

Know all men that the [redacted] instrument was [redacted] July 28, 1969, at 8:30 [redacted] in Docket No. 118 Page 553-554 at the request of Empire Properties Inc.

VIRGIE HEAP, Recorder

By

Deputy

DECLARATION OF RESTRICTIONS

Know all men by these presents:

That Chicago Title Company, an Arizona Corporation, as Trustee, being the owner of all of the following described premises, situate within the County of Apache, State of Arizona, to-wit:

Lots 568 through 576, inclusive, designated as Farm Lots; Lots 577 through 608, inclusive and Lots 610 through 796 inclusive, designated as Residential Lots; Lots 797 through 829, inclusive, designated as Multiple Dwelling lots; and Lots 830 through 866, inclusive, designated as Commercial lots in UNIT FOUR, of GREEN VALLEY FARMS, according to the plat of record in the office of the County Recorder of Apache County, State of Arizona, Book 4 of Townsite Maps, page 24, dated July 7, 1969.

and desiring to establish the nature of the use and enjoyment, thereof, does hereby declare said premises subject to the following express covenants, stipulations and restrictions as to the use and enjoyment thereof, all of which are to be construed as restrictive covenants running with the title to said premises and with each and every part and parcel thereof, to-wit:

1. No building shall be erected, or maintained on any lot in GREEN VALLEY FARMS, UNIT FOUR, herein described, other than a private residence and private garage, other than for the sole use of the owner or occupant, except lots designated above.
2. Any garage or farm building erected or maintained must conform in appearance and construction to the residence on such lots.
3. No outside toilet or privy shall be erected or maintained in GREEN VALLEY FARMS, UNIT FOUR.
4. No dwelling house having a ground floor area of less than 600 square feet, exclusive of open porches, pergolas or attached garage if any, shall be erected, permitted or maintained on any of said farm, residential, commercial or multiple dwelling lots.
5. Building exteriors must be of brick, stone, frame or block construction; and wood exterior or block exterior must be painted.
6. No building shall be erected on any farm lot closer than twenty (20) feet from front lot line, nor closer than ten (10) feet from side lot line. The same restrictions apply to residential lots and multiple dwelling lots. Any building on commercial lots can be erected to the lot lines.
7. Trailers may be placed on lots at the discretion of subdivider, until 75% of lots are sold, at which time, the control of the structures in the subdivision reverts to a committee elected by the majority of the property owners. (see Paragraph No. 9)
8. No structure shall be commenced or erected on any of said lots until the design and location of such structure and the kind of materials to be used in such structure have been approved in writing, by a Committee consisting of any three Board Members of Empire Properties, Inc., and which committee shall act until 75% of the said lots have been sold and then by a committee elected by a majority of the then owners of said lots in said GREEN VALLEY FARMS, UNIT FOUR.

118 PAGE 553

DKT. 119 PAGE 493

THIS INSTRUMENT IS RE-RECORDED FOR THE SOLE PURPOSE  
OF AFFIXING SIGNATURE

Amended: 7-7-70 Dkt. 131 Page 239-240  
by Virgie Heap, Recorder  
by Ethel Mangum, Deputy

DECLARATION OF RESTRICTIONS

GREEN VALLEY FARMS - UNIT FOUR - continued

DKT. 119 PAGE 494 LIT 118 PAGE 551

9. Prior to the sale of 75% of said lots, and in the event of the death, resignation or incapacity of any member, or members of the committee to act, the remaining member or members of such committee shall have full power to appoint a new member of the committee to act in lieu of such deceased, resigned or incapacitated member. Any two of the members of such committee may pass upon such design, location, and kind of materials. In the event there is no committee in existence under either manner of appointment or election, or in the event such committee fails to approve or disapprove such design and location, or the kind of materials to be used in such structure, with thirty (30) days after written request to do so, such request to be filed with the committee, then such approval of the committee will not be required; provided the design, location and the kind of materials and the buildings to be built on said lots shall be governed by all of the restrictions therein set forth and said buildings shall be in harmony with the existing buildings and structures in the immediate vicinity in said subdivision.
10. These conditions and restrictions shall be binding upon all owners of lots in GREEN VALLEY FARMS, UNIT FOUR, their heirs, and assigns.
11. No farm building can be erected or any farm animals can be kept on any lots of one (1) acre or less.

The foregoing restrictions and covenants run with the land and shall be binding on all persons owning any of said lots in GREEN VALLEY FARMS, UNIT FOUR, until January 1, 1979 at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by vote of a majority of the then owners of the said lots in said GREEN VALLEY FARMS, UNIT FOUR, it is agreed to change the said covenants in whole, or in part.

If any person shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any person or persons owning any other lots in said subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions and either to prevent him or them from so doing or to recover damages or other dues for such violations provided, it shall not affect the lien or any mortgage now of record, or which hereafter may be placed on record, upon said lots or any part thereof. Should any of the restrictions herein contained be held invalid, or void, the rest of the restrictions shall in no way be affected thereby.

IN WITNESS WHEREOF, the Chicago Title Company, as Trustee has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officer, thereunto duly authorized this 22 day of August, A.D., 19 69.

CHICAGO TITLE COMPANY, as Trustee  
and in no other capacity

Betty Newman  
Trust Officer

STATE OF ARIZONA ) ss.  
County of Maricopa)

This instrument was acknowledged before me this 22nd day of August, 1969 by BETTY NEWMAN who acknowledged herself to be the Trust Officer of CHICAGO TITLE COMPANY, an Arizona corporation, and being authorized so to do, executed the foregoing for the purposes therein contained.

Wm. J. Conner  
Notary Public

My commission expires: 7/1/71

STATE OF ARIZONA, County of Apache: ss.

FEE NO. 55930

I certify that the within instrument was recorded AUG. 26, 19 69 at 9:30 A.M.

in Docket No. 119 Page 493-494 at the request of Chicago Title Co.

*Wm. J. Conner*