

Return to *Santaquin lele, LLC*
2220 Village Walk Dr. #3203
Henderson NV 89052 ← *M*

**COVENANTS, CONDITIONS AND RESTRICTIONS
OF
COUNTRYSIDE ESTATES SUBDIVISION, SANTAQUIN, UTAH**

We, the undersigned, owners of the following described real property, to-wit: *SEE EXHIBIT A*

The Countryside Estates Subdivision does hereby make the following declarations as to limitations, restrictions and uses to which the lots of the Countryside Estates Subdivision shall be put, hereby specifying that the said declaration shall constitute covenants to run with all of the land within the above mentioned plats as provided by law and shall be binding upon all of the parties and all persons claiming under them, and for the benefit of and limitations upon all future owners in the said addition, this declaration of restrictions being designated for the purpose of keeping the said subdivision desirable, uniform, and suitable in architectural and landscape design and use as herein specified.

ENT 128405:2006 PG 1 of 9
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2006 Sep 28 12:20 pm FEE 91.00 BY SS
RECORDED FOR SANTAQUIN CITY CORPORATION

A. AREA OF APPLICATION

The restrictions, covenants, and conditions as set forth below in their entirety shall apply to all property listed in the above described property.

B. ARCHITECTURAL AND LANDSCAPE COMMITTEE

In order to accomplish the purposes of these covenants, conditions, and restrictions an architectural and landscape committee is hereby established to oversee and enforce the covenants, conditions and restrictions set forth herein.

1. **Committee Member Qualifications:** The Architectural and Landscape Committee shall consist of three members according to the following criteria:

- a. The initial members of the Committee are to consist of three representatives appointed by the owners as shown in this document.
- b. With the exception of the initial members, all members of the Committee must be residents at the time of their appointment.

2. **Committee Member Term:** The maximum term for an Architectural and Landscape Committee member shall be 24 consecutive months, with the following exceptions:

- a. The initial Committee members as previously defined will serve until such time as 25% of the lots of all plats of Countryside Estates Subdivision have been approved for construction though the Committee.
- b. Should any member move his residence outside of the subdivision, the member shall be disqualified to serve and the committee shall declare a vacancy.

- c. In the event of death or resignation of any member, the remaining members of the Committee shall have full authority to appoint another member to fill the vacancy.

C. RESIDENTIAL AREA COVENANTS

1. **Land Use and Building Type:** No lot shall be used except for residential purposes. No dwelling shall be erected, altered, placed or permitted to remain on any lot other than one (1) family dwelling. *All dwellings must be constructed on-site and no modular, manufactured or other form of off-site dwelling construction will be allowed.*
2. **Dwelling Size:** Each finished dwelling must meet or exceed the following minimum living area sizes:
 - a. *Single story* homes, shall not be less than 1400 square feet within the outside perimeter of the main structure, excluding garages, porches, verandas, carports, patios, etc.
 - b. *Two-story* homes shall not be less than 1600 square feet excluding garages, porches, verandas, carports, patios, etc. and shall include not less than 1200 square feet on the main floor.
 - c. *Split level* homes shall not be less than 1600 square feet excluding garages, porches, verandas, carports, patios, etc. and shall include not less than 1200 square feet of floor area above finished grade. Finished grade is defined by Santaquin City Land Use and Development Management Code as:
 - i. For buildings fronting one street only, the elevation of the sidewalk or center line of street, whichever is higher, at right angles to the mid-point of the fronting walls.
 - ii. For buildings fronting more than one street, the average of the elevation of the sidewalk or center line of the street, at right angles to the mid-point of the fronting walls.
3. **Garages:** Each dwelling is to be provided with a two (2) car enclosed garage as a minimum. Garages may be attached or detached. Where possible, a side entry, detached or rear loading garages are encouraged to present a varied streetscape.
4. **Driveways:** No shared driveways shall be permitted.
5. **Roof Type:** The roof material shall be a minimum 20-year, architectural grade (subject to Architectural Committee approval for color and grade) or wood shingle.

6. **Roof Pitch:** Rooflines shall be according to the following restrictions: (1) Single story homes shall have a minimum roof pitch of 6 in 12; (2) Split level and two-story homes shall have a minimum roof pitch of 4 in 12.

7. **Exterior Building Materials:**
 - a. No structure shall be built with less than 100% masonry, brick, stucco or stone on the front, rear and side elevations.

 - b. Examples of material types and colors shall be submitted to the Architectural Committee for review and approval. Exterior material colors shall be earthtones and selected as not to be distracting or unique.

8. **Exterior Building Elevations:** Dwelling elevations shall vary from lot to lot and no elevation (including mirrored elevations) shall be duplicated on adjacent lots having common side lot lines, or lots on opposite sides of the road which have common frontage.

