

STATE OF ARIZONA, County of Gila, ss:

I do hereby certify that the within instrument was filed and recorded at request of Gerald Graham

Date June 23, 1975 Time 3:00 P. M., Docket 380 Official Records Page 955
Records of Gila County, Arizona.

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

INDEXED

DORIS PARKIN, County Recorder

By Roma Cusumano Deputy.

PAGED

318 W. Moon Valley Dr.
Phx, Az. 85023

DECLARATION OF RESTRICTIONS

"THIS DECLARATION IS MADE THIS 23rd DAY OF June, 1975, BY GERALD L GRAHAM HERINAFTER CALLED 'DECLARANT' AS PRESENT OWNER OF THE SECOND BENEFICIAL INTEREST IN TRANSAMERICA TITLE COMPANY, TRUST NUMBER 95582 & 99826, BEING PROPERLY AUTHORIZED SO TO ACT BY TERMS OF THE TRUST, AND TRANSAMERICA TITLE COMPANY, AS TRUSTEE, THEREUNDER, HERINAFTER CALLED 'TRUSTEE', SOLELY AS BARE LEGAL TITLE HOLDER AND NOT PERSONALLY, AND ACTING AT THE PROPER DIRECTION OF SAID BENEFICIARY-'DECLARANT', EXECUTES THIS DECLARATION OF RESERVATIONS, COVENANTS, CONDITIONS AND RESTRICTIONS, TO RUN WITH THE REAL PROPERTY HEREIN DESCRIBED FOR THE PURPOSES AS HERINAFTER SET FORTH;

LOTS 33 THRU 59 INCLUSIVE, BONITA CREEK UNIT 11, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF GILA COUNTY, ARIZONA RECORDED June 23, 1975 3:00 PM, AS MAP NO. 532

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. ALL OF THE SAID LOTS SHALL BE KNOWN AND DESCRIBED AS SINGLE FAMILY RESIDENTIAL LOTS.
2. NONE OF THE SAID LOTS SHALL BE RESUBDIVIDED INTO SMALLER LOTS OF CONVEYED OR ENCUMBERED IN LESS THAN THE FULL ORIGINAL DEMENSION OF SUCH LOT, PROVIDING THAT THIS RESTRICTION SHALL NOT PREVENT THE CONVEYANCE OF ENCUMBRANCE OF, OR RESUBDIVIDING OF LOTS OR PARTS OF LOTS BY THE SUBDIVIDER, BONITA CREEK PROPERTIES, WITHOUT RESERVATION, WHEN THE CONVEYANCE, ENCUMBRANCE OF SUBDIVIDING OF LOTS OR PARTS OF LOTS WILL PERMIT A BETTER UTILIZATION OF THE LAND, STREAM FRONTAGE OF TERRAIN. NOTHING HEREIN CONTAINED SHALL PREVENT THE DEDICATION OF CONVEYANCE OF PORTIONS OF LOTS FOR PUBLIC UTILITIES, IN WHICH EVENT THE REMAINING PORTION OF ANY SUCH LOT SHALL, FOR THE PURPOSE OF THIS PROVISION, BE TREATED AS A WHOLE LOT. NOTHING CONTAINED HEREIN SHALL PREVENT THE SUBDIVIDER FROM RESUBDIVIDING INTO SMALLER PARCELS AND LOT OR PARTS THEREOF, WHEN CONSIDERED NECESSARY TO BETTER UTILIZE THE LAND, TERRAIN OF STREAM FRONTAGE, TO THE EXTENT OF INCREASING THE NUMBER OF LOTS IF NECESSARY.
3. NO STRUCTURE SHALL BE BUILT ON, OVER OR ACROSS ANY OF THE EASEMENTS SHOWN OF THE PLAT OF BONITA CREEK 11.
4. NO BUILDING EXCEPT SINGLE-FAMILY RESIDENCE AND PRIVATE GARAGE OR CAR-PORT, AND A STRUCTURE TO SERVE AS A STABLE OR HOBBY ROOM, SHALL BE ERECTED, MAINTAINED, PLACED OR PERMITTED ON ANY LOT. SUCH STABLE SHALL BE OF A DESIGN HARMONIOUS WITH THE OTHER STRUCTURE OR STRUCTURES UPON SAID LOT, AND NO USE OF INFERIOR MATERIALS SHALL BE PERMITTED. ANY QUARTERS FOR SERVANTS OR GUESTS MUST BE IN AN INTEGRAL PART OF SAID RESIDENCE.
5. NO BUILDING WHATSOEVER SHALL BE ERECTED ON ANY OF SAID LOTS UNTIL A DWELLING HOUSE SHALL HAVE BEEN ERECTED. NO GARAGE, STABLE, HOBBY ROOM OR OTHER BUILDING SHALL BE USED FOR RESIDENTIAL PURPOSES.

