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DECLARATION OF PROTECTIVE COVENANTS, AGREEMENTS, RESTRICTIONS AND
CONDITIONS, AFFECTING THE REAL PROPERTY KNOWN AS SHEPARD HEIGHTS
SUBDIVISION FARMINGTON, UTAH

RETURNED

PREAMBLE

PART A. OCT 15 1998

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JAMES ASHNER, DAVIS CNTY RECORDER
1998 OCT 15 12:53 PM FEE 101.00 DEP D.J.M
REC'D FOR JOHNSON AND PRESTON INVESTMENT

KNOW ALL MEN BY THESE PRESENT:

08-234-0001 thru 0080

THAT, WHEREAS, the undersigned being the owner of the following described real property located in the City of Farmington, Davis County, State of Utah, to wit:

Section one shall consist of Lots 21, 22, 23, 24, , 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68. Section two shall consist of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 69, 70, 71, 72, 73, 74 and 75. Section three shall consist of lots 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47 and 48. Unless otherwise noted all covenants shall apply to all lots in all sections of Shepard Heights according to the plat thereof, as recorded in the office of the County Recorder of said county, do hereby establish the nature of the use and enjoyment of all lots as listed here in said subdivision and do declare that the conveyances of said lots shall be made subject to the following conditions restrictions and stipulations:

RESIDENTIAL AREA CONVENANTS.

PART B.

B-1 LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height. Detached garages, guest quarters, barns, pool houses, etc. may be approved by the Architectural Control Committee. All structures in sections one and two to contain no less than a two-car garage. All structures in section three to contain no less than a three car garage. All construction to be of new materials, except that used brick may be used with prior written approval of the Architectural Control Committee. Said premises shall be used for private residence purposes only, except as hereinafter set forth and no structure of any kind shall be permitted to remain incomplete for a period in excess of one year from the date the building was started unless approved by the Architectural Control Committee.

B-2 ARCHITECTURAL CONTROL. No building shall be erected, placed or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure have been approved by the Architectural Control Committee as to the quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the front building setback line unless similarly approved. Approval shall be as provided in Part C.

- a. For Section one the ground floor square feet area of the main structure, exclusive of garage and any one-story open porches, shall not be less than 2,100 square feet for a one-story dwelling. For Section two the ground floor square feet area of the main structure, exclusive of garage and any one-story open porches, shall not be less than 1750 square feet for a one-story dwelling. For Section three the ground floor square feet area of the main structure, exclusive of garage and any one-story open porches, shall not be less than 2700 square feet for a one-story dwelling. In Section two lots 15,16,75 may be considered for smaller square footage by the Architectural Review Committee based on the smaller size of buildable area of these lots.
- b. For Section one a two-story home, which is two stories above the curb level, the combined area of the ground-story level and the story above the ground-story level, exclusive of garage and any one-story open porches, shall total not less than 2,600 square feet. For Section two a two-story home, which is two stories above the curb level, the combined area of the ground-story level and the story above the ground-story level, exclusive of garage and any one-story open porches, shall total not less than 2,300 square feet. For Section three a two-story home, which is two stories above the curb level, the combined area of the ground-story level and the story above the ground-story level, exclusive of garage and any one-story open porches, shall total not less than 4000 square feet. In Section two lots 15,16,75 may be considered for smaller square footage by the Architectural Review Committee based on the smaller size of buildable area of these lots.
- c. A multi-level home (i.e. three or four level split), will be allowed on a case by case basis. Each case to be approved by the Architectural Control Committee.
- d. For Section one and Section three dwelling front exteriors shall be at least 80% brick, cultured or natural stone veneer. The front exterior shall be a combination of either brick and stucco or stone and stucco. The completed exterior of the dwelling shall consist of 1) 30% Rock and 70% Stucco or 2) 50% Brick and 50% Stucco. Siding may be used as accents but may not be used for complete wall coverings. Aluminum siding or vinyl siding may not be used. For Section two front exteriors shall be at least 50% brick or stone veneer. Complete exteriors shall not be restricted as to the total amount of brick or rock required. Siding may be used as accents but may not be used for complete wall coverings.
- e. No dwelling or garage shall be constructed or reconstructed with a flat roof. All roofs shall have a minimum of a 6 in 12 pitch.
- f. All roofs shall be of 30 year Architectural grade asphalt shingles, sawn cedar shingles, hand-split cedar shakes, slate shingles or of architectural tile in natural colors.
- g. Any additions to a dwelling or garage must be approved in advance by the Architectural Control Committee.

