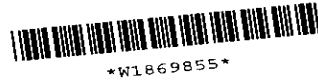


W44013



**PROTECTIVE COVENANTS AND LIMITED USE RESTRICTIONS
WAY-LOWE ESTATES SUBDIVISION**

THE PROTECTIVE COVENANTS AND LIMITED USE RESTRICTIONS HEREINAFTER SET FORTH ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES CLAIMING UNDER THEM UNTIL (20) TWENTY YEARS FROM DATE, AT WHICH TIME SAID COVENANTS AND USE RESTRICTIONS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF (10) TEN YEARS UNLESS BY A VOTE OF A MAJORITY OF THE THEN OWNERS OF SAID LOTS IT IS AGREED TO CHANGE SAID PROTECTIVE COVENANTS AND LIMITED USE RESTRICTIONS IN WHOLE OR IN PART.

IF ANY PARTY HERETO, THEIR HEIRS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO ANY OF THE COVENANTS AND RESTRICTIONS HEREIN CONTAINING IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY SITUATED IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE THE SAME, EITHER TO ENJOIN OR PROHIBIT ANY SUCH VIOLATION OR FOR DAMAGES OR OTHER COMPENSATION OR BOTH FOR ANY SUCH VIOLATION.

IN THE EVENT ANY OF THE COVENANTS AND RESTRICTIONS HEREIN CONTAINED OR ANY PART THEREOF SHALL BE DECLARED INVALID BY ANY COURT OR COMPETENT JURISDICTION THE REMAINDER THEREOF SHALL IN NO WAY AFFECTED BY SUCH JUDGEMENT, BUT SHALL REMAIN IN FULL FORCE.

AUTHORIZATION APPROVAL REQUIRED BY THESE COVENANTS AND RESTRICTIONS IS VESTED IN THE DEVELOPER TILL SUCH TIME THAT ALL LOTS ARE SOLD, AT WHICH TIME THESE POWERS AND DUTIES WILL PASS TO THE WAY-LOWE HOMEOWNERS. NEITHER THE DEVELOPER OR THE HOMEOWNERS ASSOCIATION SHALL BE ENTITLED TO ANY COMPENSATION FOR DUTIES PERFORMED PURSUANT TO THESE COVENANTS AND RESTRICTIONS.

1. ALL LOTS IN SAID SUBDIVISION SHALL BE KNOWN AND DESCRIBED AS RESIDENTIAL LOTS. NO STRUCTURES SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN UPON ANY LOT OTHER THAN A SINGLE FAMILY DWELLING, A PRIVATE GARAGE FOR NOT MORE THAN (3) CARS. ALL OTHER OUTBUILDINGS APPROVED AND BUILT AS PER HOOPER CITY ORDINANCES AND CODES.

2. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED UPON ANY LOT IN SAID SUBDIVISION UNTIL THE BUILDING PLANS AND SPECIFICATIONS AND THE PLOT PLAN, SHOWING THE LOCATION OF SUCH BUILDING UPON SUCH LOT, SHALL HAVE BEEN APPROVED, IN WRITING AS TO THE CONFORMITY AND HARMONY OF EXTERNAL DESIGN WITH EXISTING STRUCTURES IN THE TRACT AND AS TO LOCATION OF THE STRUCTURE WITH RESPECT TO TOPOGRAPHY AND FINISHED GROUND ELEVATION. IN THE EVENT ANY PLANS, SPECIFICATIONS OR LOCATIONS SHALL NOT BE APPROVED OR DISAPPROVED IN WRITING WITHIN (30) DAYS AFTER SUBMITTAL OF SAME THEY SHALL BE CONSIDERED APPROVED AND THIS COVENANT FULLY COMPLETED WITH.

3. YARD REGULATIONS: SIDE YARDS, FRONT YARD AND REAR YARD REGULATIONS SHALL BE IN CONFORMITY WITH THE HOOPER CITY ZONING ORDINANCE.

4. NO OBNOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANY THING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. NO STORAGE OF ANY ARTICLES WHICH ARE UNSIGHTLY IN THE OPINION OF THE OWNER ASSOCIATION WILL BE PERMITTED UNLESS IN ENCLOSED AREAS BUILT AND DESIGNED FOR SUCH PURPOSE. NO AUTOMOBILES, TRAILERS BOATS OR OTHER VEHICLES ARE TO BE STORED ON STREETS OR FRONT OF SIDE LOTS UNLESS THEY ARE IN RUNNING CONDITION, PROPERLY LICENSED AND ARE BEING REGULARLY USED.

