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05-168-0001 ✓  
05-168-0019 ✓  
05-168-0058 ✓

138842 Bk 0733 Pg 1207  
Lufan Adams, Box Elder County Recorder  
03/13/2000 10:34am FEE: 12.00 Dep:LA  
Rec'd For: JAY DEE HARRIS

**DECLARATION OF RESTRICTIONS**  
by  
**J. D. AND ALICE C. HARRIS, L.L.C.**

WHEREAS, J. D. AND ALICE C. HARRIS, L.L.C., is the owner and developer of a certain tract of land known as J. D. Harris East Subdivision, Phase III, more particularly described in Schedule A, which is annexed hereto and made a part hereof; and

WHEREAS, the said J. D. Harris East Subdivision, Phase III, is expecting to sell residential lots within said tract to individual homeowners and desires to subject the land and purchasers thereof to certain restrictions, conditions and covenants for the purpose of maintaining the value and atmosphere desired for the subdivision,

NOW, THEREFORE, J. D. Harris East Subdivision, Phase III, hereby declares that all lots shown on the tract of land described in Schedule A are held and shall be conveyed subject to the following restrictions, conditions and covenants:

**1. Use of lots in development.**

All lots in the residential subdivision known as J. D. Harris East Subdivision, Phase III shall be used solely for residential purposes. No business activities of any kind or nature shall be carried on in any of the homes constructed therein.

**2. No factory built, manufactured or mobile homes allowed.**

No factory built housing shall be allowed within the subdivision. This includes any transportable factory built housing unit, in one or more sections, which is built upon a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems, whether considered a manufactured home or a mobile home.

**3. Survival clause.**

Invalidation of any one of these covenants, conditions and restrictions, whether by judgment or court order, shall not affect any of the remaining provisions, which shall remain in full force and effect.

**4. Duration of restrictions, conditions and covenants.**

All restrictions, conditions and covenants herein shall run with the land and continue as such for twenty (20) years from the date hereof. They shall be extended from that time for successive periods of twenty (20) years, unless the owners of ninety (90) percent of the lots shown on

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## BOUNDARY DESCRIPTION

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PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 11 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN, IN TREMONTON CITY, BOX ELDER COUNTY, UTAH. DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 3, TOWNSHIP 11 NORTH, RANGE 3 WEST OF THE SALT LAKE BASE AND MERIDIAN. SAID SOUTH QUARTER CORNER BEING LOCATED IN THE INTERSECTION OF MAIN STREET AND 400 WEST STREET. THENCE NORTH  $88^{\circ}54'54''$  EAST 1.52 FEET TO THE CENTERLINE OF 400 WEST STREET; THENCE NORTH 2400.02 FEET ALONG SAID CENTERLINE; THENCE SOUTH  $89^{\circ}27'05''$  WEST 132.01 FEET TO THE NORTHWEST CORNER OF LOT 12, J.D. HARRIS EAST SUBDIVISION PHASE I (AMENDED) AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 256.57 FEET ALONG THE WEST BOUNDARY LINE OF SAID PHASE I TO THE NORTHEAST CORNER OF LOT 32, J.D. HARRIS EAST SUBDIVISION PHASE II (AMENDED); THENCE FOLLOWING THE NORTH BOUNDARY LINE OF J.D. HARRIS EAST SUBDIVISION PHASE II (AMENDED) FOR THE FOLLOWING FOUR COURSES: SOUTH  $89^{\circ}14'12''$  WEST 1079.10 FEET TO THE NORTHWEST CORNER OF LOT 23 OF SAID PHASE II (AMENDED); THENCE NORTH  $00^{\circ}45'48''$  WEST 102.00 FEET; THENCE SOUTH  $89^{\circ}14'12''$  WEST 78.69 FEET; THENCE SOUTHWESTERLY 31.10 FEET ALONG THE ARC OF A 20 FOOT RADIUS CURVE TO THE LEFT (NOTE: CHORD BEARS SOUTH  $44^{\circ}41'45''$  WEST 28.06 FEET.) TO A POINT IN THE EAST R.O.W. LINE OF 800 WEST STREET; THENCE NORTH  $00^{\circ}09'17''$  EAST 178.67 FEET ALONG SAID R.O.W. LINE TO THE SW CORNER OF PARCEL 05-168-0041; THENCE LEAVING SAID R.O.W. LINE NORTH  $89^{\circ}27'05''$  EAST 1178.36 FEET TO THE POINT OF BEGINNING CONTAINING 22 LOTS AND 6.77 ACRES MORE OR LESS.