

THE PROTECTIVE COVENANTS FOR THE ROLLING OAKS SUBDIVISION

(Phase Two)

Dated: May 18, 1987

E# 926127 BK 1410 PG 468  
CAROL DEAN PAGE, DAVIS CNTY RECORDER  
1991 MAY 6 2:52 PM FEE 17.00 DEP CDP  
REC'D FOR FIRST AMERICAN TITLE CO OF UTA

*Lots 14 to 25 Rolling Oaks Phase II  
Private Drive*

*09-17-87  
0514 to 0026*

1. No lot shall be used except for residential purposes.
2. Each lot shall contain no more than one detached single family dwelling.
3. No structure will exceed two stories in height from main entry level.
4. Each structure must have a private garage for at least two automobiles, but not more than three.
5. Each structures plans must be approved by the Architectural Control Committee. The Committee will consider compatibility and harmony of design with the theme of the development and with other homes in the subdivision. The Committee reserves the right to reject any plan which they feel harms or hinders the value or theme of the subdivision. The Committee will respond with an acceptance or rejection within one week of submission. The Architectural Control Committee will be made up of two members. These members are currently 1) James C. Kaiserman of Kaysville, Utah; and 2) Mark L. Nicoll of Layton, Utah. Plans shall be submitted to 601 E. Mutton Hollow Road, Kaysville, Utah. Should either member of the committee choose to resign, they may appoint their replacement.
6. No building shall be erected or altered on any lot until the construction plans and specifications and plans showing the location of the structure have been approved by the Layton City Planning Board as to the quality of workmanship and materials, harmony of external design with existing structures and as to locations with respect to topography and finish grade elevation and to meet Layton City requirements.
7. Aluminum siding on the exterior shall be in colors which are harmonious with brick, stone or facings used.
8. The roof shall be covered with wood shingles or bartile, with a minimum pitch of 5:12.
9. The ground floor of the main structure, exclusive of the garage and any one-story open porches, shall not be less than 1,400 square feet for a one-story dwelling, or 1,100 square feet for a two story dwelling. In a split level dwelling, the main floor and upper floor, exclusive of the garage, basement and open porches, shall not be less than 1,400 square feet.
10. Structural setback requirements, side clearances, and rear line clearances will be in accordance with Layton City ordinances.

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11. Easements, for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear seven feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for the improvements for which a public authority or utility company is responsible.

12. No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood including allowing dogs to run at large or create a disturbance by barking or otherwise.

13. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time for residence either temporarily or permanently.

14. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than two square feet, one sign of not more than five square feet advertising the property for sale or rent, or signs used by the marketer chosen by the developer to advertise the property during the construction and sales period.

15. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets. They may be kept providing that they are not kept, bred or maintained for any commercial purposes. Animals maintained on the property will be strictly in accordance with the Layton City ordinances.

16. No resident shall allow dogs to run at large or to bark, whine or howl in such a manner as to create a nuisance or annoyance.

17. No fence or wall may be constructed within the front yard and within ten feet beyond the setback line of the dwelling. No hedge or shrub planting which obstructs sign lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty five feet from the intersection of the street lines. The same sight line limitations shall apply on any lot within ten feet from the intersection of a street property

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line and the edge of a driveway. No tree shall be permitted to remain within such distances of such intersections unless the fringe line is maintained at sufficient height to prevent obstruction of such sight lines. Fences shall be constructed in coordination with the general architecture and character of the surrounding area. In cases where a physical barrier is needed but a solid material is not satisfactory, landscape materials can be used, i.e., hedges or bushes. Correctly placed, these can serve as protective barriers for children.

18. There will be no storage or permanent parking of campers, boats, snowmobiles, motorcycles or any other recreational vehicle in the area between the front street and the setback line of the dwelling. The same is true on corner lots with the area between the street and the side setback line of the house. There must be off-street parking available for all vehicles maintained. Open storage shall be shielded from the street or from neighboring property. Garbage shall be placed in closed containers and shielded until scheduled for pickup. Animal refuse must be disposed of frequently to prevent offensive odors.

19. No structure of a temporary or permanent character relating to electronic or radio equipment shall be permitted above twenty-five feet from ground level.

20. For the purposes of energy conservation, solar construction is encouraged. Active and passive solar collectors and collection areas shall be constructed so as not to encroach on neighbors' properties, and so as not to be offensive to neighbors in the judgement of the Layton City Council. All construction shall be of such a height, as will not block the sun's rays from falling on a neighbor's active or passive solar collectors or collection areas. The Architectural Control Committee shall approve placement of any construction of active and passive solar collectors and collection areas. In approving building plans, the committee shall take account of possible future solar installations on nearby improved and unimproved lots, and shall place appropriate limits in its approvals of building plans.

21. These covenants are to run with the land and shall be binding on all persons and parties claiming under them.

22. 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.

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23. 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.

24. Any building commencing after the building permit is issued by Layton City must be completed within one year of date of issuance relating to a) landscaping; b) outside structures; c) fencing; and d) any visable form of constuction to the surrounding home owners.

25. All structures, whether the main structure or in addition to it, must be masonry on at least sixty percent of the exterior walls, with a minimum of ten percent of the structure being brick or stone. Structures using stucco must use extruded trim, preferrably of a complimentary color.

26. All residences shall display their house number on the front of the house with numbers at least three inches in height

27. Lots 16 thru 22 are considered by this development and Layton City to be on a private driveway. Because of this designation, these homeowners need to be aware of and will be responsible for:

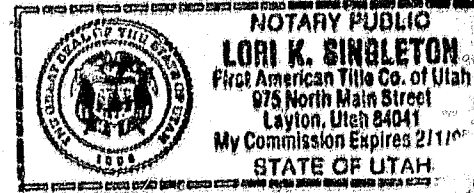
- a) Snow removal from the east edge of the cul-de-sac;
  - b) Garbage pickup will be at the east edge of the cul-de-sac;
  - c) Mail box placement and pickup will be at the east edge of the sul-de-sac;
- and

d) Curb, gutter and pavement repairs and maintenance from the east edge of the cul-de-sac. These expenses are to be shared equally and jointly by these three lots.

28. The Architectural Control Committee reserves the right to grant a variance to these covenants if it is determined necessary and does not harm the value of other property owners. These changes must be recieved from the Committee in writing.

Dated the 18th day of May, 1987

James C. Kaiserman  
GTT Investments; James C. Kaiserman, General Partner  
Rolling Oaks Subdivision - Layton, Utah



State of Utah - County of Davis

On the 18th day of May, 1987 personally appeared before me James C. Kaiserman, who being by me duly sworn, says that he is authorized to release the above as stated by reason of ownership.

Lori K. Singleton, Notary Public.  
Residing at: Davis County, Utah Commission expires: 2/1/90

I, \_\_\_\_\_ agree that I have read the above protective covenants of this subdivision, understand them, and as a lot owner, or potential lot owner, agree to abide by them.

State of Utah - County of Davis

On the \_\_\_\_\_ of \_\_\_\_\_, 198\_\_ personally appeared before me \_\_\_\_\_, who being duly sworn, says that he/she is the above stated individual and acknowledges his/her signature above.

\_\_\_\_\_, Notary Public.  
Residing at: \_\_\_\_\_ Commission expires: \_\_\_\_\_