

Spanish Fork City
40 S. Main
Sp. Fork, UT
84660

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**Declaration of Covenants, Conditions and Restrictions
of
Whispering Willow Estates**

ENT 150635:2002 PG 1 of 3
RANDALL A. COVINGTON
UTAH COUNTY RECORDER
2002 Dec 11 10:19 am FEE 30.00 BY SS
RECORDED FOR SPANISH FORK CITY

The undersigned, Hearthstone Development Inc (hereinafter the "Company"), owners of the following described real property:

Whispering Willow Estates, Plat "D", Spanish Fork City, Utah County, Utah

do hereby impose the following declaration of limitations, restrictions, and uses of the lots of Whispering Willow, Plat "D" development . This Declaration shall be constituted to run with all the land within the above-mentioned Plat for the purpose of enhancing the value, desirability, and attractiveness of all lots. This declaration of covenants shall inure to the benefit of the Company, its successors, assigns and grantees, and shall run with the land.

Area of Application

The restrictions, covenants, and conditions, as set forth herein shall apply to all property listed in the following described Subdivision property:

See Property Description, "Exhibit A", Whispering Willow Estates.

Residential Area Covenants:

Land use. All lots shall be used only for residential purposes with the exception that home occupations shall be allowed as permitted by Spanish Fork City.

Building Type. No single-family dwelling shall exceed two (2) stories in height. Manufactured homes are permitted. Residential structures are to be constructed using conventional construction methods. All homes must be constructed in accordance with Spanish Fork City building and fire codes.

Dwelling Size. Each finished dwelling must be consistent with the Ordinances and Zoning of the City of Spanish Fork for the R-3 zone.

Building Setbacks. Setbacks/yard requirements are intended to describe the amount of space required between dwellings and property lines. All dwellings in this zone, including accessory buildings, are required to maintain minimum distances from property lines as follows:

Dwelling Unit

Front: 20 feet to Living Area, 25 feet to garage
Sides: 5 feet and 5 feet, 15 feet on any corner lot
Rear: 15 feet.

Dwelling Height. No Dwelling shall exceed thirty (30) feet in height at its highest point.

Dwelling Elevation. Dwelling elevations shall vary from lot to lot. No elevation shall be duplicated on adjacent lots or on lots directly transverse (diagonally) if they are located within 120 feet.

Landscaping. Each individual lot shall have a front yard completely landscaped prior to receiving an occupancy permit from the City of Spanish Fork. Landscaping must be maintained in a manner consistent with neighboring lots. Landscaping shall include but is not limited to grass, 2 trees, 3 bushes, and an automatic sprinkling system.

Building Location. All dwellings are to be located within the building setbacks as defined by current ordinances of Spanish Fork City. The accessory building locations shall be as defined by current ordinances of Spanish Fork City.

Easements. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

Animals. Keeping of animals other than those commonly kept as family pets shall be forbidden. No resident may have more than 4 pets total, and no greater than 2 of any species. No farm animals are allowed in this development, and all Spanish Fork City animal control ordinances must be satisfied.

Nuisance. No property owner shall maintain a nuisance, or conduct noxious or offensive activities at any time. In addition, no property owner shall maintain a nuisance as defined by the Ordinances of Spanish Fork City or the laws of the State of Utah.

Temporary Structures or Site Material. No structures of a temporary nature, trailer, tent, shack, etc., shall be used on any lot for storage or residence prior to commencement of construction of a single-family dwelling on the lot. No temporary building or other materials shall be placed on the lot until the commencement of construction.

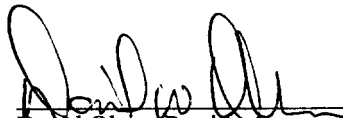
Fencing. All fencing must be white vinyl. No fence between lots shall exceed six (6) feet in height. No fences in excess of three (3) feet in height are allowed in the front yard setback. No dog or pet run is permitted within the front or side yard setbacks.

Maintenance, Parking, and Storage. The owner of a lot, in accordance with the Ordinances of Spanish Fork City must maintain and repair any and all improvements to insure a clean, safe, and attractive property.

General Provisions. If the parties to this instrument, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants, conditions, or restrictions set forth in this instrument before October 1, 2026, it shall be lawful for any other person or persons owning any of the lots in the above-stated development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant, condition or restriction and either to prevent him or her or them from so doing or to recover damages or other relief for the violation. These covenants shall exist for the initial 25-year period and shall be automatically renewed in successive 10-year increments unless 66% of the owners of the lots in the development or subdivision express their intention in writing to abandon the restrictive covenants.

Dated this 7 day of Nov, 2001.

Hearthstone Development, Inc.



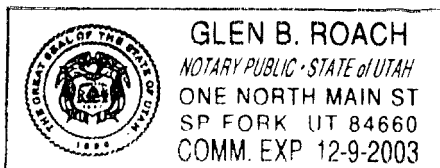
David Olsen, President

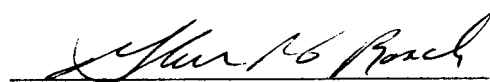
State of Utah)

:SS

County of Utah)

On this 7 day of Nov, 2001 personally appeared before me, David Olsen, who is the President of Hearthstone Development, Inc., who being by me first duly sworn did say that he executed the foregoing instrument on behalf of Hearthstone Development, Inc. pursuant to the authority vested in him.





Notary Public

Exhibit "A"

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Beginning at a point located $N0^{\circ}18'06''W$ along the Section line 729.67 feet and East 2,322.51 feet from the West $\frac{1}{4}$ Corner of Section 17, Township 8 South, Range 3 East, Salt Lake Base & Meridian; thence $N34^{\circ}25'27''E$ 312.73 feet; thence $S54^{\circ}06'30''E$ 454.41 feet; thence $S35^{\circ}53'30''W$ 111.00 feet; thence $S56^{\circ}14'57''W$ 64.00 feet; thence $S35^{\circ}53'30''W$ 85.50 feet; thence $N49^{\circ}11'00''W$ 35.25 feet; thence $N59^{\circ}01'00''W$ 36.40 feet; thence $S35^{\circ}53'30''W$ 50.10 feet; thence $N59^{\circ}01'00''W$ 171.53 feet; thence $N51^{\circ}21'30''W$ 182.06 feet to the point of beginning.

Contains: 3.07 acres