

25- Michael Dustin

621 N. 500 W.

B.C.

084790 Bk 0617 Pg 0807

LuAnn Adams, Box Elder County Recorder

02/29/1996 3:00pm FEE: 31.00 Dep:MM

Rec'd For: MICHAEL DUSTIN

## RESTRICTIVE COVENANTS

### GRANT THOMPSON SUBDIVISION COUNTRY ESTATES

We the undersigned, owners in fee of the following described real property, to wit: Lots 1-10 inclusive, Thompson Country Estate Subdivision, do hereby make the following declarations as to limitations, restrictions and uses to which the lots and/or tracts constituting the said addition, may be put, hereby specifying that the said declaration shall constitute covenants to run with all the land as provided by law and shall be binding upon all of the benefit of and limitations upon all future owners in said addition, the declaration of restrictions being designated for the purpose of keeping the said subdivision desirable, uniform, and suitable in architectural and use as herein specified.

### AREA OF APPLICATION

Full-protected residential area. The residential area covenants in their entirety shall apply to all property listed in the above described property.

### RESIDENTIAL AREA COVENANTS

1. **Land use and building type.** No lot shall be used except for the residential purpose. No building shall be erected, altered, placed or permitted to remain on any lot other than one (1) family dwelling not to exceed two (2) stories in height and private garage for not less than two (2) vehicles. Each finished dwelling must have a minimum square footage of 1000 square feet of living area. Square footage of any style is excluding garages, porches, verandas, carports, patios, basements, porches, and steps. Any square footage with any portion thereof beneath to top grade of the foundations will not qualify to offset the minimum square footage requirement. Any deviations from this requirement must be approved in writing by the Architectural Committee. Housing construction costs must be a minimum of \$80,000.00, excluding lot, loan costs, and closing. No manufactured homes or mobile homes are to be placed on these lots temporarily or permanently, unless pre-approved by Architectural Committee.

2. **Storage tanks.** No tank for storage of fuel may be maintained without the written consent of the Architectural Committee.

3. **Building location.** No building shall be located on any lot nearer to the front lot line than the minimum building setback lines.

No building shall be located nearer than 20 feet to an interior lot line, or 40 feet from the minimum building setback line, and provided that said or accessory building is separate (without attachments of any kind whatsoever) from the main structure by not less than 10 feet. No dwelling shall be located on an interior lot nearer than 20 feet to the rear lot line. For the purpose of this

covenant, eves, steps, chimneys and open porches shall not be considered as a part of the building, provided, however, that this shall not be construed to permit any portion of a building, or a lot to encroach upon another lot.

4. **Building material.** No building material of any kind or character shall be placed or stored upon any lot until the owner thereof is ready to commence improvements and then the material shall be placed within the property lines of the plot upon which the improvements are to be erected, and shall not be placed in the streets or between the street and the property line.

5. **Easements.** Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. All power, telephone, and cable lines must be run underground.

6. **Animals.** Keeping of animals other than those ordinarily kept as family pets shall be limited to two large animals (i.e. horses, cows, pigs, goats, etc.) on lots 4, 5, 6, 7, 8, 9, and 10. Limited to one large animal on lots 1, 2, and 3. Any exception to this rule must be approved in advance in writing by the Board. Approved barn facilities must be provided before animals are kept on property unless Board approves variance. Refer to paragraph 3 and 12.

7. **Nuisances.** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

8. **Signs, billboards, advertising.** No signs, billboards, nor advertising structures may be erected or displayed on any lots hereinbefore described or parts or portions thereof, except that a single sign, not more than 3 x 5 in size advertising specific unit for sale or house for rent or construction sign, may be displayed on the premises affected. The other exception will be signs that are deemed necessary by the original owner/developer of the subdivision, and all such signs must be removed at such time that all the lots in the subdivision are sold. All sign placement to be in accordance with Architecture Committee recommendation.

9. **Satellite dishes and antennas.** No satellite dishes or antennas shall be placed in set back easements of said yards and must be obscured from public view. If on roof, must be on back side of house.

10. **Trash, refuse, etc.** No trash, ashes, nor any other refuse may be dumped, or thrown, or otherwise disposed of, on any lot hereinbefore described or any part or portion thereof. All homes must subscribe to a local garbage disposal service.

11. **Temporary structures.** No structures of a temporary nature, trailer basement, tent, shack, garage, barn, or other out buildings shall be used on any lot at any time as a residence, either temporary or permanently, unless approved by Architecture Committee.

12. **Detached buildings.** Any detached accessory building erected on the lots shall conform in design and materials with the primary residential home on the lot, except if approved otherwise in writing by the Architectural Committee, and with the guidelines found in paragraph 3.

13. **Landscaping.** Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.

Landscaping shall include at least one tree and a combination of lawn, shrubs or ground cover. Ground cover may include vegetative vines, low spreading shrubs, or annual or perennial flowering or foliage plants. Ground cover may also include mineral or non-living organic permeable material in not more than 50% of the net landscaped area. Mineral ground cover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size and placement of landscape elements shall be determined by the homeowner. Landscaping must be complete no more than 18 months after possession of home.

14. **Fencing.** No fence or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of three and one-half feet; 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 to a height in excess of three and one-half feet for the front yard, and six feet in the rear yard up to the set back or structure line in the front yard. All fences require approval of Architecture Committee.

15. **Parking and storage.** No inoperative automobile shall be placed or remain on any lot or adjacent street for more than 48 hours. No commercial type vehicles and no trucks 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 over three-quarter-ton capacity, 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. No pads used for the storage of vehicles or other material either temporarily or permanently shall be constructed within the side or a 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. For additional information contact Architecture Committee.