B-4 BUILDING LOCATION. For sections one and three building set backs, side restriction and height restriction will be directed by contacting Farmington City. The Architectural Control Committee may require placement changes to a dwelling if in their judgement the placement unnecessarily blocks views from surrounding lots.

B-5 LOT AREA. In Sections one and two no dwelling shall be erected or placed on any lot having an area of less than 12000 square feet. In Section two no dwelling shall be erected or place on any lot having an area of less than 10000 square feet.

B-6 EASEMENT. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear 10 feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction or flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

B-7 NUISANCE. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No clothes drying or storage of any articles which are unsightly in the opinion of the Architectural Control Committee will be permitted unless in enclosed areas designed for such purposes. No automobiles, trailers, boats or other vehicles are to be stored on streets or front or side lots unless they are in running condition, properly licensed and are being regularly used.

B-8 TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot at any time as a residence either temporarily or permanently. No Mobile Homes are permitted.

B-9 SIGNS. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, except signs used by the developer to advertise the property during the construction and sales period. Signs by the developer during construction and sales may be as large as deemed appropriate by the developer.

B-10 LIVESTOCK AND POULTRY. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot less than 40,000 square feet, except that dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose and are restricted to the owner's premises or on leash under handler's control. Household pets shall be restricted to two pets per household.

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B-11 GARAGE AND REFUSE. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except 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 kept free of trash, weeds and other refuse by the lot owner. No unsightly materials or other object are to be stored on any lot in view of the general public.

B-12 SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge, or shrub planting which obstructs 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 a line connecting them at points 25 feet from the intersection of the street lines, or in the case of sight-line limitation shall apply on a driveway or alley pavement. No tree shall be permitted to remain within such distance of such intersection unless the foliage line is maintained as sufficient height to prevent obstruction of such sight lines.

B-13 OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining 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 in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

B-14 SLOPE AND DRAINAGE CONTROL. No structure, planting or other material shall be placed or permitted to remain or other activities undertaken which in any way damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction or flow of drainage channels or obstruct or retard the flow of water through drainage channels. The slope control areas of each lot and all improvements in them shall be maintained continuously by the owner of the lot, except for the improvements for which a public authority or utility company is responsible.

B-15 ROOF ANTENNAS. All TV antennas are to be placed in the attic out of view. Satellite dishes are to be hidden from view of the street.

B-16 FENCING No fence or other similar structure shall be erected in any front yard of a dwelling. Nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet. On corner lots, no fence or other similar structure shall be erected in any yard bordering a street or front yard of an adjoining lot. All fences require a building permit from Farmington City. All fences shall be constructed from Vinyl, Masonry or Wrought Iron.

B-17 PARKING AND STORAGE. No inoperative automobile shall be placed or remain on any lot or adjacent street for more than 24 hours. No commercial type vehicles shall be parked or stored on the front yard setback of any lot, or within the side yard building setback on the street side of a corner lot, or on the residential street except while engaged in transportation. Trailers, mobile homes, trucks larger than pickup trucks, boats, campers not on a truck bed, motor homes, buses, tractors, and maintenance or commercial equipment of any kind shall be

parked or stored behind the front yard setback in an enclosed area screened from street view. Sufficient side yard gate access should be planned and provided for in the design of the home to permit ingress, egress and storage of trailers and recreational type vehicles on the side and rear yards. The storage or accumulation of junk, trash, manure or other offensive or commercial materials is prohibited. Facilities for hanging, drying or airing clothing or household fabrics shall be appropriately screened from view. In Sections one and three no pads used for the storage of vehicles or other material either temporarily or permanently shall be constructed within the side or front yard set back requirements of a given lot. This open space shall remain unoccupied and unobstructed by buildings, vehicles and/or hard surfaces such as asphalt, cement and packed surface from this time henceforth and forever.

B-18 LANDSCAPING. All building lots shall be completely landscaped within one year of completion of construction on the dwelling. Landscaping shall include trees planted within the park strip between the sidewalk and the road. There shall be one tree per 50 feet of frontage or fraction thereof. The trees planted in the park strip shall be Parkway Maples and at the time of planting shall be a minimum 1 1/2 to 2 inch plus caliper. Lots 53, 54, 55, 56, 57 and 58 shall include as part of their landscaping trees at the base of the slope which is their back lot line. Such trees shall be selected from the "Farmington City Approve Tree List" and shall include at least one tree per 40 feet.

