

43710

RECORDED AT THE REQUEST OF

*Deland Fitzgerald*

1980 DEC 10 PM 1:53

UTAH COUNTY DEPUTY CLERK  
9450

208 E. 13800th

*Proper*  
*844 84020*

43710

RESTRICTIVE COVENANT PRECLUDING THE RESIDENTIAL OR OTHER NON-AGRICULTURAL USE OF THE LAND

TO THE PUBLIC:

I, the undersigned owner of real property in Utah County, State of Utah, which property is located as follows: (legal description)

SEE EXHIBIT "A"

have the intent to qualify for the exemption from filing an approved subdivision plat, which exemption is provided for in section 17-27-27 UCA 1953 as amended and section 4-3-53 of the 1976 Revised Zoning Ordinance of Utah County, Utah, for the division of agricultural land for agricultural purposes. I hereby covenant that neither I, nor my heirs, executors, administrators or assigns will ever allow residential or other non-agricultural use of this land without properly obtaining an approved subdivision plat as required by law.

This covenant shall run with the land and shall be binding upon all persons owning or leasing the above described real property; it shall not apply (1) to those portions of the property contained in a properly approved and recorded subdivision plat; (2) those portions of the property placed into an incorporated city or town; or (3) upon repeal of the requirements for such a covenant under section 4-3-53 or its successor statute. Further, this covenant shall hereinafter be included in any deed dealing with the above described property, or portions thereof, in whole, or by reference hereto.

Invalidation of any of these covenant provisions by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

If the owner or owners of the above described real property or any portion thereof, or the owner(s)' heir's or assigns shall violate or attempt to violate any of the covenants above set forth, Utah County or any other person owning a portion thereof, may enjoin such transfer, sale, or use by action for injunction brought in any court of equity jurisdiction or may pursue any other remedy at law or equity. All costs and all expenses of such proceedings shall be taxed against the offending party or parties and shall be declared by the court to constitute a lien against the real estate wrongfully deeded, sold, leased, used, or conveyed until paid. Such lien may be enforced in such manner as the court may order.

Change or amendment of these covenants may be effected only if such is in compliance with the laws and ordinances of the State of Utah and its political subdivisions. This covenant, and any changes or amendments hereto, must first be approved in writing by the Utah County Building Inspector before recording with the County Recorder. Any change or amendment without such approval is hereby made null and void.

BOOK 1884 PAGE 169

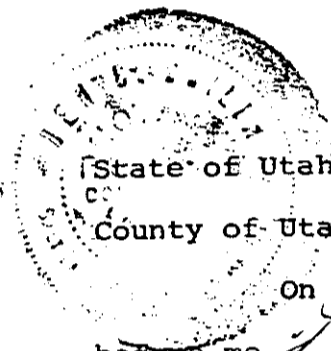
Signed *Edward J. Fitzgerald*

State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared  
before me *Edward J. Fitzgerald*, the signer of the above instrument,  
who duly acknowledged to me that he executed the same.

*Ben C. Cutler*  
Notary Public

Residing at: *Draper Utah*  
Commission expires: *Aug 15, 1982*



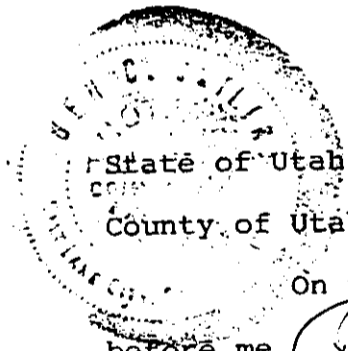
Signed *J. H. Bell*

State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared  
before me *J. H. Bell*, the signer of the above instrument,  
who duly acknowledged to me that he executed the same.

*Ben C. Cutler*  
Notary Public

Residing at: *Draper Utah*  
Commission expires: *Aug 15, 1982*



Signed *Crene J. Angell*

State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared  
before me *Crene J. Angell*, the signer of the above  
instrument, who duly acknowledged to me that he executed the same.