6. NO DWELLING HOUSE HAVING A GROUND FLOOR AREA OF LESS THAN SEVEN HUNDRED (700) SQUARE FEET, EXCLUSIVE OF OPEN PORCHES, PERGOLAS OR ATTACHED GARAGE, IF ANY, SHALL BE ERRECTED, PERMITTED OR MAINTAINED ON ANY OF SAID LOTS. NO DWELLING HOUSE OR BUILDING MAY BE ERRECTED CLOSER THAN TWENTY-FIVE (25) FEET FROM FRONT LOT LINE AND CLOSER THAN FIFTEEN (15) FEET FROM SIDE LOT LINE.

7. THE MAINTENANCE OF HORSES AND THE PHYSICAL FACILITIES FOR THE SAME SHALL BE MAINTAINED BY LOT OWNER IN A CLEAN, NEAT, ORDERLY FASHION IN ACCORDANCE WITH PREVAILING CUSTOM, USEAGE, AND HEALTH DEPARTMENT STANDARDS SO THAT SUCH FACILITIES SHALL NOT BECOME A NUISANCE TO THE REMAINING LOT OWNERS IN SAID BONITA CREEK. ANY SUCH PHYSICAL FACILITIES FOR THE MAINTENANCE OF HORSES MUST BE MAINTAINED AT A MINIMUM DISTANCE OF SEVENTY (70) FEET FROM THE FRONT PROPERTY LINE AND A MINIMUM OF THIRTY (30) FEET FROM REAR OR SIDE LINES. NONE OF SAID LOTS OR ANY PORTION THEREOF SHALL EVER BE USED FOR COMMERCIAL ANIMAL HUSBANDRY. A MAXIMUM OF FIVE (5) HORSES SHALL BE MAINTAINED ON EACH LOT.

8. PLANS, INCLUDING ARCHITECTURAL DESIGNS, DIMENSIONS AND CLASS OF MATERIALS TO BE USED FOR THE PROPOSED STRUCTURES MUST BE SUBMITTED TO, AND HAVE THE APPROVAL OF THE SUBDIVIDERS BEFORE ANY CONSTRUCTION IS UNDERTAKEN. ON BUILDING SITES WHICH SLOPE IN ONE OR MORE DIRECTIONS, A GROUND PLAN SHOWING THE FOUNDATION ELEVATION IN RELATION TO THE FINISHED GROUND LINE MAY BE NECESSARY ALSO. FOLLOWING ARE MINIMUM REQUIREMENTS.

- A. ARCHITECTURAL PLANS WILL INCLUDE DESIGN AND CLASS OF MATERIALS TO BE USED. THIS WILL INVOLVE FLOOR PLANS, A PERSPECTIVE SKETCH, OR SIMPLE FRONT AND SIDE ELEVATIONS, AND CONSTRUCTION DETAILS FOR FOUNDATION, SILLS, SIZE AND SPACING OF FLOOR JOISTS, FRAMING, ROOF PITCH, SIZE AND SPACING OF RAFTERS, ELECTRICAL WIRING, FLUE CONSTRUCTION, ETC.
- B. SIMPLICITY OF ARCHITECTURAL DESIGN, GOOD PROPORTIONS, AND AN APPEARANCE OF NATURALNESS TO THE FORESET SETTING ARE DESIRED IN THE COMPLETED STRUCTURE. ORNATE, ELABORATE, PRETENTIOUS OR SHOWY STRUCTURES, OR PARTS THEREOF, WILL BE UNACCEPTABLE. MINIMUM SQUARE FOOTAGE IS TO BE 700, EXCLUSIVE OF CARPORTS, STORAGE OR OTHER OUT BUILDINGS.
- C. CONTINUOUS FOUNDATIONS ARE REQUIRED WHICH MAY BE OF SOLID, NATIVE ROCK, MASONRY, SOLID CONCRETE, OR CONCRETE WITH NATIVE ROCK VENEER. PIER FOOTINGS WITH MASONRY OR ROCK VENEER WALL WILL BE REQUIRED BETWEEN PIERS WHERE BOTTOM OF FLOOR IS 5.00 FEET OR LESS FROM THE GROUND. FOUNDATION WILL REST ON GOOD FOOTINGS AND EXTEND NOT LESS THAN 12 INCHES BELOW THE GROUND, UNLESS SET ON SOLID ROCK. PREFERRED HEIGHT ABOVE GROUND IS 12 INCHES, AND THE MAXIMUM ALLOWABLE HEIGHT IS 20 INCHES. CARE IS NECESSARY IN THE SELECTION OF BUILDING SITES TO KEEP GRADING TO A MINIMUM. SCREENED VENTS SHALL BE PROVIDED IN THE FOUNDATION. 16 TO 18 GAUGE GALVANIZED WIRE CLOTH WITH $\frac{1}{4}$ " TO $1/3$ " MESH IN METAL FRAMES OF 24 OR 26 GAUGE GALVANIZED SHEET STEEL ARE USUAL.
- D. NO BUILDING WILL BE BUILT CLOSER THAN 50 FEET TO BANK OF STREAM.