16. **Maintenance.** Every lot, including the improvements in said tract, shall be kept in good repair and maintained by the owner thereof in a clean, safe, and attractive condition.

17. **Water Discharge.** It shall be unlawful for any person owning, occupying or having control of any premises to suffer or permit irrigation, or water from the roof or eaves on any house, building, or other structure or from any source under the control of such person, to be discharged and spread upon the surface on any sidewalk, street, or adjoining lot. This is intended to require that the owner maintains water on his property.

## NEW BUILDING AND PROCEDURE

To maintain a degree of protection to the investment which homeowners in this area may make, designs shall be limited to those prepared by architects or qualified residential designers of outstanding ability whose previous work may be reviewed as a part of the approval process. Exception must be approved by Architecture Committee. Any building must be completed within 1 year from start date.

## PRELIMINARY DRAWINGS

Shall include as a minimum the following:

1. Plot Plan to scale of entire site with buildings located and elevation of floors shown above or below a designated point on the street
2. Floor plans of each floor level to scale.
3. Elevations to scale of all sides of the house.
4. One major section through house.
5. A perspective (optional).
6. Specifications of all outside materials to be used on the exterior of the residence.

## WORKING DRAWINGS - To be filed for approval and accepted before construction is begun.

Shall include as minimum the following:

1. Plot Plan to scale showing the entire site, building, garages, walks, drives, fences, carriage lights, retaining walls, with elevations of the existing and finished grades and contours including those at the outside corners of the buildings and at adjacent property lines and street fronts, and elevations of floors from a designated point on the street.
2. Detailed floor plans.

3. Height limit for out buildings to be no more than 20 ft unless approved by the committee.
4. Detailed elevations, indicating all materials and showing existing and finished grades.
5. Detailed sections, cross and longitudinal.
6. Details of cornices, porches, windows, doors, garages, garden walls, steps, patios, fences, carriage lights, etc.

Specifications shall give complete descriptions of materials to be used. Supplement those with a notation of the colors of all materials to be used on the exterior of the residence. Include samples when possible

## **ARCHITECTURAL COMMITTEE AND GOVERNING BOARD**

Except for the initial Committee which consists of the Owner/Developer of record and his assigns, the Architectural Committee shall consist of three members, the majority of which shall constitute a quorum and the concurrence of the majority shall be necessary to carry out the provisions applicable to this Committee. In the event of death or resignation of any of the members, the surviving members of the Committee shall have full authority to appoint another person to fill the said vacancy. Except for the initial members appointed to the Committee, all members of the Committee must be residents of the subdivision at the time of their appointment. Should any member move his residence outside of the subdivision, he shall be disqualified to serve and the Committee shall declare a vacancy. This committee is also the governing board of the development and shall have at least annual meetings to maintain a 3 member board. Other meetings shall be held as necessary as determined by the board. Minutes of each meeting must be kept.

At such time that all lots owned by the initial Owner/Developer are sold, the aforementioned Owner/Developer shall and his assigns shall be released from responsibility of the Committee. The reorganization of the Committee shall be by a 2/3 majority vote of the then current property owners within the described property. The governing board has the authority to grant or make variances to any of the foregoing restrictions.

## **SEVERABILITY**

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

Each owner must sign to indicate agreement to the terms of these restrictions and willingness to abide by these restrictions

STATE OF UTAH  
County of Box Elder

IN WITNESS WHEREOF, the undersigned has executed the instrument the 23rd day  
of February, 19 96

Lynn Barker  
LYNN BARKER

Grant Thompson  
GRANT THOMPSON

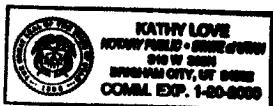
Michael Dustin  
MICHAEL DUSTIN

On the 23rd day of February, 19 96 personally appeared before me Michael Dustin  
the signers of the within instrument who duly acknowledged to me that they  
executed the same.

Kathy Love  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

Residing at: \_\_\_\_\_



084790 M 0617 Pg 0813  
A PART OF THE SOUTH HALF OF SECTION 32, TOWNSHIP 10 NORTH, RANGE 2 WEST,  
OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 2600 NOH'TH STREET  
LOCATED NORTH 00-00'00" EAST ALONG THE EAST LINE OF SAID SECTION 1339.90  
FEET AND NORTH 90-00'00" WFST 2960.64 FL-FT FROM THE SOUTHEAST CORNER OF  
SAID SOU1H HALF, SAID POINT BEING LOCATED NORTH 00-20'00" WEST + 6.50 FEET  
FROM THE SOUTHEAST CORNFR OF LOT 61, TRACT "B" OF THE RIVER HANK TRACT  
AND RUNNING THENCE N()RTH 00-09'12" EAST 803.50 FEET; THENCE SOUTH 89-58'51"  
EAST 548.01 F-I-E7; TWENCE SOUTH 66-22'25" SST 188.00 FEET; THENCE SOUTH  
23-37'35" WEST 792.00 FEE-T ALONG THE WEST LINE OF HARDY ESTATES SUBDIVISION  
TO THE NORTH LINE OF 2600 NORTH STREET; THENCE SOUTH 89-40'00" WFSI 405.00  
FEET TO THE POINT OF BEGINNING. CONTAINING 10.48 ACRES AND 10 LOTS  
NOW KNOWN AS LOTS 1 THROUGH 10 OF GRANT THOMPSON SUBDIVISION.