*Ben C. Cutler*  
Notary Public

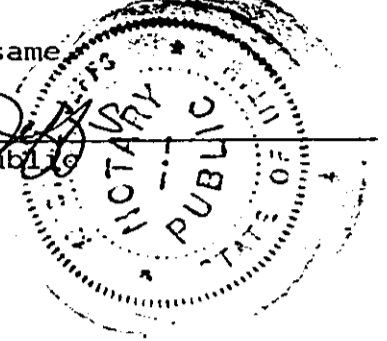
Residing at: *Draper Utah*  
Commission expires: *Aug 15, 1982*

Signed James Walter Fitzgerald

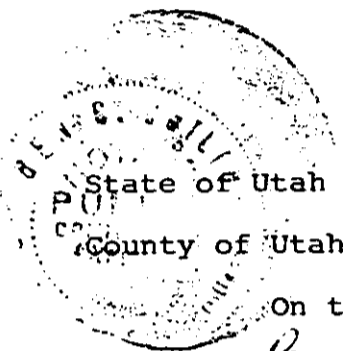
State of Utah )  
County of Utah ) ss

On the 6 day of December, 1980 personally appeared before me James Walter Fitzgerald the signer of the above instrument, who duly acknowledged to me that he executed the same.

Kristine Jeff  
Notary Public



Residing at: Provo, Utah  
Commission expires: 7/14/84



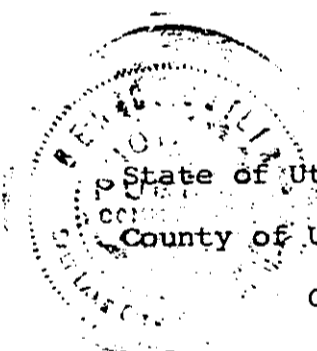
Signed Perry J. Fitzgerald

State of Utah )  
County of Utah ) ss

On the 1 day of Dec, 1980 personally appeared before me Perry J. Fitzgerald the signer of the above instrument, who duly acknowledged to me that he executed the same.

Bess C Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug. 15, 1982



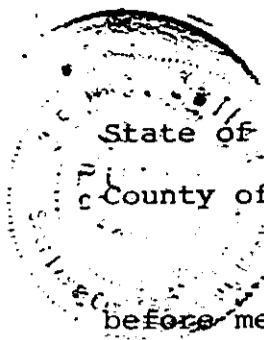
Signed Stirling W. Sier

On the 1 day of Dec, 1980 personally appeared before me Stirling W. Sier the signer of the above instrument, who duly acknowledged to me that he executed the same.

Bess C Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug 15, 1982

Signed Robert R. Fitzgerald



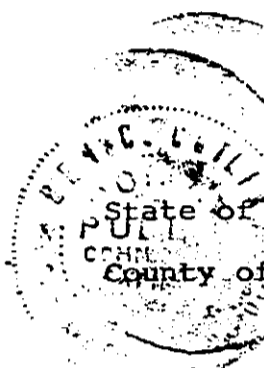
State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared before me Robert R. Fitzgerald, the signer of the above instrument, who duly acknowledged to me that he executed the same.

Ben C. Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug 15, 1982

Signed Monte Vista Corp  
Richard C. [unclear]



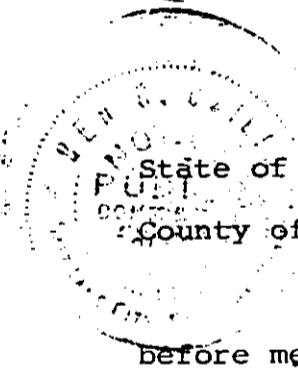
State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared before me Monte Vista Corp the signer of the above instrument, who duly acknowledged to me that he executed the same.

Ben C. Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug 15, 1982

Signed David M. Stevens



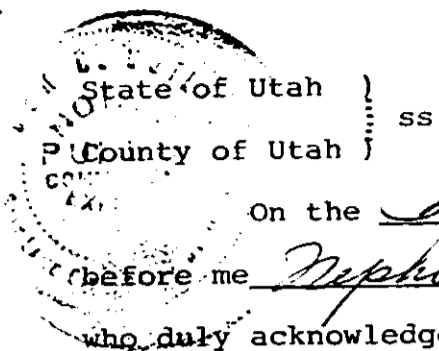
State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared before me David M. Stevens, the signer of the above instrument, who duly acknowledged to me that he executed the same.

Ben C. Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug 15, 1982

Signed Nephi R. Fitzgerald



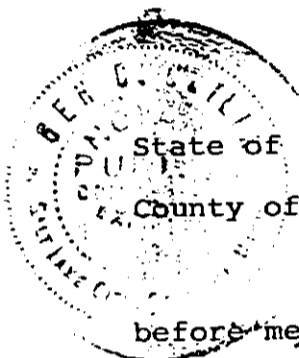
State of Utah )  
County of Utah ) : ss

On the 5 day of December, 1980 personally appeared before me Nephi R. Fitzgerald, the signer of the above instrument, who duly acknowledged to me that he executed the same.