9. **Landscaping:**

All landscaping must meet the following criteria:

- a. Each lot front, side or rear setback which is visible from the roadway shall be landscaped by the title-holder within one year of the issuance of a certificate of occupancy. Landscape shall include at a minimum:
 - 1) Final grading of lot.
 - 2) Installation of three (3) 2" caliper trees.
 - 3) Installation of seven (7) two-gallon minimum shrubs.
 - 4) Decorative rock or grass.
 - 6) All grass and irrigated trees and shrubs to be provided with an automatic sprinkling system.

- b. In order to assure uniformity of street appearance, no trees are to be planted upon property on the street side of any sidewalks without specific approval of Santaquin City and the Architectural and Landscape Committee.

The following trees, because of their *desirable* characteristics, are recommended in the Countryside Estates Subdivision;

Popular or Common Name

Maple

Ash

Aspen

Thornless Honey Locust

All other trees as approved by the Architectural and Landscape Committee

The following trees, because of their *undesirable* characteristics, are prohibited in the Countryside Estates Subdivision.

Popular or Common Name

Tree of Heaven
 American Plane Tree
 Lace Leaf Poplar
 Silver Leaf
 Bolleana Poplar
 Narrow-leaf Poplar
 Carolina Poplar
 Fremont's Poplar
 Lombardy Poplar
 Black Locus
 Siberian Elm

10. Fencing:

a. All fencing to be a light colored vinyl and must be approved by the Architectural and Landscape Committee prior to construction. The use of semi-private, lattice or decorative type vinyl fencing is encouraged. .

b. *No fence, wall, hedge or other dividing structure shall be permitted within the front yard setback.* No fence, wall, hedge or other dividing structure on any other portion of the lot shall be over 6 feet in height.

c. Chain link fencing shall not be allowed other than for dog runs. No dog runs shall be placed as to be visible from the roadway.

11. Ingress/Egress: No lot within the subdivision shall be used for the temporary or permanent purpose of ingress and/or egress to another property inside or outside of this subdivision. . . .

12. Building: No building, structure, or fences of any kind shall be constructed until a building permit is issued by Santaquin City and approval is granted by the Architectural and Landscape Committee, at which time construction of the home shall begin.

13. General: Prior to construction, the lot owner shall be responsible for clearing weeds and debris.

14. Vehicles, RV's Trailers: Parking and use of recreational vehicles shall be controlled according to Santaquin City Ordinance. In addition to the City Ordinance, boats, trailers, other recreational vehicles, large trucks, and commercial vehicles shall not be parked on the streets. Boats, trailers, other recreational vehicles, large trucks or commercial vehicles parked on any lot shall

be screened from view with an approved fence according to C. 10 of this document or other sight obscuring structures approved by the Architectural and Landscape Committee.

15. **Storage Tanks:** No tank for the storage of fuel is allowed within the development.
16. **Building Location:** No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines as shown on the Final Subdivision Plat.
17. **Site Materials:** 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 has received a building permit. All materials 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 curb and the property line.
18. **Easements:** Easement for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. All power and telephone lines must be run underground.
19. **Animals:** Keeping of animals, other than those ordinarily kept as family pets, shall be forbidden.
20. **Nuisances:** Any noxious or offensive activity shall not be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
21. **Signs:** No signs, billboards nor advertising structures may be erected or displayed on any lots hereinbefore described or parts or portions thereof, except as approved by Santaquin City Code. In addition, no sign greater than 2x3 feet in size advertising a specific dwelling for sale or rent, or construction sign may be displayed on the premises affected.
22. **Trash:** No trash, ashes nor any other refuse may be dumped or thrown on any lot hereinbefore described or any part of portion thereof. All homes must subscribe to city garbage service.
23. **Temporary Structures:** No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other out buildings shall, be used on any lot at any time as a residence, either temporarily or permanently.
24. **Relocated Building and Modular Homes:** No building which was formerly located in another site shall be moved on to a lot in this project. Also, modular homes are restricted from being placed on a lot in this project.
25. **Satellite Dishes and Antennas:** No satellite dishes or antennas shall be placed in the front setback or areas visible from the roadway. Any roof-mounted antenna or

equipment is to be placed behind the roof ridgeline so as not to be visible from the roadway.

26. **Swamp Coolers:** Any roof-mounted equipment shall to be placed behind the roof ridgeline so as not to be visible from the roadway.
27. **Construction Damage:** The individual lot owner will be responsible for any damage to lot improvements occurring during construction of the dwelling. Following construction, the lot owner must repair improvements to Santaquin City standards. Lot improvements include all, developer installed improvements such as asphalt roadway, curb, sidewalk, water system, sewer system, etc.

