

DECLARATION OF PROTECTIVE
CODES AND COVENANTS FOR BRECKENRIDGE SUBDIVISION
PLAT A, LOTS 1-4

In consideration of the premises and as part of the general plan for improvements of the property comprising the BRECKENRIDGE SUBDIVISION, we do hereby declare the property hereinabove described, subject to the restrictions and covenants herein recited.

I. PLANNED 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 detached single family dwellings with private garage, attached or detached, for not less than two vehicles and for not more than four vehicles.

L & T Construction and Brinkerhoff Construction will be the sole builders on all lots in subdivision, unless otherwise approved by the Architectural and Building Committee.

II. DWELLING QUALITY AND SIZE

No dwelling shall be permitted on any lot wherein the ground floor area of the main structure, exclusive of open porches and garages is less than 2,000 square feet for single story, split level or split entry structures; or less than 1,500 square feet on the main floor with the aggregate footage of above ground floors of the structure to total a minimum of 3,000 square feet for two story structures.

III. STREET LIGHTING

The owner of each lot throughout the subdivision is required to install at the time of construction an electric or gas street light upon their respective lots, situated within the front yards of the boundary of their property and shall maintain said street light or lamp at all times in a proper operative condition.

IV. NUISANCES

No noxious or offensive activities shall be carried on upon any lot, or shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No storage or any articles which are unsightly will be permitted. No automobiles, trailers, boats or other vehicles are to be stored on streets or front and side lots unless they are in running condition, properly licensed, and are being regularly used.

No short wave radio antennas shall be permitted on any lot throughout the subdivision.

Satellite dishes shall be permitted only in the back yards of lots, placed where they are out of the public view.

No fences, walls or other barriers shall be permitted without the written consent of the Architectural and Building Committee.

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1989 MAY 12 10:51 AM FEE 12.50
RECORDED FOR BRECKENRIDGE

V. EASEMENTS

For installation of and maintenance of utilities and drainage facilities, areas are reserved as shown on the recorded plat. Within these easements, no structure, planting or other materials 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 or flow of drainage channels in the area, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each of the lots and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

VI. TEMPORARY STRUCTURES

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

VII. GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste and shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. Each lot shall be kept free of trash, weeds, and other refuse by the lot owner. No unsightly material or objects are to be stored on any lot in view of the general public.

VIII. ANIMALS AND PETS

Dogs, cats or other household pets may be kept on the premises as permissible within current zoning regulations provided that they are not kept, bred, or maintained for any commercial purpose and are restricted to the owner's premises and under handler's control.

IX. LANDSCAPING

Top soil is to be scraped and stockpiled before excavation for the foundations or footings. The top soil is to be replaced at the time of finish grading on each lot.

Each lot is to be landscaped within 24 months of its initial purchase, or within 12 months of the occupancy date of any structure built upon said lot. Landscaping of lot shall be considered complete when the first 45 feet of lot is planted with grass and maintained, and the remainder of lot is cultivated or planted and kept free of weeds and debris.

Trees, lawns, scrubs, and other planting provided by the owner either before or after construction of a dwelling unit upon said lot shall be properly nurtured and maintained.

X. SUBDIVISION OF LOTS

No owner of any lot within the subdivision shall at any time be permitted to subdivide his lot into two or more subplots less in square foot area than the area of the lot at the time of its initial purchase.

XI. BUILDING LOCATION

The location and placement of the building on any lot shall comply with the building codes and covenants designated by Orem City. Eaves, steps, and porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon any other lot.

XII. CONSTRUCTION TIME FOLLOWING PURCHASE

The owners of any building lot within the subdivision shall within 24 months from the purchase date of said lot, commence construction or landscaping upon the first 45 foot frontage of the lot, and having commenced construction upon said property, shall continue therewith and have the structure upon the property ready for occupancy as a residence within 12 months from the date construction is commenced.

XIII. ARCHITECTURAL AND BUILDING COMMITTEE

The Architectural and Building Committee shall consist of three members: Lewis C. Bankhead, Thomas L. Bankhead and Roger Brinkherhoff. The majority of the Committee shall constitute a quorum and the concurrence of at least two members 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 to the Committee, all members of the Committee must be residents of the subdivision at the time of their appointment. Should any member of the Committee, except for the initial members move his residence outside of the subdivision, he shall be disqualified to serve and the Committee shall declare a vacancy.

In the event of violation of any of these codes and covenants, the Architectural and Building Committee is authorized and empowered to take such action as may be necessary to restrain or enjoin the violators of these codes and covenants. All costs including attorney's fees, of such enforcement shall be borne by property owners who are in violation of said codes and covenants.

Lots 1, 3, 4

Jann M. Bankhead
Jann M. Bankhead

Date Signed May 11, 1989

Michelle O. Bankhead
Michelle O. Bankhead

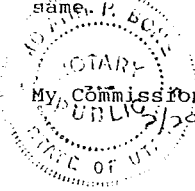
Date Signed May 11, 1989

Alyce A. Brinkerhoff
Alyce A. Brinkerhoff

Date Signed May 11, 1989

STATE OF UTAH
COUNTY OF UTAH

On the 11th day of May, A.D. 1989, personally appeared before me Jann M. Bankhead, Michelle O. Bankhead, Alyce A. Brinkerhoff the signers of the above instrument, who duly acknowledged to me that they executed the same.



J. Ann B. Bone
Notary Public residing at:
Orem, Utah

Lot 2

Robert A. Kittell
Robert A. Kittell

Date Signed 11 MAY 1989

Deelyn Kittell
Deelyn Kittell

Date Signed 11 May 1989

STATE OF UTAH
COUNTY OF UTAH

On the 11th day of May, A.D. 1989, personally appeared before me Robert A. Kittell and Deelyn Kittell the signers of the above instrument, who duly acknowledged to me that they executed the same.



J. Ann B. Bone
Notary Public residing at:
Orem, Utah