Ben C. Cutler  
Notary Public

Residing at: Draper Utah  
Commission expires: Aug. 15, 1982

Signed Noel C. Bateman



State of Utah )  
County of Utah ) : ss

On the 6 day of December, 1980 personally appeared before me Noel C. Bateman the signer of the above instrument, who duly acknowledged to me that he executed the same.

Ben C. Cutler  
Notary Public

Residing at: Draper, Utah  
Commission expires: Aug. 15, 1982

Signed \_\_\_\_\_

State of Utah )  
County of Utah ) : ss

On the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_ personally appeared before me \_\_\_\_\_, the signer of the above instrument, who duly acknowledged to me that he executed the same.

\_\_\_\_\_  
Notary Public

Residing at: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

LEGAL DESCRIPTION

19 The SE $\frac{1}{4}$  of NE $\frac{1}{4}$  & NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 31, Township 6 South Range 1 West, SLM (area 80 acres). Lots 5 and 6 of Section 6, Township 7 South, Range 1 West, SLM (area 79.41 acres) Lots 2,3 and 4 of Section 6, Township 7 South, Range 1 West, SLM (area 118.15 acres). Lot 2; SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 7, Township 7 South, Range 1 West, SLM (area 79.43 acres). N $\frac{1}{2}$  of NW $\frac{1}{4}$ ; W $\frac{1}{2}$  of E $\frac{1}{2}$ ; S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 7, Township 7 South, Range 1 West, SLM (area 319.41 acres). S $\frac{1}{2}$  SW $\frac{1}{4}$ ; N $\frac{1}{2}$  of NW $\frac{1}{4}$ ; W $\frac{1}{2}$  of NE $\frac{1}{4}$ ; SE $\frac{1}{4}$ : Section 18, Township 7 South, Range 1 West, SLB&M (area 400 acres). NW $\frac{1}{4}$ ; W $\frac{1}{2}$  of NE $\frac{1}{4}$ ; Lots 3 and 4, Section 19 Township 7 South, Range 1 West SLM (area 320 acres).

Commencing at center of Section 30, Township 7 South, Range 1 West, SLM East 80 rods; North 100 rods; West 160 rods; South 100 rods; East 80 rods to beginning (area 100 acres). Lots 1,2,3 and 4 also E $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 30, Township 7 South, Range 1 West, SLM (area 240 acres). Lots 1 and 2; also East  $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 31, Township 7 South, Range 1 West, SLM (area 160 acres). S $\frac{1}{2}$  of NW $\frac{1}{2}$  of SW $\frac{1}{4}$ ; Lots 3 and 4 of Section 1, Township 7 South, Range 2 West, SLM (area 240 acres). S $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 1, Township 7 South, Range 2 West, SLM (area 80 acres).

NE $\frac{1}{4}$  of Section 10, Township 7 South, Range 2 West, SLM (area 160 acres). N $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 11, Township 7 South, Range 2 West, SLM (area 80 acres). W $\frac{1}{2}$  of NE $\frac{1}{4}$  S $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 11, Township 7 South, Range 2 West, SLM (area 160 acres). E $\frac{1}{2}$  of NE $\frac{1}{4}$  of Section 11, Township 7 South, Range 2 West, SLM (area 80 acres). S $\frac{1}{2}$  of Section 11, Township 7 South, Range 2 West, SLM (area 320 acres). NE $\frac{1}{4}$  of Section 12, Township 7 South, Range 2 West, SLM (area 160 acres).

NW $\frac{1}{4}$ ; SW $\frac{1}{4}$  of Section 12, Township 7 South, Range 2 West. SLM (area 320 acres). W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 13, Township 7 South, Range 2 West, SLM (area 80 acres). E $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 13, Township 7 South, Range 2 West, SLM (area 80 acres). W $\frac{1}{2}$  SE $\frac{1}{4}$ , Section 13, Township 7 South, Range 2 West, SLM (area 80 acres). NW $\frac{1}{4}$  of Section 14, Township 7 South, Range 2 West, SLM (area 160 acres).