D. NEW BUILDING PROCEDURE

1. **Building Design:** To maintain degree of protection to the investment which homeowners in this area may make, homes of customary design are requisite. Designs shall be limited to those prepared by architects licensed to practice in the State of Utah or by designers of outstanding ability whose previous work may be reviewed as a part of the approval process.
2. **Final Plans:** Final building plans are to be submitted and approved by the Architectural Committee prior to submission to Santaquin city for a building permit. Final Plans shall include as a minimum the following:
 - a. Plot plans to scale showing the entire site, buildings, garages, walks, drives and 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.
 - b. Detailed floor plans including a tabulation of square footages for living area, covered porch, and garage.
 - c. Detailed elevations, indicating all materials and colors and showing existing and finished grades.
 - d. Detailed sections, cross and longitudinal.
 - e. Details of cornices, porches, windows, doors, garage or carports, garden walls, steps, patios, etc.
3. **Committee Procedure:** The members of the Architectural and Landscape Committee in agreement that constitute a majority shall affix their signatures to any plans upon which the Committee has taken action, shall indicate the date of the action, and shall indicate the nature of the action(s). On occasions when a member of the Committee shall be in opposition, a majority of the three members shall govern.

- a. The Committee shall act within ten (10) days on the final plans, and place its action in writing to be held as a permanent record, with copies to the parties concerned.
- b. An owner whose plans are rejected shall meet with the Committee at the Committee's invitation where they shall be informed of the nature of the cause of the action so that steps can be taken toward obtaining approval of the plans.
- c. The Committee has the authority to judge buildings, materials, fences, painting, etc., on whatever basis available to it with the aim of preserving the best interests of the property owners represented. These shall include aesthetics, reasonable protection of view, permanence of materials, etc. All decisions of the Committee shall be final.
- d. In the event said Committee, or its designated representative, fails to approve or disapprove such design and location within thirty (30) days after such plans and specifications have been submitted to it, or in any event, if no suit to enjoin the erection of such building or the making of such alterations has been commenced prior to the completion thereof, such approval will not be required and this covenant will be deemed to have been complied with, provided the said structure shall conform to and be in harmony with existing structures in the tract and with the other provisions herein contained.
- e. An approval letter and signed building plans from the Architectural Review Committee is required prior to submittal to Santaquin City for a building permit.

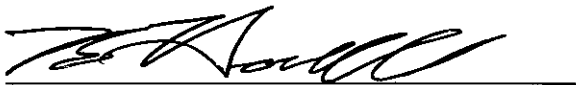
E. GENERAL PROVISIONS

1. **Extent of Obligation:** The said covenants, conditions, restrictions and reservations shall be perpetual and shall apply to and be forever binding upon the grantees, successors, executors, administrators and assigns, and are imposed upon the land as an obligation and charge against the same for the benefit of the grantors herein named, their successors and assigns as a general plan for the benefit of the subdivision.
2. **Amendment:** The said covenants can be terminated or amended by agreement in writing signed by two-thirds of the property owners.
3. **Enforcement:** In the event of violation of any of these covenants, the Architectural and Landscape Committee is authorized and empowered to take such action as may be necessary to restrain or enjoin the violators of these covenants, it being understood and agreed by all of the signatories hereto that the

cost, including attorney fees, of such enforcement shall be equally borne by the property owners.

- 4. **CC&R Changes:** The Architectural and Landscape Committee shall not have the authority to override or allow any change to the CC&R's.
- 5. **Severability:** Invalidation of any one of these covenants by judgment or court order shall in nowise affect any Of the other provisions, which shall remain in full force and effect.
- 6. **Santaquin City Requirements:** These Covenants, Conditions and Restrictions are intended to act in addition to the existing or future zoning or subdivision requirements of Santaquin City. No statement within this document is intended to circumvent any Santaquin City requirements. Although an approval letter from the Architectural Control Committee is required prior to a building permit application, issuance of building permits is solely controlled by Santaquin City.

WITNESS our hands this 1 day of Sept., 2006.





Santaquin 66, L.L.C.

STATE OF NEVADA)
 :
COUNTY OF CLARK)



I, the undersigned notary public, do acknowledge that the above name people did certify to me that they signed the foregoing instrument.

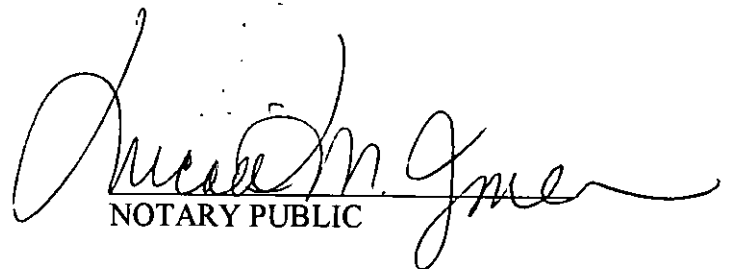

NOTARY PUBLIC

EXHIBIT A

COUNTRYSIDE ESTATES, PLAT C, LOTS 1 - 8

COUNTRYSIDE ESTATES, PLAT D, LOTS 1 - 58