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CRESCENT RIDGE CIRCLE SUBDIVISION

5284842
30 JUNE 92 04:11 PM
KATIE L. DIXON
RECORDER, SALT LAKE COUNTY, UTAH
MERRILL TITLE
REC BY: SHARON WEST , DEPUTY

5284842

DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS:

THAT WHEREAS, THE UNDERSIGNED BEING THE OWNERS OF THE FOLLOWING DESCRIBED REAL PROPERTY SITUATED IN SALT LAKE COUNTY, STATE OF UTAH, TOWIT:

(SEE ATTACHED EXHIBIT "A & B", ATTACHED HERETO AND BY THIS
REFERENCE MADE A PART HEREOF)

IN CONSIDERATION OF THE PREMISES AND AS PART OF THE GENERAL PLAN FOR IMPROVEMENT OF SAID PROPERTY, DO HEREBY DECLARE THE PROPERTY HEREINABOVE DESCRIBED SUBJECT TO THE RESTRICTIONS AND COVENANTS HEREIN RECITED.

PART A. RESIDENTIAL AREA COVENANTS

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 STORIED, EXCLUSIVE OF THE BASEMENT, IN HEIGHTS AND A PRIVATE GARAGE OR CARPORT FOR NOT MORE THAN FOUR VEHICLES.

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 QUALITY OF WORKMANSHIP AND MATERIALS, HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES, AND TO LOCATION WITH RESPECT TO TOPOGRAPHY AND FINISH GRADE ELEVATION. NO FENCE OR WALL SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT UNLESS SIMILARLY APPROVED. APPROVAL SHALL BE AS PROVIDED IN PART B.

3. DWELLING COST, QUALITY AND SIZE. NO DWELLING SHALL BE PERMITTED ON ANY LOT AT A COST OF LESS THAN \$100,000.00, INCLUDING THE COST OF THE LOT, BASED UPON COST LEVELS PREVAILING ON THE DATE THESE COVENANTS ARE RECORDED, IT BEING THE INTENTION AND PURPOSE OF THE COVENANTS TO ASSURE THAT ALL DWELLINGS SHALL BE OF A QUALITY OF WORKMANSHIP AND MATERIALS SUBSTANTIALLY THE SAME OR BETTER THAN THAT WHICH CAN BE PRODUCED ON THE DATE THESE COVENANTS ARE RECORDED AT THE MINIMUM COST STATED THEREIN FOR THE MINIMUM PERMITTED DWELLING SIZE. THE GROUND FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES, SHALL BE NO LESS THAN 1500 SQUARE FEET ON $\frac{1}{2}$ ACRE LOTS AND NOT LESS THAN 3400 SQUARE FEET, INCLUDING THE BASEMENT, IF THE RESIDENCE IS TWO-STORY CONSTRUCTION. THE ARCHITECTURAL COMMITTEE SHALL REQUIRE THAT ALL OUTSIDE CONSTRUCTION BE SEVENTY PERCENT (70%) MASONRY MATERIAL. NO IMITATION BRICK, STONE OR OTHER LIKE IMITATION MATERIAL MAY BE USED.

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PART B. ARCHITECTURAL CONTROL COMMITTEE

1. MEMBERSHIP. THE ARCHITECTURAL CONTROL COMMITTEE IS COMPOSED OF ORSON LEAVITT, H. STEWART PULSIPHER AND DAVID P. MARTIN. A MAJORITY OF 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 MEMBERS SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE, NOR ITS DESIGNATED REPRESENTATIVE, SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT.

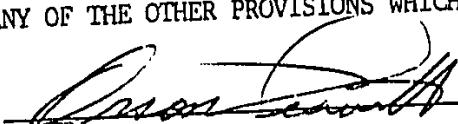
2. PROCEDURE. THE COMMITTEE'S APPROVAL OR DISAPPROVAL AS REQUIRED IN THESE COVENANTS SHALL BE IN WRITING. IN THE EVENT THE COMMITTEE, OR ITS DESIGNATED REPRESENTATIVE, FAILS TO APPROVE OR DISAPPROVE WITHIN 30 DAYS AFTER PLANS AND SPECIFICATIONS HAVE BEEN SUBMITTED TO IT, OR IN ANY EVENT, IF NOT SUIT TO ENJOIN THE CONSTRUCTION HAS BEEN COMMENCED PRIOR TO THE COMPLETION THEREOF, APPROVAL WILL NOT BE REQUIRED AND THE RELATED COVENANTS SHALL BE DEEMED TO HAVE BEEN FULLY COMPLIED WITH.

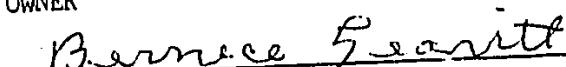
PART C. GENERAL PROVISIONS

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 FOR FORTY YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAVE BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

2. ENFORCEMENT. ENFORCEMENT SHALL BE BY PROCEEDINGS 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.

3. SEVERABILITY. INVALIDATIONS OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.


OWNER


Bernece Leavitt

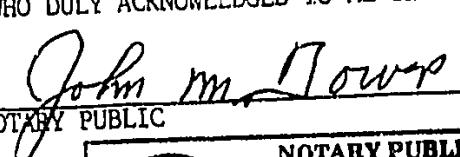
STATE OF UTAH)
ss.

COUNTY OF SALT LAKE)

ON THE 1st DAY OF October, 1991, PERSONALLY APPEARED BEFORE ME

ORSON LEAVITT AND BERNECE LEAVITT

THE SIGNERS OF THE FOREGOING INSTRUMENT, WHO DULY ACKNOWLEDGED TO ME THAT THEY EXECUTE THE SAME.


NOTARY PUBLIC



NOTARY PUBLIC
JOHN M. TOWERS
2384 E. Lambourne Ave.
Salt Lake City, Utah 84100
My Commission Expires
January 30, 1005
STATE OF UTAH

MY COMMISSION EXPIRES _____
RESIDING AT SALT LAKE CITY, UTAH

8K6479PG2668

135.00'

PAPER COPY
S.89°54'55"EXHIBIT "A"
LEGAL DESCRIPTIONDESCRIPTION

Beginning at a point which is South 89°54'55" West 888.76 feet and North 00°05'05" West 135.00 feet and North 05°21'00" East 794.987 feet from the Northeast Quarter Corner of Section 23, Township 3 South, Range 1 West, Salt Lake Base and Meridian and running thence West 1.87 feet to the beginning of a 120.00 foot radius curve to the right (Chord bears North 66°37'11" West 95.24 feet); thence Northeasterly along the arc of said curve 97.94 feet to a point of reverse curvature of a 120.00 foot radius curve to the left (Chord bears North 60°04'21" West 69.50 feet); thence Northwesterly along the arc of said curve 70.51 feet; thence North 76°54'20" West 40.00 feet; thence North 13°05'40" East 20.00 feet; thence North 76°54'20" West 163.73 feet; thence North 12°53'03" East 163.38 feet; thence North 31°28'52" East 215.00 feet; thence North 49°49'44" East 220.00 feet; thence East 85.00 feet; thence South 05°21'00" West 625.373 feet to the point of beginning. Contains 3.51 Acres.

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