THE FRONT AND SIDE YARDS SHALL BE PLANTED IN LAWN OR OTHER ACCEPTABLE LANDSCAPING SO AS NOT TO BE AN EYESORE.

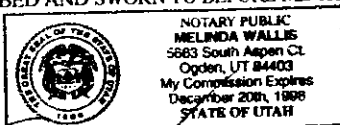
"ACCEPTABLE LANDSCAPING" AND "LAWN" SHALL BE INTERPRETED BY THE MAJORITY OF THE THEN EXISTING HOME OWNERS IN THE SUBDIVISION.

THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF 20 YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED CHANGING SAID COVENANTS IN WHOLE OR IN PART. ENFORCEMENT SHALL BE BY PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANTS EITHER TO RESTRAIN HIM OR THEM FROM SO DOING, OR TO RECOVER DAMAGES THEREOF, INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT. ENFORCEMENT SHALL BE BY HOMEOWNERS WHO HAVE PURCHASED LOTS IN SAID SUBDIVISION AND BUILT HOMES ON THEM. THE DEVELOPER ACCEPTS NO RESPONSIBILITY FOR ENFORCEMENT AND SHALL HAVE NO LIABILITY FOR PERSONS VIOLATING THESE COVENANTS

Shawn F. Ricks
SHAWN F. RICKS

1 July 1997
DATE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 1st DAY OF July 1997

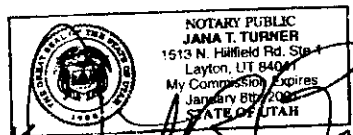


Melinda Wallis
NOTARY PUBLIC

Chad W. Stokes
CHAD W. STOKES

JULY 2, 1997
DATE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF July 1997

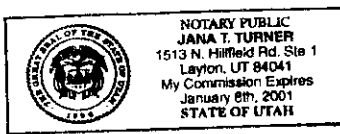


Jana T. Turner
NOTARY PUBLIC

David F. Brown
DAVID F. BROWN

7-2-97
DATE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 2nd DAY OF July 1997



Jana T. Turner
NOTARY PUBLIC