

DECLARATION OF RESTRICTIONS

SMITH & SMITH PARCEL LOTS

STEPHANIE WAY

This Declaration, made this 4th day of November 2002, by **Smith and Smith, LLC**, being present owners of all five parcels within the subject areas.

WITNESSETH

The subject area comprises five parcels facing Stephanie Lane, as recorded in the office of the Douglas County Records as Document # 0557715 and Document #

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WHEREAS, such conditions, restrictions and covenants are intended as part of the program for maintaining standards in the area, which program contemplates that said parcels shall be only used for residential purposes of high quality.

NOW, THEREFORE, THE FOLLOWING CONDITIONS, COVENANTS, RESTRICTIONS APPLY:

- 1) These conditions, restrictions, and covenants shall be considered as covenants running with the land and shall bind the Declarant and his heirs, executors, administrators, and all future assigns until 15 September, 2012 after which this Declaration shall automatically extend for periods of ten (10) years, provided, however, that they may be changed, supplemented, or abolished in any or all particulars by the recordation in the Office of the County Recorder of Douglas County, of an appropriate instrument duly executed and acknowledged by a majority vote of the then owners of the parcels.
- 2) These conditions, restrictions and covenants shall bind and ensure to the benefit of, and be enforceable by, the Declarants and all future assigns or by the owner of any parcel defined herein. The Architectural Review Committee or any owner of any parcel may institute and prosecute any proceeding at law against any entity violating or threatening to violate, any of the revisions herein contained. Such action may be maintained to prevent a violation on/or to recover damages for a violation. A failure to enforce any of these conditions, restrictions or covenants shall not be deemed a waiver or right to enforce them thereafter. Nothing herein shall be construed as preventing any legal remedy against a nuisance, public or private.
- 3) Any invalidation of a specific aspect by order of any court of jurisdiction shall not affect the validity of the remaining features which shall continue and remain in full force and effect. Any conditions, restrictions or covenants as invalidated is deemed separable from the remaining conditions, restrictions and covenants herein set forth.

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- 4) The restrictions, covenants and conditions to which each said property is subjected are as follows:
- a) Only one (1) primary single, private residence, together with garage, private recreation facilities, retaining walls and other normal appurtenances shall be permitted on a parcel. A detached or attached guest or servants facility may be permissive providing it meets the requirements of the Douglas County code.
 - b) No dwelling shall have a total floor area of less than 1800 square feet, exclusive of porches, patios, terraces and garages. All structures erected shall be built in a good workmanlike manner and shall not be moved from any other location onto any parcel unless it shall have been newly constructed elsewhere for the express purpose of doing so. No manufactured housing shall be allowed.
 - c) Stables, sheds, barns, corrals, greenhouses or other similar buildings are permitted subject to submitted review and approval.
 - d) No building or structure shall be constructed, surfaced or painted with any material that will cause sunlight to be reflected.
 - e) No garbage, refuse, obnoxious or offensive material shall be permitted to accumulate on any parcel, at any time and a lot owner shall cause all such material to be removed in accordance with accepted sanitary practice. All garbage or trash containers, tanks, and other such facilities must be underground or placed in a walled area and also shall not be visible from adjoining properties or from the street.
 - f) No roof shall have a pitch of more than 8:12.
 - g) No noxious, offensive or disturbing activity of any kind shall be permitted.
 - h) All brush and other combustible materials to be a distance of 30 feet from the perimeter of all buildings and shall be cleared and the area suitable landscaped. Wherever possible, native groundcover shall be maintained.
 - i) No exterior antennas of any kind shall be allowed and satellite dishes shall not be allowed in front yard areas.
 - j) No clothesline shall be constructed or erected which would be visible from the street or adjoining properties.
 - k) All owners shall develop and file as part of a building plan, a detailed landscaping plan defining all the intended landscaping improvements with special regard to the front yard area. Said plan shall ensure the continuing maintenance

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including sprinkler systems with xeriscape features of other reasonable methods.

- l) Within one (1) year of completion of the main dwelling unit, each parcel shall be landscaped in a manner as set forth on said approved plan and all landscaping shall be continuously maintained to harmonize with and sustain the total attractiveness of the total development.
 - m) Boats, trailers, campers and other outside storage, if any, shall be solid fenced to a height of a minimum of six (6) feet so as to conceal them from view of the neighboring parcels and streets.
 - n) No "night lights" of any kind shall be installed.
 - o) No animals shall be raised, kept or bred for commercial purposes on any parcel. Any animals or pets shall be so controlled and restrained as not to run at large and become a nuisance or annoyance to the neighborhood. A maximum of two horses shall be allowed per parcel. Owner shall maintain the area occupied by horses in a clean and sightly manner.
 - p) The primary building shall be set back at least 130 feet from the Stephanie Way frontage property line, except parcel #1 which will be treated individually by the committee.
- 5) "Douglas County has declared it a policy to protect and encourage agricultural Operations. Since this property is located within an area of agricultural operations, it may, at some time, be subject to inconveniences or discomfort arising from such operations. If conducted in a manner consistent with proper and accepted standards, these inconveniences and discomforts do not constitute a nuisance for purposes of the Douglas County Code."
- 6) All parcels shall obtain sole access from the applicable shared access easement identified on the final map. Maintenance/repair of same is the sole responsibility of the individual parcel owners of the parcels concerned.
- 7) Individual owners or other private entities including a homeowners association, shall be responsible for private on-site drainage retention and maintenance of all drainage facilities and easements for each lot. Douglas County rejects any offer of dedication of drainage facilities or drainage easements.
- 8) Declarants hereby appoint an "Architectural Review Committee" hereinafter called the ("Committee"). The committee may appoint a third party. The principal function of the Committee is to administer these restrictions. The first two (2) committee members shall be Raymond M. Smith and Cole S. Smith. Upon the resignation of any member, the remaining two may appoint a third. Upon the resignation or death of any two or all of the members of the Committee, the owners may select replacement members by a majority of the vote of those who participate. The Committee may establish internal rules, regulations and procedural details and provide the same to all applicants.

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