

6396805

Stoneybrook PUD Subdivision

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION is made this 1st day of July, 1996, by Robert C. Miller, President, Symphony Development Corporation, hereinafter referred to as "Declarant".

W I T N E S S E T H

WHEREAS, Declarant is the owner of certain property (hereinafter the "Lots") in Murray City, State of Utah, more particularly described as follows:

All of Lots 1 - through 33, Stoneybrook PUD Subdivision, according to the official plat thereof filed with Murray City, Utah.

WHEREAS, Declarant intends that the Lots, and each of them together with the Common Easements as specified herein, shall hereafter be subject to the covenants, conditions, restrictions, reservations, assessments, charges and liens herein set forth.

NOW, THEREFORE, Declarant hereby declares, for the purpose of protecting the value and desirability of the Lots, that all of the Lots shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which shall run with the Lots, and be binding on all parties having any right, title or interest in the Lots or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I - RESIDENTIAL AREA COVENANTS

SECTION 1. The primary use of all lots shall be for residential purposes. All construction shall be comprised of new materials, except that used brick may be used.

SECTION 2. Dwelling, Quality, and Size. The ground floor level of any private dwelling shall be 1,200 sq. ft. or more for a one-story dwelling. The minimum square footage for a two story dwelling shall be 1,600 square feet for the main and upper levels exclusive of open porches, garages and basements. Multi-levels shall be figured as the main (includes floors at least one and a half feet above the top back of curb) and upper floor areas and shall be minimum of 1,300 square feet, exclusive of open porches, garages and basements. Each dwelling must have an attached garage for a minimum of two cars. Each dwelling's front exterior walls must be covered with brick, rock, stucco or comparable product. Vinyl or Aluminum siding shall be allowed on the sides and rear of the home.

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SECTION 3. City Ordinances. All improvements on a Lot shall be made, constructed and maintained, and all activities on a Lot shall be undertaken, in conformity with all laws and ordinances of the city of Layton, Salt Lake County, and the State of Utah which may apply, including without limiting the generality of the foregoing, all zoning and land use ordinances.

SECTION 4. Temporary Structures. No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently.

SECTION 5. Landscaping. All front and side yards must be landscaped within 120 days (weather permitting) of occupancy.

ARTICLE II - SUPPLEMENTAL COVENANTS

SECTION 1. Erosion Control. Each owner shall be responsible to insure that no erosion or water drainage shall take place on his Lot which may adversely affect neighborhood properties and/or roads.

SECTION 2. Perimeter Fences. Perimeter fencing in cedar, redwood or vinyl shall be permitted. Fencing may be brought up to the front sides of the home only (with exception of lots 1-4 & 13 which may bring the fences forward because of the shape of the lots). Chain link fences will not be permitted.

SECTION 3. Street Parking. Per Murray city requirements, there shall be no vehicle parking on the east side of Baker Street.

ARTICLE III - GENERAL PROVISIONS

SECTION 1. By-Laws. These provisions allow for the establishment of by-laws which may enable a duly elected Board of Trustees with a majority vote (of legal lot owners of the Stoneybrook subdivision) to assess moneys to the legal lot owners for the installation, maintenance and upkeep of improvements for the common good of the property owners herein. The Board of Trustees may amend said by-laws from time to time with majority vote of said lot owners. The Board of Trustees shall be comprised of a minimum of three and a maximum of five legal lot owners.

SECTION 2. Enforcement. Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by any Owner to enforce any covenants or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

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SECTION 3. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no wise affect any other provision which shall remain in full force and effect.

SECTION 4. Amendment. Exceptions to the strict interpretation of these guidelines that would cause undo hardship serving no public purpose may be appealed to the Architectural Control Committee. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of forty (40) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended or terminated by a vote of at least seventy-five percent (75%) of the total votes of all Owners, which vote shall be taken at a duly called meeting. Any amendment approved shall be written, signed, and recorded against the Lots.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set its hand this 1st day of July, 1996.

DECLARANT

Robert C. Miller

By: Robert Miller

Title: President

On the 1st day of July, 1996, personally appeared before me Robert Miller, who being by me duly sworn did say that he is the President of Symphony Development Corp. that he signed the foregoing instrument by proper authority, and he she duly acknowledged to me that said corporation executed the same.

Jennifer Probert



NOTARY PUBLIC

Residing at Salt Lake

My commission expires Aug. 25, 1997

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07/01/96 4:24 PM 46-000
NANCY WORKMAN
RECORDER, SALT LAKE COUNTY, UTAH
SYMPHONY DEV CO
220 S 200 E #330 SLC UT 84111
REC BY: V ASHBY DEPUTY - WI
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