

STATE OF ARIZONA, County of Yavapai—ss.

760

I do hereby certify that the within instrument was filed and recorded at the request of American Title & Tr. Co.
on Jan 24 A.D., 1966 at 8:00 o'clock a M. Book 385 Official Records
Page 488-489-490, Records of Yavapai County, Arizona.

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

FRANK C. BAUER, County Recorder.

By Evelyn D. Jaro, Deputy

INDEXED

50495

RESTRICTIVE COVENANTS

DIAMOND VALLEY NO. 8

NOTICE OF RECORDATION

Recorded on the ___ day of _____, 196___, in the office of the County Recorder of the County of Yavapai, State of Arizona, in Docket _____, of Official Records, Page _____.

KNOW ALL MEN BY THESE PRESENTS:

That AMERICAN TITLE AND TRUST 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 One Thousand Two Hundred and Twenty-seven through One Thousand Four Hundred and Fifty-three inclusive, DIAMOND VALLEY NO. 8 according to the plat of record in the office of the County Recorder of Yavapai County, State of Arizona, in Book 11 of Maps, Page 65.

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:

RESIDENTIAL AREA COVENANTS:

1. The residential area covenants shall apply to Lots 1227 through 1286 inclusive, Lots 1293 through 1381 inclusive, Lots 1392 through 1453 inclusive.

2. RESTRICTIONS AGAINST BUSINESS USE: That the Grantee or Grantees, under any conveyance, shall not at any time 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 buildings 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 written approval by Diamond Valley, Incorporated.

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 pickup 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.

10. ADVERTISING SIGNS: No advertising signs, for sale or for rent signs, bill boards, unsightly objects or nuisance shall be permitted, placed or permitted to remain on any of the lots unless written approval is first had and obtained from Diamond Valley, Incorporated, a corporation, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonable disturb the holder of any lot.

R3 RESIDENTIAL COVENANTS (MULTI-FAMILY RESIDENCE):

1. Lots 1287 through 1292 inclusive, Lots 1382 through 1391 inclusive, shall be used for a multi-family dwelling residence. The following restrictions shall apply to this district.

2. All restrictions listed under Residential Area Covenants Items 2 and 3, and 5 through 10.

3. Accessory buildings including sleeping and guest rooms, shall be considered as 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, except where written approval is first obtained from Diamond Valley, Incorporated.

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

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 a 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 judgement or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Dated this the 20th day of January, 1966.

AMERICAN TITLE AND TRUST COMPANY, as Trustee

By: John D. Keller
Vice President

Attest: Griffith H. Morgan
Assistant Secretary

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this 20th day of January, 1966, before me, the undersigned officer, personally appeared JOHN D. KELLER and GRIFFITH H. MORGAN who acknowledged themselves to be the Vice President and Assistant Secretary, respectively, of AMERICAN TITLE & TRUST COMPANY, an Arizona corporation, 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, as Trustee, by themselves as such officers.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Margaret A. Adams
Notary Public

My commission expires: 3-12-66

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