- E. EXTERIOR WALLS AND PORCHES MAY BE OF PEELED LOGS, EITHER ROUND, SAWED OR HEWED; HAND SPLIT SHAKES OR BURNT ADOBE; LOG SIDING; EDGED, PEELED SLABS; ROUGH LUMBER; OR NATIVE STONE. THE USE OF BRIGHT-COLORED MORTAR OR STUCCO, CORRUGATED IRON OR TAR PAPER WILL NOT BE APPROVED. STAINS ARE PREFERABLE TO PAINTS FOR OUTSIDE WOOD SURFACES. THE NATURAL WOOD COLOR MAY BE RETAINED OR STAINS MAY BE COLORED TO PRODUCE A NEUTRAL BROWN OR WEATHERED GRAY. WHERE PAINT IS REQUIRED, SOFT BROWNS AND GRAYS ARE PREFERRED. WINDOW AND DOOR CASINGS AND OTHER OUTSIDE TRIM MUST HARMONIZE WITH THE BACKGROUND AND SHOULD NOT PRESENT STRONG CONTRASTS.
- F. CHIMNEYS MUST EXTEND TO A SOLID GROUND FOUNDATION WITH ADEQUATE FOOTING AND MUST BE OF FIREPROOF CONSTRUCTION LINED WITH FLUE TILE OR FIRE BRICK, UNLESS A FIREPLACE OF THE PREFABRICATED METAL TYPE IS USED. ALL EXPOSED SURFACES MUST BE IN KEEPING WITH THE EXPOSED BUILDING FOUNDATIONS.
- G. ROOFS OF THE CAR-ROOF OR SHED-TYPE ARE PROHIBITED. THE FOLLOWING ROOF COVERINGS ARE ACCEPTABLE; SHAKES, SHINGLES AND PREPARED ROOFING SHINGLES, PREFERABLE OF FIRE-RESISTANT MATERIAL. TIN, CORRUGATED IRON, SHEET METAL, FLAT-ROLL ROOFING OR TAR PAPER WILL NOT BE PERMITTED. BRIGHT COLOR SCHEMES ARE UNACCEPTABLE; ROOF COLORS MUST HARMONIZE WITH THE WALLS.
- H. ALL PLUMBING TO BE MODERN INSIDE-TYPE, CONNECTED TO INSIDE CONNECTIONS BELOW GROUND SURFACE AND TO CESSPOOL AND SEPTIC TANK. ALL GROUND WATER SOURCES, SUCH AS WELLS AND SPRINGS, SHOULD BE ADEQUATELY PROTECTED FROM SOURCES OF CONTAMINATION. SEPTIC TANKS, SEWERS, AND SUB-SURFACE PITS MUST BE LOCATED AT LEAST 100 FEET DOWNGRADE FROM WATER SUPPLIES AND NOT LESS THAN 50 FEET FROM LIVE STREAMS.
- I. FLY-TIGHT METAL CONTAINERS WILL BE REQUIRED FOR THE STORAGE OF GARBAGE AND REFUSE PENDING REMOVAL AND DISPOSAL. GARBAGE AND REFUSE WILL BE DISPOSED OF IN ACCORDANCE WITH STATE SANITARY REGULATIONS.
- J. SPARK ARRESTORS SHALL BE INSTALLED ON CHIMNEYS. THE ROOFS OF ALL BUILDINGS SHALL BE KEPT CLEAR OF LEAVES AND OTHER INFLAMMABLE MATERIAL. ALL HEATING SYSTEMS SHALL BE SO INSTALLED AS TO ELIMINATE THE DANGER OF FIRE THEREFROM.
- K. CAMPFIRES ARE PROHIBITED EXCEPT IN PREPARED FIREPLACES ACCEPTABLE BY THE FOREST SUPERVISOR OF TONTO NATIONAL FOREST.
- L. IN LANDSCAPING, THE DESIRE IS TO PRESERVE THE NATURAL FOREST CONDITIONS TO THE FULLEST EXTENT POSSIBLE. TREE PRUNING AND CLEARANCE WILL BE HELD TO THE MINIMUM. WALKS SHOULD BE GRAVEL OR NATIVE STONE; AND THE USE OF PAINTED OR WHITE-WASHED ROCKS OR TREES AND OTHER TYPES OF "DECORATIONS" FOREIGN TO THE NATURAL ENVIRONMENT AVOIDED.
- M. NO BUSINESS WILL BE PERMITTED.
- N. NO HOUSE TRAILERS PERMITTED.

