

4-7-70

County of
Stewart Title & Trust of Phoenix
NON-INSURED

61126

Trust Dept

Docket Page
Recorded Apr 7 1970

02-R-1110

CHK 8076-538

COUNTRY CLUB NORTH UNIT TWO

DECLARATION OF RESTRICTIONS

THIS DECLARATION made and dated the 5th day of April 1970, by STEWART TITLE & TRUST OF PHOENIX, an Arizona corporation, as Trustee

WITNESSETH:

WHEREAS, the declarant, as Trustee, is the owner of that certain real property, containing 18 lots numbered 38 through 55, situated in the County of Maricopa, State of Arizona, as shown upon that certain Map entitled "Country Club North Unit TWO", which Map was filed for record in the office of the County Recorder of Maricopa County, State of Arizona, on March 31, 1970, in Book 129 of Maps, at pages 21, to which said Map and the said record thereof reference is hereby made, and

WHEREAS, said declarant is about to convey parcels of said real property shown on said Map and desires to subject the same to certain restrictions, conditions, covenants and agreements as hereinafter set forth in furtherance of a general plan for the improvement of said tract;

NOW, THEREFORE, the undersigned owner of the hereinabove described property hereby declares that said property is held and shall be conveyed subject to restrictions, conditions, covenants, charges and agreements set forth in this Declaration, to-wit:

1. Land Use and Building Type: No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed one story in height and a private garage. One and one-half (1-1/2) and two (2) story single family dwellings may be constructed only with the approval of the Architectural Committee; no business, trade, or manufacturing of any nature or description shall be carried on or transacted on any portion of said property nor shall any part of said premises be used as a hospital or sanitarium or other place for hire for the care or entertainment of persons suffering from any disease or disability whatsoever.

2. Architectural Control: No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to location with respect to topography and finish grade elevation.

"Restrictions herein, if any, based on race, color, religion, sex, handicap, familial status or national origin are deleted"

3. Size. The floor area of the dwelling, exclusive of porches, garages, carport and patios, shall be not less than 1,500 square feet unless otherwise approved by the Committee. No prefabricated building or other structure of any nature whatsoever, permanent or temporary, shall be moved or placed upon, or assembled or otherwise maintained on any lot, provided, however, that a temporary office, trailer office, tool shed, lumber shed and/or sales office may be maintained upon any lot or lots by any building contractor for the purpose of erecting and selling dwellings on any lot or lots, but such temporary structures shall be removed at completion of construction or selling of dwelling, whichever is later.

4. Building Location. No building shall be located on any lot nearer to the front line than 20', no buildings shall be located nearer than seven (7) feet to any interior lot line, nor closer than 10' to a side lot line adjacent to a street, except that side yards for detached garages and other permitted accessory buildings located in the rear one-half of the lot need only conform to the requirements of the County of Maricopa. A carport and storage room attached to the walls of the dwelling may be placed not closer than three feet (3') to an interior lot line and not closer than ten feet (10') to a side lot line adjacent to a street. For the purpose of this covenant, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot. In the event an owner acquires a portion of any adjoining lot or lots, the foregoing measurements shall be made from such owner's side property lines rather than from the side lot lines indicated on said recorded map or plat. None of said lots shall be resubdivided into smaller lots nor conveyed or encumbered in less than the full original dimension of such lots as shown by the plat of Country Club North Unit TWO except for public utilities, provided that this restriction shall not prevent the conveyance or encumbrance of adjoining or contiguous lots or parts of lots in such a manner as to create parcels of land in a common ownership having the same or a greater street frontage than shown on the plat of Country Club North Unit TWO for any one of the lots, portions of which are so conveyed or encumbered or having a greater area than any of the lots, portions of which are so conveyed or encumbered. Thereafter such parts of adjoining or contiguous lots in such common ownership, shall, for the purpose of these restrictions, be considered as one lot. Nothing herein contained shall prevent the dedication or conveyance of portions of lots for public utilities, in which event the remaining portion of any lot shall, for the purpose of this provision, be treated as a whole lot.

5. Fences. No fence or wall higher than six feet (6') shall be constructed across the rear property line of any lot; nor shall any fence or wall be constructed upon any lot unless

its design and style are first approved by said committee. Fences or walls constructed within the area of the minimum front or side street setback lines (as defined in Paragraph No. 4 herein) shall not exceed two feet (2') in height; fences or walls constructed on any side lot line shall not exceed six feet (6') in height.

6. Easements. Easements, as indicated upon the recorded Map of this subdivision, are reserved for the installation and maintenance of public service utilities and other uses for public or quasi-public good. No buildings shall be placed upon such easements or interference be made with the free use of the same for the purposes intended.

7. Nuisances. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

8. Temporary Structures. No structure of a temporary character, trailer, basement, tent, shack, garage, bar, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

9. Signs. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five (5) square feet, advertising the property for sale or rent, or as approved by the Architectural Committee.

10. 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 other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose. Horses may be kept for single family use subject to rules and regulations of the County of Maricopa, and approval of the Architectural Committee.

11. 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. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

12. Oil and Mining Operations. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

13. Street Maintenance and Intersections. No fence, wall, hedge or shrub planting which obstructs sight lines at intersections between two and six (2' and 6') feet above the roadway, shall be permitted to remain on any corner lot within the triangular

