

Recorded
November 16, 1954

ELECTRONIC SYSTEMS

FCR

Page 45

NO transfer
of interest
approved for
Subdivided
to any person
(except approved?)

HIWAN HILLS-BLOCK 2

1. No structure shall be placed, erected, altered or permitted to remain on any building sites other than one detached, single-family dwelling not to exceed two stories in height, a private garage for not more than three cars, and other outbuilding incidental to residential use of any lot.
2. No building or structure shall be erected, placed or altered on any lot until the building plans, specifications, and plot plan showing the location of such building or structure have been approved in writing as to general plan and external design and as to the location of the structure with respect to property and setback lines by the subdividers or their duly appointed agent. Should the subdividers or their agent fail to approve or disapprove such plan, design and location within thirty (30) days after such plans and specifications have been submitted to them or if no suit to enjoin the erection or alteration of any building or structure has been commenced prior to the completion thereof, then such approval shall not be required and the plans, specifications and plot plans shall be deemed to have been approved. Neither the subdividers nor their agent shall receive any compensation for the services mentioned herein.
3. All lots shall be limited to residential use only and no noxious or offensive trade or activity shall be conducted upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
4. No dwelling shall be permitted or erected on any lot with a ground floor area, exclusive of one story open porches and garages, less than 1,000 square feet for single story structures or 850 square feet for two story structures.
5. No basement, tent, shack, garage, barn, trailer, outbuilding or any temporary structure shall be occupied or used as a residence.
6. An easement eight feet wide is excepted and reserved along all side and rear lot lines of said lots for utility installation and maintenance; provided, however, the owner hereby reserves to itself, its successors and assigns, the right to vacate the easements along any interior side lot lines if two or more adjoining lots are sold for use as a single dwelling site.
7. When public sewers become available, all dwellings must make use thereof and pending availability of sewers each dwelling must be provided with a septic tank and leaching field or a disposal system of a design approved by the state board of health and correctly installed to be harmless to another and adjoining property. No outside toilet shall be erected or permitted on any lot.

8. Except upon written permission of the subdividers or their agent no timber of size greater than three inches in diameter at the base shall be removed from any lot or destroyed unless necessary to provide the location for a residence, outbuilding, private garage, servants' quarters, private driveway or other improvements necessary or suitable to be erected upon residential property.
9. No billboard or other advertising device shall be erected or permitted on any lot nor shall anything be done or permitted on any lot which will deface or mar the natural scenery thereon.
10. The provisions hereof shall be covenants running with the land and shall inure to the benefit of and be binding upon the undersigned its successors and assigns until December 31, 1974, after which time said provision shall be automatically extended for successive ten year periods; provided, however, that at any time after December 31, 1974, the owners of a majority of the lots in Hiwan Hills-Block 2, may, by instrument in writing duly signed acknowledged and recorded in the office of the recorder of Jefferson County, change, revoke or alter said provisions in whole or in part.
11. In case of any violation of any of the provisions hereof, the owner or owners of any lot in Hiwan Hills-Block 2 may, in addition to other remedies at law or in equity including action for damages, have such violations perpetually enjoined or, in the case of the erection or maintenance of any building, structure or thing in violation of any of the provisions hereof, may have such building, structure or thing removed by proper legal proceedings.
12. Invalidation of any of the provisions hereof by judgment or order of court shall in no wise affect any of the other provisions hereof which shall remain in full force and effect.

- - - -