

STATE OF ARIZONA, County of Yavapai--ss.

4186

I do hereby certify that the within instrument was filed and recorded at the request of Diamond Valley Inc.
on April 15 A.D., 1964, at 12:50 o'clock P M. Book 320 Official Records
Page 385-388 (bld), Records of Yavapai County, Arizona.

INDEXED WITNESS my hand and official seal the day and year first above written.

FRANK C. BAUER, County Recorder.

By Elizabeth D. Zart, Deputy

RESTRICTIVE COVENANTS

DIAMOND VALLEY UNIT TWO

KNOW ALL MEN BY THESE PRESENTS:

That UNION TITLE COMPANY, an Arizona corporation, as Trustee, being the owner of all of the following described premises, situated within the County of Yavapai, State of Arizona, to-wit:

Lots 290, 291, 296 through 398 Diamond Valley Unit Two
according to the plat of record in the office of the County Recorder of Yavapai County, State of Arizona, in Book 10 of Maps, Page 13.

WHEREAS, the corporation has subdivided or intends to subdivide said protected area and to sell lots and building sites therein, subject to certain protective restrictions, conditions, limitations, reservations and covenants, herein referred to as "Protective Restrictions" in order to insure the most beneficial development in said area, and to prevent any such use thereof;

NOW, THEREFORE, said corporation hereby declares that said protective restrictions are hereby imposed on said protected area, and are as follows, to-wit:

COMMERCIAL AREA COVENANTS:

1. Lots 290, 291; 296 through 303 inclusive; 322 through 333; 336, 337 and 392 through 398 inclusive; shall be used for commercial neighborhood retail purposes. All buildings and/or uses shall be devoted to selling in retail trade or providing to the public except that used car lots shall not be allowed. The following restrictions shall also apply to this district:

- a. Second hand merchandise sales prohibited.
- b. Commercial uses restricted to closed buildings except automobile service stations and parking lots.
- c. Noise broadcasting beyond buildings.
- d. Wholesaling prohibited.
- e. Outside storage of materials or supplies prohibited.
- f. Any lighting must be so placed to reflect the light away from lots in residential districts.
- g. No automobile service station pump shall be located closer than 12 feet to a street property line.

2. NUISANCES: No noxious or offensive activity shall be carried on upon any lot nor shall anything be done herein which may be or may become an annoyance or detriment to commercial development.

3. TEMPORARY STRUCTURES: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot anytime as a residence either temporarily or permanently.

4. LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs,

cats or any other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes.

5. GARBAGE AND REFUSE DISPOSAL: No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste, shall not be kept except in sanitary containers. Approved incinerators or other equipment for the storage or disposal of such material shall be kept in a clean, dry and sanitary condition. No outside rubbish burners shall be allowed. Individual owners must haul garbage off lots within a reasonable time or use a privately owned garbage pick-up service which is available in the area.

6. JUNK: No lot shall be used or maintained as a junk yard or for storing or merchandising of material classified as junk.

7. RESUBDIVIDING: None of said lots shall be resubdivided into smaller lots nor conveyed or encumbered in less than the full original dimensions or such lots as shown by the recorded plat.

8. APPROVAL OF DESIGN AND LOCATION OF BUILDING: No building or improvement of any kind shall be erected, moved into, or maintained on the premises herein described until the design and location thereof has first been submitted to, and approved by Diamond Valley, Incorporated, a corporation, or upon relinquishment of all lots by said corporation, then a committee elected by the owners of record of a majority of lots in said subdivision. In the event such committee is not in existence, the design shall be in harmony with other buildings in the tract.

R3 RESIDENTIAL COVENANTS (MULTI-FAMILY RESIDENCE):

1. Lots 334, 335; and 338 through 343 inclusive; and 357 through 361 inclusive; shall be used for a multi-family residence. The following restrictions shall apply to this district:

2. All restrictions listed under Residential Area Covenants Items 2 and 3 and 5 through 9.

3. Accessory buildings including sleeping and guest rooms, shall be considered as a living unit and such shall not be offered as motel or tourist court accommodations.

4. Main buildings and accessory buildings on a lot shall not occupy more than forty-five (45) percent of the total area of the lot.

5. No building shall exceed a height of two (2) stories or thirty (30) feet.

6. All signs appurtenant to the permitted use of the property must be of a non-illuminated type not exceeding six (6) square feet in area and such signs shall not extend into any part of the front yards.