NE $\frac{1}{4}$  and S $\frac{1}{2}$  of Section 14, Township 7 South, Range 2 West, SLM (area 480 acres). All of Section 15, Township 7 South, Range 2 West, SLM (area 640 acres). All of E $\frac{1}{2}$  of Section 16, Township 7 South, Range 2 West, SLM (area 320 acres). E $\frac{1}{2}$ ; SW $\frac{1}{4}$  of Section 21, Township 7 South, Range 2 West, SLM (area 480 acres). All of Section 22, Township 7 South, Range 2 West, SLM (area 640 acres). All of Section 23, Township 7 South, Range 2 West, SLM (area 640 acres).

W $\frac{1}{2}$  of Section 24, Township 7 South, Range 2 West, SLM (area 320 acres). N $\frac{1}{2}$  of Section 25, Township 7 South, Range 2 West, SLM (area 320 acres). All of Section 27, Township 7 South, Range 2 West, SLM (area 640 acres). E $\frac{1}{2}$ ; E $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 28, Township 7 South, Range 2 West, SLM (area 400 acres). NE $\frac{1}{4}$  of Section 33, Township 7 South, Range 2 West, SLM (area 160 acres). SE $\frac{1}{4}$  of Section 33, Township 7 South, Range 2 West, SLM (area 160 acres). NW $\frac{1}{4}$  of Section 13, Township 7 South, Range 2 West, SLM (area 160 acres). All of section 34, Township 7 South, Range 2 West, SLM (area 640 acres). All of Section 35, Township 7 South, Range 2 West, SLM (area 640 acres). SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 36, Township 7 South, Range 2 West, SLM (area 40 acres). Lots 3 and 4; South

Legal Description (continued)

1/2 of NW 1/4 of Section 1, Township 8 South, Range 2 West, SLM (area 320 acres). All of Section 2, Township 8 South, Range 2 West, SLM (area 643.60 acres). SW 1/4; Lots 1, 2, 3 and 4; SE 1/4 of NW 1/4; SE 1/4 NE 1/4 of Section 3, Township 8 South, Range 2 West, SLM (area 600 acres). NW 1/4 of Section 12, Township 8 South, Range 2 West, SLM (area 160 acres).

14  
The Southeast 1/4 of Section 15; the East 1/2 of the East 1/2 of Section 21; the South 1/2 of Section 22; and the Northwest 1/4 of Section 22, the West 1/2 of the Northeast 1/4 of Section 22; and the Southeast 1/4 of the Northeast 1/4 of Section 22, all in township 6 South, Range 2 West, Salt Lake Meridian, excepting therefrom all oil, gas, coal, hydrocarbons and all other minerals.

Com. 5.75 chs S of NE cor of SE 1/4 of Sec 7, T 6 S, R 1 W, SLM; S 12.75 chs; W 40 chs; N 12.75 chs; e 40 chs to beg Area 51 acres.

1  
The Southeast quarter of Section 12, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

17  
All of Section 15 and all of Section 22 and the East Half of the East Half of Section 21 Township 6 South Range 2 West.

- PARCEL 1: Commencing at the Southeast corner of Section 7, Township 6 South, Range 1 West, Salt Lake Meridian; thence North 21.50 chains; thence West 40 chains; thence North 841.5 feet; thence East 40 chains; thence North 25.75 chains; thence West 80 chains; thence South 60 chains; thence East 80 chains to beginning.
- PARCEL 2: Southeast quarter of the Southwest quarter of Section 8, Township 6 South, Range 1 West, Salt Lake Meridian.
- PARCEL 3: Northwest quarter; West half of the Southwest quarter; Lots 2,3,6,7,8,9 of Section 17, Township 6 South, Range 1 West, Salt Lake Meridian.
- PARCEL 4: All of Section 18, Township 6 South, Range 1 West, Salt Lake Meridian.
- PARCEL 5: Lots 4,9,10,11, Northwest quarter of Southwest quarter of Section 20, Township 6 South, Range 1 West, Salt Lake Meridian. also Lots 2 and 3; Northwest quarter of Northwest quarter of Section 20.
- PARCEL 6: North 1/2 and the Southwest 1/4 of Section 15, Township 6 South, Range 2 West, Salt Lake Meridian.
- PARCEL 7: The South half of Section 24, Township 6 South, Range 2 West, Salt Lake Meridian.
- PARCEL 8: Lots 2,3,4 and the East half of Southwest quarter, Southeast quarter of Southwest quarter and Southwest quarter of Northeast quarter of Section 28, Township 6 South, Range 1 West, Salt Lake Meridian.
- PARCEL 9: Lots 3,4 and 8, Section 29, Township 6 South, Range 1 West, Salt Lake Meridian.
- PARCEL 10: Southeast quarter; East half of Southwest quarter; Southeast quarter of Northwest quarter and Southwest quarter of Northeast quarter of Section 30, Township 6 South, Range 1 West, Salt Lake Meridian. Also Northeast quarter of Northeast quarter of said Section 30.
- PARCEL 11: West 3/4 of Section 25, Township 6 South, Range 2 West, Salt Lake Meridian.
- PARCEL 14: Northeast quarter of Section 35, Township 6 South, Range 2 West, Salt Lake Meridian.
- PARCEL 15: All of Section 36, Township 6 South, Range 2 West, Salt Lake Meridian.