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REC FOR: MOUNTAIN.VIEW.TITLE

5. NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUT BUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE TEMPORARILY OR PERMANENTLY. NOR SHALL ANY STRUCTURE BE PLACED UPON ANY LOT IN SAID TRACT EXCEPT BY CONSTRUCTING THE SAME ON THE SITE OF SAID LOT.

6. NO SINGLE LEVEL RANCH TYPE DWELLING SHALL BE ERECTED UPON ANY LOT IN SAID SUBDIVISION, WHERE THE MAIN GROUND FLOOR AREA OF WHICH (EXCLUSIVE OF OPEN PORCHES AND GARAGES) SHALL BE LESS THAN 1400 SQUARE FEET. TWO STORY DWELLINGS SHALL HAVE A MINIMUM OF 1800 SQUARE FEET OVERALL WITH AT LEAST 1000 SQUARE FEET (EXCLUSIVE OF OPEN PORCHES AND GARAGES) ON THE FIRST LEVEL UNLESS APPROVED BY THE DEVELOPER OR THE OWNERS ASSOCIATION. ANY SPLIT LEVEL HOME SHALL HAVE A MINIMUM OF 1650 SQUARE FEET (EXCLUSIVE OF OPEN PORCHES AND GARAGES). NO BUILDING SHALL EXCEED THREE STORIES IN HEIGHT ABOVE THE EXISTING GRADE. ALL DWELLINGS SHALL HAVE AN ATTACHED TWO TO FOUR CAR GARAGE. CARPORTS ARE PROHIBITED.

7. ALL BUILDING EXTERIOR SHALL BE CONSTRUCTED WITH A MINIMUM OF 75 PERCENT STUCCO, BRICK OR NATIVE STONE ON THE FRONT, FOUR FEET HIGH FROM THE FOUNDATION ON THE SIDES. OTHER EXTERIOR MATERIALS MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE. ALL BUILDINGS SHALL HAVE A ROOF OF A LEAST AT 4X12 PITCH. ALL SHINGLES SHALL BE ARCHITECTURAL ASPHALT SHINGLES, BAR TILE, OR WOOD SHAKE SHINGLES.

8. WITHIN TWO YEARS AFTER THE PURCHASE OF SAID LOT THE HOME SHALL BE COMPLETELY CONSTRUCTED AND OCCUPIED.

9. ALL FRONT AND SIDE YARDS TO BE SEEDED, SODDED AND LANDSCAPED WITHIN (12) MONTHS OF OCCUPANCY.

10. NO EXPOSURE OF CONCRETE FOUNDATIONS TO RISE ABOVE THE GROUND FINISHED GRADE LEVEL MORE THAN (2) TWO FEET. ALL CONCRETE FOUNDATIONS TO BE PLASTERED FINISHED.

IN WITNESS WHEREOF, the undersigned has executed this document the 20 day of August, 2002

MOUNTAIN VIEW TITLE AND ESCROW INC, AS TRUSTEE FOR J.M.

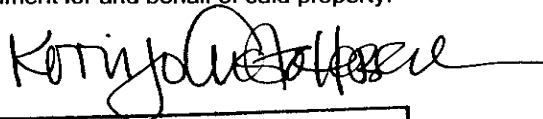
By: 

MICHAEL L. HENDRY, PRESIDENT.

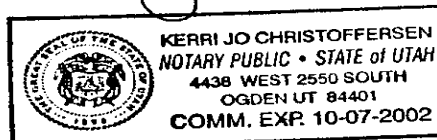
STATE OF UTAH
COUNTY OF WEBER

On the 20 day of August, 2002, personally appeared before me Michael L Hendry of Mountain View Title and Escrow Co. who under oath acknowledged to me that he is the Trustee for J.M. and can execute the above instrument for and behalf of said property.

NOTARY PUBLIC
Residing at:



My Commission Expires:



E# 1869855 BK2256 PG2038

10-096-0001-0010 -
10-097-0001-0008

EXHIBIT "A"

RE: LEGAL DESCRIPTION FOR WAY-LOWE ESTATES PROTECTIVE COVENANTS

ALL OF LOTS 1 THROUGH 18, WAY-LOWE ESTATES SUBDIVISION, HOOPER,
WEBER COUNTY, UTAH ACCORDING TO THE OFFICIAL PLAT THEREOF.