B-19 FIRE AREA. All homes on wooded lots must have a 30 foot clear area from a contiguous fire burn area for fire protection. Please have lot layout reviewed with the Farmington fire chief before construction begins.

B-20 NOTICE OF EASEMENT RESTRICTIONS ON LOTS 25, 26, 27, 28, 29, 30, 35, 36, 37, 40, 41, 43, 44, 45, 46 AND 47. These lots are encumbered by an easement and Right-of-Way of the United States for facilities installed as part of the Weber Basin Project. No permanent structures are allowed within the Davis Aqueduct Right-of-Way. Deep rooted trees are also not allowed within 15 feet of the pipeline. Specific requirements placed on Lot 25 are that all driveway and construction access to the Lot as well as utility services must come from the North off Grand View Drive outside the Davis Aqueduct easement. Lot 26 access for driveway, utilities and construction traffic is limited to approximately the southern most 20 feet of the lot fronting Belle Vista Drive. Absolutely no vehicular traffic is allowed over the Davis Aqueduct within Lots 25 and 26 except as described above since structural class of the pipe in this location does not allow for traffic loads. Before marking and designing driveways for either Lot 25 or 26, Weber Basin Water Conservancy District must be advised of the plans and upon request, the District will mark the allowed for driveway crossing.

ARCHITECTURAL CONTROL COMMITTEE

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PART C

C-1 MEMBERSHIP. The Architectural Control Committee of section one shall be Craig Johnson and Jerry Preston, 2011 West 1700 South #1, Salt Lake City, Utah 84104, 977-0065. The Architectural Control Committee of section two shall be Victor Barnes and Kent Sorensen 225 South 200 East #300, Salt Lake City, Utah 84111, 532-2233. The Architectural Control Committee of section three shall be Chris Haertel and Steve Brandly 502 East 2150 South Bountiful, Utah 84010 949-8843 or 949-0970. The committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining member of the committee, or its designated representative, shall be authorized to appoint a successor to that member. No member of the committee, or its designated representative shall be entitled to any compensation for services performed to this covenant.

C-2 PROCEDURE. The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

GENERAL PROVISIONS

PART D

D-1 TERM. 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 forty years from the date these covenants are recorded after which said covenants shall automatically be extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

D-2 ENFORCEMENT. Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

D-3 SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the above provision which shall remain in full force and effect.

D-4 AMENDMENT. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

JOHNSON PRESTON INVESTMENTS L.L.C.

BY: *[Signature]*
KFP Corporation

BY: *[Signature]*
Creekside LLC

BY: *[Signature]*

STATE OF UTAH)

: ss

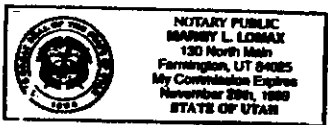
DAVIS COUNTY)

On the 28th day of September 1998, personally appeared before me Craig Johnson, who being duly sworn did say that he is a member of Johnson Preston Investments, L.L.C., and that said covenants were signed in behalf of said Limited Liability Company for the purposes herein set forth.

[Signature]
Notary Public

My commission expires: 11/29/99

Residing At: Davis County, Utah





APPROVED TREE LIST - SHEPARD HEIGHTS

This is the approved tree list for the back lot lines
on the Johnson/Preston phase of Shepard Heights Subdivision

Large Trees - Over 60'

- American Linden (*Tilia Americana*)
- Hackberry (*Celtis Occidentalis*)
- Little Leaf Linden (*Tilia Cordata*)
- London Plane or Sycamore (*Platanus Acerifolia*)
- Red Oak (*Quercus Rubra*)
- Thornless Honeylocust (*Gleditsia Tricanthos Inermis*)
- Zelkova (*Zelkova Serrata*)

Medium Trees - 40' to 60'

- Bur Oak (*Quercus Macrocarpa*)
- Cleveland Maple (*Acer Platanoides Cleveland*)
- Crimean Linden (*Tilia Euchlora*)
- Crimson King and Fassan Black Norway Maples
(*Acer Platanoides Crimson King and Fassan Black*)
- English Oak (*Quercus Robur*)
- Gingko (*Gingko Biloba*)
- Horse Chestnut (*Aesculus Hippocastanum*)
- Japanese Pagoda Tree (*Sophora Japonica*)
- Norway Maple (*Acer Platanoides*)
- Gingko Autumn Gold (*Gingko Biloba Autumn Gold*)
- Red Horse Chestnut (*Aesculus Carnea*)
- Sycamore Maple (*Acer Pseudoplatanus*)
- Yellow Wood (*Cladatis Lutea*)