PARCEL 16: Southwest quarter of Northeast quarter; Southeast quarter of Northwest quarter; East half of Southwest quarter of Section 31, Township 6 South, Range 1 West, Salt Lake Meridian; Also Lots 3 and 4; South half of Southeast quarter and Northeast quarter of Southeast quarter; Northeast quarter of Northwest quarter; North half of Northeast quarter and Lots 1 and 2 of said Section 31.

PARCEL 17: Southeast quarter of Northwest quarter; Northeast quarter of Southwest quarter; Northwest quarter of Southeast quarter; Southwest quarter of Northeast quarter of Section 6, Township 7 South, Range 1 West, Salt Lake Meridian. Also Lot 7 and Southwest quarter of Southeast quarter of said Section 6.

PARCEL 18: Northeast quarter of Section 13, Township 7 South, Range 2 West, Salt Lake Meridian.

PARCEL 19: West half of Southeast quarter; East half of Southwest quarter of Section 19, Township 7 South, Range 1 West, Salt Lake Meridian.

PARCEL 20: Commencing 100 rods North of the center of Section 30, Township 7 South, Range 1 West, Salt Lake Meridian; thence East 80 rods; thence North 60 rods; thence West 160 rods; thence South 60 rods; thence East 80 rods to beginning.

PARCEL 21: The Southeast Quarter of the Northeast Quarter; the East half of the Southeast quarter of Section 11, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 22: All of Section 14, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 23: The Southeast quarter of the Northwest quarter; the South half of the Northeast quarter; the Southwest quarter, and the Southeast quarter of Section 12, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 24: All of Section 13, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 25: The North half of Section 24, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 26: The North half of the Northeast quarter of Section 23, Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 27: The Northeast quarter of the Northeast quarter of Section 22; Township 6 South, Range 2 West, Salt Lake Base and Meridian.

PARCEL 28: The Northwest quarter and the North half of the Southwest quarter and the Southwest quarter of the Southwest quarter of Section 19, Township 6 South, Range 1 West, Salt Lake Base and Meridian.

The East half; and the East half of the West half of Section 19, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The Northeast quarter; and the West half of Section 20, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The Southwest quarter; and the West half of the Northwest quarter of Section 28, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The North half; and all of the South half that lies East of the County Road of Section 29, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The North half of Section 30, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The Northeast quarter; and all of the South half that lies East of the County Road of Section 32, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

The Northwest Quarter; and the North half of the Southwest quarter of Section 22, Township 8 South, Range 2 West, Salt Lake Base and Meridian.

The Southeast quarter of the Northeast quarter; and the Northeast quarter of the Southeast quarter of Section 21, Township 8 South, Range 2 West, Salt Lake Base and Meridian.

That portion of the North half and the Southwest quarter that lies East of the County Road of Section 5, Township 8 South, Range 2 West, Salt Lake Base and Meridian.

The Southeast quarter; and the Southwest quarter of the Northeast quarter of Section 1, Township 8 South, Range 3 West, Salt Lake Base and Meridian.

The Northeast quarter; and the North half of the Southeast quarter of Section 36, Township 7 South, Range 3 West, Salt Lake Base and Meridian.

The East half and the Northwest quarter of Section 31, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

All of Section 6, Township 8 South, Range 2 West, Salt Lake Base and Meridian.

The South half of Section 30, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

All of the South half that lies West of the County Road of Section 29, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

All of the South half that lies West of the County Road of Section 32, Township 7 South, Range 2 West, Salt Lake Base and Meridian.

All of the West half that lies West of the County Road of Section 5, Township 8 South, Range 2 West, Salt Lake Base and Meridian.