RESIDENTIAL AREA COVENANTS:

1. Residential area covenants shall apply to Lots 304 through 321 inclusive; 344 through 357 inclusive; 362 through 391 inclusive.

2. RESTRICTIONS AGAINST BUSINESS USE: That the Grantee or Grantees, under any conveyance, shall not at anytime conduct, or permit to be conducted on said premises any trade or business of any description, nor shall said premises be used for any other purpose whatsoever except for the purpose of establishing a Water Development Company to serve the Diamond Valley subdivision or for a single family dwelling unit. No Real Estate business or office or signs or other

forms of advertising of a real estate business or office or signs advertising the sale of other properties, other than those described herein shall be placed or permitted on any of the lots unless written approval is first had and obtained from Diamond Valley, Incorporated.

3. APPROVAL OF DESIGN AND LOCATION OF BUILDINGS: No house trailer, tent, shack, garage, barn or other outbuildings shall at any time be used as a residence, temporarily or permanently. No building or improvement of any kind shall be erected, moved into, or maintained on the premises herein described until the design and location thereof have first been submitted to and approved by Diamond Valley, Incorporated, a corporation, or upon relinquishment of all lots by said corporation, then by a committee elected by the owners of record of a majority of lots in said subdivision. In the event that such a committee is not in existence, the design shall be in harmony with other dwellings in the tract. No galvanized metal roofing or siding shall be permitted on dwelling or outside buildings. No asphalt, composition, or plaster board siding shall be permitted on a surface of exterior walls. Exterior surface walls shall be of approved stone, masonry, frame, asbestos siding or building blocks. Interior walls with studs must be sealed. Chimney must have spark arrester vent cap.

4. NOT MORE THAN ONE SINGLE FAMILY DWELLING: with garage or carport, and one guest house shall be built upon any one lot. A guest house as used in this protective restriction is defined as any small structure used exclusively for extending the lodging accommodations for the owner's family or guests, but not including a kitchen or cooking facilities.

5. BUILDING LINE AND SIDE LINE RESTRICTION: No building or improvement of any kind shall be erected on any lot nearer than 25 feet to the front line, nor nearer than 3 feet on the carport side lot line, nor nearer than 5 feet on the structure side lot line. (EXCEPTION) Surface terrain not suitable for construction within the given area, subject to approval by said corporation.

6. RESUBDIVIDING: No lots shall be resubdivided into building plots.

7. SEWAGE DISPOSAL: Pending availability of public sewers, sewage disposal shall be affected by means of individual septic tanks, the type of tank, its construction, location on lot and tile disposal field shall be approved in writing by the said corporation, in addition all septic tanks and disposal fields must be approved by Yavapai County Department of Health. No cesspools or outside toilets shall be permitted.

8. GARBAGE DISPOSAL: No garbage shall be allowed to accumulate for any length of time on any lot. Owners must haul off lots or employ the services of a privately operated pick-up service available in the area.

9. LIVESTOCK AND POULTRY: No livestock and poultry permitted in said subdivision. (EXCEPTION) Poultry that may be raised for personal use, providing such would not constitute a public nuisance.

Titles subject to restrictions. Nothing contained in this declaration shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but titles to any property subject to this declaration obtained through sale in satisfaction of any mortgage or deed of trust shall thereafter be held subject to all the protective restrictions hereof.

The foregoing protective restrictions shall be binding on all parties and all persons claiming under them for a period of 25 years from February 1, 1964, at which time said protective restrictions shall automatically be renewed for an additional period of 25 years, unless 75% or more of the owners of record, at that time, agree in writing to changes and said changes are made in lawful manner.

Each and all of the protective restrictions shall be enforceable by injunction or by other forces of action available to the parties aggrieved, or to the corporation or its successors in interest. Invalidation of any one of these protective restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Dated this ^{10TH} ~~9th~~ day of April, 1964.

UNION TITLE COMPANY, as Trustee

By: *John J. Karmelich*
Senior Trust Officer

Attest: *Glenn Ginn*
Assistant Secretary

STATE OF ARIZONA)
County of Maricopa) ss.

JOHN J. KARMELICH Sr. Tr. Officer and GLENN GINN, who acknowledged themselves to be the ~~Trustee and Assistant Secretary~~ and Assistant Secretary of the UNION TITLE COMPANY, an Arizona corporation, as Trustee, and that they, as such officers, being authorized so to do executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers. IN WITNESS WHEREOF I hereunto set my hand and official seal.

Stephen J. [Signature]
Notary Public

My Commission expires ~~My~~ Commission Expires June 20, 1964