

STATE OF UTAH
COUNTY OF CACHE) SS
FILED AND RECORDED FOR
FICKMAN LAND TITLE CO.
NOV 1 11 17 AM '68

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BOOK 115 PAGE 765

\$5.00

IN BOOK 115 OF RECORD
PAGE 765-766-767
GRETTA B. SMITH
COUNTY RECORDER
DEPUTY

PROTECTIVE COVENANTS AND RESTRICTIONS:

Entry No.
Book.
Page.

Protective covenants and restrictions on the following described real estate situated in Cache County, State of Utah, to-wit:

All of Sections 25 and 36, and the SW $\frac{1}{4}$ of Section 24, Township 9 North, Range 3 East, Salt Lake Base and Meridian.

NOW THEREFORE: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until July 1, 1989, at which time said covenants shall be automatically extended for successive periods of 10 years unless by vote of a majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

If the parties hereto, or any of them or their heirs or assign, shall violate or attempt to violate any of covenants herein, it shall be lawfull for any other person or persons owning any real property situated in said development to prosecute any proceeding at law or inequity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of these covenants by judgement or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

1. USE OF LAND.

Each and every 10 acre parcel of land in the above described area shall be known and is hereby designated as a residential lot. None of said lots shall be improved, used or occupied for other than private single family residence purposes. No structure shall be erected thereon or placed on any of said lots other than a single family residence, with a one, two, or three car garage, allowable. No building shall exceed two stories in height. All building materials shall blend favorably with natures natural decor and beauty. All structures shall have a dull finished roof and siding, rather than one which is shiny and reflects light. All painting shall be done with subdued or rustic colors, and bright colors shall not be permitted. A structure of a temporary nature shall not be used as a residence.

2. SETRBACK OF RESIDENCE:

No residence shall be erected on any of said lots nearer than forty (40) feet to the road, or Thirty (30) feet to any property line.

3. NO BUSINESS OR TRADE PERMITTED:

No trade or business of any kind or nature shall be permitted to be carried on upon any lot described above. Nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

4. RESTRICTIONS TO ANIMALS AND FOWL:

No animals or fowl shall be kept housed or permitted to be kept or housed on any lot or lots except, horses, cows, sheep, dogs, cats, chickens, rabbits, or household pet birds, which shall be kept together, leashed, fenced, and or restricted to the owners own lot.

5. NO RESIDENCE OF TEMPORARY CHARACTER PERMITTED:

No trailer, basement, tent, shack, garage, barn or other outbuilding shall be moved onto or erected on any lot which at any time shall be used as a residence temporarily or permanently nor shall any residence of temporary character be permitted thereon. Exceptions will be Camp Trailers, and Campers which can be placed on a lot for temporary usage but can not be left on the lot as a permanent residence. No trailer shall have the tires removed or remain on any lot for a continuous period of over six (6) months. Tents may be erected for temporary outings but not as a permanent shelter.

5 a. PERPETUAL ROAD MAINTENANCE:

After the developers have sold the lots it will be necessary to grade the roads each spring. This expense shall be shared by each lot owner with the maximum yearly assessment to be \$5.00 per lot.

6. MINIMUM LOT SIZE:

No lot shall be divided smaller than 5 acres. Any one dividing a lot smaller than 10 acres must conform to the requirements of Cache County. No lot shall be divided smaller than 10 acres prior to Sept. 1, 1970.

7. HUNTING:

The above described property will be closed to hunting and the firing of firearms except during the legal Deer and Elk season. The above described property will be closed to hunting during the Deer and Elk seasons to all persons except the lot owners and their limited personal guests.

8. RESTRICTIONS AS TO CABIN SIZE:

No dwelling shall be permitted on any lot in which the floor area of the structure exclusive of open porches, and garages, is less than 350 square feet.

9. TRASH AND FIRES:

No trash, ashes or any other refuse may be thrown or dumped on any residential lot here before described or any portion thereof. Furthermore, no fires shall be started or kept for the burning of any type materials except within enclosed fireplaces, within the dwellings upon the lots before described, or adequately constructed fireplaces, barbeque or pit areas wherein ample protection is provided against the spread of any fires so started.

10. STREETS AND RIGHTS OF WAY:

All of the streets and rights of way shown within the above described area are privately owned, maintained, and each lot owner has a perpetual easement and right to travel same. It is understood that Cache County is not obligated to improve or maintain any of the streets or right-of-ways, neither are they obligated to provide fire protection, snow removal, garbage collection or similar services. Developers to run an access road to each lot.

11. EASEMENTS:

An easement is hereby reserved over, on and through the above described property for the construction, installation and continued maintenance, repair, reconstruction, replacement and removal of such water pipeline and electric distribution pole lines and circuits as may from time to time become necessary to serve water and electric installations located within the boundaries of the above described property.

12. WATER:

No culinary water systems are to be included by the developer. The developer will retain the springs on the property and water will be available to all property owners to go to the springs and get their own water. Water will be free to all property owners.

Any property owner desiring to develop their own water system by wells, either individually or collectively may do so at their own expense. Property owners will have to obtain their own well permits. It is the developers understanding that well permits are available only by obtaining and transferring a water right from some other location on the watershed.

13. SEWAGE AND DRAINAGE:

Sewage disposal may be by septic tank. All plans must be approved by the Cache County Health Department. It will also be permissible to build an outdoor pit type toilet. This will be constructed to the approved plans of the Cache County Health Dept. It will also be permissible to have a butane gas operated toilet within the cabin.

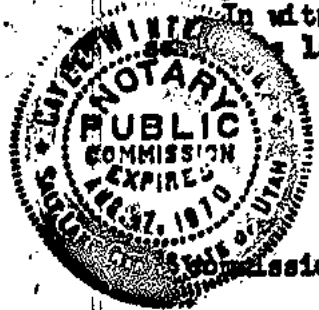
July 1, 1968
Date

EMPIRE ENTERPRISES, INC.
By: Derald A. Tilley
President.

State of Utah.

County of Salt Lake

On the 1st day of July 1968, personally appeared before me Derald A. Tilley, who being by me duly sworn, says that he is the President of Empire Enterprises, Inc. the corporation that executed the above and foregoing instrument and that said instrument was signed in behalf of said corporation by authority of its by-laws (or by a resolution of its board of directors) and said Derald A. Tilley acknowledged to me that said corporation executed the same. In witness whereof I have herewith set my hand and affixed my seal this 1st day of July, 1968.



Jayle Whitmore
Notary Public

Commission expires August 7, 1970 Residing at Salt Lake City, Utah.