

When recorded return to:  
Bernard R. Albers  
568 River Oaks Dr.  
Redding, Calif. 96001

DECLARATION OF RESTRICTIONS  
OF  
THE HIGHLANDS

Whereas, Bernard R. Albers, is the owner of the following described property.

Lots 1 and 2 of Block 1, Lots 1 and 2 of Block 2 and Lots 1, 2, 3, & 4 of Block 3 of the Highlands Subdivision; according to the official plat thereof on file in the office of the County Recorder of Adams County, State of Idaho, in Book 2 of Plats at Page 4.

WHEREAS, IT IS THE DESIRE AND INTENTION OF THE OWNER TO SELL THE PROPERTY DESCRIBED ABOVE, AND TO IMPOSE ON IT MUTUAL, BENEFICIAL RESTRICTIONS UNDER A GENERAL PLAN OR SCHEME OF IMPROVEMENT FOR THE BENEFIT OF ALL THE LANDS REMAINING IN THE TRACT AND THE FUTURE OWNERS OF THOSE LANDS;

NOW, THEREFORE, THE OWNER HEREBY DECLARES THAT ALL OF THE PROPERTY DESCRIBED ABOVE IS HELD, AND SHALL BE HELD, CONVEYED, HYPOTHECATED OR ENCUMBERED, LEASED, RENTED, USED, OCCUPIED, AND IMPROVED SUBJECT TO THE FOLLOWING LIMITATIONS, RESTRICTIONS AND COVENANTS, ALL OF WHICH ARE DECLARED AND AGREED TO BE IN FURTHERANCE OF A PLAN FOR THE SUBDIVISION, IMPROVEMENT, AND SALE OF THE LANDS AND ARE ESTABLISHED AND AGREED UPON FOR THE PURPOSE OF ENHANCING AND PROTECTING THE VALUE, DESIRABILITY, AND ATTRACTIVENESS OF THE LANDS AND EVERY PART THEREOF. ALL OF THE LIMITATIONS, RESTRICTIONS, AND COVENANTS SHALL RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES HAVING ACQUIRED ANY RIGHT, TITLE OR INTEREST IN THE DESCRIBED LANDS OR ANY PART THEREOF.

LAND USE AND BUILDING TYPE

NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL AND OR REASONABLE AGRICULTURAL PURPOSES.

DWELLING SIZE

THE FLOOR AREA OF THE MAIN STRUCTURE, EXCLUSIVE OF ONE-STORY OPEN PORCHES AND GARAGES, SHALL BE NOT LESS THAN 1200 SQUARE FEET FOR A ONE-STORY DWELLING, NOR LESS THAN 1600 SQUARE FEET FOR A DWELLING OF MORE THAN ONE STORY, ALL OF WHICH SHALL BE CONSTRUCTED IN CONFORMANCE WITH CURRENT BUILDING CODES AND INSPECTIONS AND ON A PERMANENT FOUNDATION AROUND THE PERIMETER OF STRUCTURE.

SET BACK LINES

SETBACK REQUIREMENTS FOR BUILDINGS LOCATED ON ANY LOT SHALL BE IN CONFORMITY WITH THE REQUIREMENTS OF THE COUNTY OF ADAMS AS SUCH REQUIREMENTS ARE IN EXISTANCE AT THE TIME THAT THE BUILDING PERMIT FOR ANY STRUCTURE IS ISSUED.

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.

EASEMENTS

EASEMENTS FOR INGRESS AND EGRESS, INSTALLATION AND MAINTENANCE OF UTILITIES, DRAINAGE FACILITIES AND IRRIGATION FACILITIES ARE RESERVED AS SHOWN IN THE RECORDED MAP. WITHIN THESE EASEMENTS, NO STRUCTURE, PLANTING, OR OTHER MATERIAL SHALL BE PLACED OR PERMITTED TO REMAIN WHICH MAY DAMAGE OR INTERFERE WITH THE INSTALLATION AND MAINTENANCE OF UTILITIES, OR WHICH MAY CHANGE THE DIRECTION OF DRAINAGE FLOW CHANNELS IN THE EASEMENTS, OR WHICH MAY OBSTRUCT OR RETARD THE FLOW OF WATER THROUGH CHANNELS IN THE EASEMENTS. THE EASEMENT AREA OF EACH LOT AND ALL IMPROVEMENTS IN IT SHALL BE MAINTAINED CONTINUOUSLY BY THE OWNER OF THE LOT, EXCEPT FOR THOSE IMPROVEMENTS FOR WHICH A PUBLIC AUTHORITY OR UTILITY COMPANY IS RESPONSIBLE.

SEVERABILITY

INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL NOT EFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

ENFORCEMENT

IF THE PARTIES HERETO, OR ANY OF THEM, OR THEIR HEIRS OR ASSIGNS SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS HEREIN, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY REAL PROPERTY SITUATED IN SAID DEVELOPMENT OR SUBDIVISION TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS AND EITHER TO PREVENT HIM, HER OR THEM FROM DOING SO OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATIONS.

EFFECT ON SECURITY INTEREST

NONE OF THE PROVISIONS OF THIS DECLARATION SHALL IN ANY WAY REDUCE THE SECURITY OR DEFEAT OR RENDER INVALID THE LEIN OF ANY MORTGAGE OR DEED OF TRUST COVERING THE REAL PROPERTY SHOWN ON SAID MAP OR ANY PART THEREOF, HOWEVER, ANY PORTION OF SAID PROPERTY WHICH IS SOLD UNDER FORECLOSURE OF ANY MORTGAGE OR UNDER THE PROVISIONS OF ANY DEED OF TRUST, THE PURCHASER OR PURCHASERS UNDER SALES MADE BY REASON OF SUCH FORECLOSURE OR BY REASON OF SUCH SALE UNDER ANY DEED OF TRUST SHALL HOLD ANY AND ALL PROPERTY SO PURCHASED SUBJECT TO ALL OF THE TERMS AND CONDITIONS OF THIS DECLARATION.

TERM

THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL THE PARTIES AND ALL PERSONS CLAIMING UNDER THEM UNTIL THE LAST DAY OF DECEMBER, 2004, AT WHICH TIME SAID COVENANTS SHALL AUTOMATICALLY BE EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS UNLESS BY A VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE LOTS, IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

DATED THIS 24TH DAY OF FEBRUARY 1994.

Bernard R. Albers  
BERNARD R. ALBERS, OWNER

STATE OF CALIFORNIA }  
COUNTY OF SHASTA } ss.

On February 24, 1994 before me, Anita Minugh, Notary Public,  
personally appeared \*\*BERNARD R. ALBERS\*\*

\_\_\_\_\_ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Anita Minugh  
ANITA MINUGH



(This area for official notarial seal)

3008 (1/91) — (General) First American Title Company

INSTRUMENT NO. 85564  
State of Idaho )  
County of Adams ) ss.

Filed for record at the request of  
Timberline Title & Escrow

10 min. past 16 o'clock p.M.  
this 1st day of March, 19 94

MICHAEL FISK, RECORDER  
by Leahy Pindal  
Deputy

Fee \$ 9.00