O. STREAM FRONTAGE WILL BE CONSIDERED AS AN EASEMENT FOR THE USE AND ENJOYMENT OF ALL PROPERTY OWNERS RESIDING WITHIN THE 150 ACRES OF THE ORIGINAL BONITA CREEK HOMESTEAD. FENCING OFF OR OBSTRUCTING THE USE OF BONITA CREEK, TO DENY THE USE OF THE WATERS OR STREAM BANKS FOR LAWFUL FISHING FOR THOSE OWNERS STIPULATED HEREIN IS PROHIBITED.

P. NO DRAINAGE WAY MAY BE BLOCKED OR DIVERTED.

9. NO CLOTHES LINES, WASHING MACHINES OR OTHER APPLIANCES MAY BE MAINTAINED IN FRONT OF DWELLING HOUSES.

10. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT. NO SERVICING, REPAIRING, STORING, BUYING, SELLING OR COMMERCIAL BUSINESS OF ANY NATURE SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BECOME AN ANNOYANCE OR NUISANCE TO THE COMMUNITY.

11. ALL CORRAL FENCES AND FENCES SURROUNDING SAID LOT AREAS SHALL BE OF WOVEN WIRE, PIPE OR WOOD MATERIAL, AND KEPT IN GOOD REPAIR AT ALL TIMES.

12. NO BILLBOARDS OR ADVERTISING SIGNS OR ANY CHARACTER SHALL BE ERECTED, PLACED, PERMITTED OR MAINTAINED ON ANY LOT OR ON ANY BUILDING ERECTED THEREON, OTHER THAN ONE SIGN NOT LARGER THAN 12" BY 18" INDICATING THAT THE PROPERTY IS FOR SALE OR FOR RENT, WITH WORDING LIMITED TO "FOR SALE" OR "FOR RENT", AND THE NAME AND ADDRESS AND TELEPHONE NUMBER OR THE OWNER OR AGENT, AND THE WORDS "INQUIRE WITHIN"; PROVIDED, HOWEVER, THAT THE SUBDIVIDERS AND THEIR AGENTS MAY ERECT AND MAINTAIN SIGNS ADVERTISING FOR THE SALE OF LOTS IN SAID SUBDIVISION.

13. IT IS EXPRESSLY UNDERSTOOD AND AGREED THAT THE SAID BONITA CREEK II HAS BEEN PLATTED AND LAID OUT AS A CHOICE AND ATTRACTIVE RESIDENTIAL DISTRICT, AND THAT THESE COVENANTS AND RESTRICTIONS ARE MADE FOR THE BENEFIT OF THE LOTS HEREIN DESCRIBED, AND ARE TO RUN WITH THE LAND AND SHALL INSURE TO THE BENEFIT OF AND BE BINDING ON ALL OF SAID LOTS UNTIL JULY 1, 2000, AT WHICH TIME SUCH COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF FIVE YEARS EACH, UNLESS BY A MAJORITY VOTE OF THE THEN INDIVIDUAL PROPERTY OWNERS IT IS AGREED TO CHANGE THE SAID COVENANTS IN WHOLE OR IN PART.

14. IF ANY PERSON SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS OR RESTRICTIONS HEREIN BEFORE JULY 1, 2000, OR SUCH TIME LATER AS MAY BE SET UP BY THE PROVISIONS OF THE PARAGRAPH PRECEDING THIS ONE, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY OTHER LOTS 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 OR RESTRICTIONS AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR THEIR DUE FOR SUCH VIOLATION.

15. THE FAILURE OF ANY LANDOWNER OR THE SUBDIVIDER TO ENFORCE ANY RESTRICTIONS, CONDITIONS, COVENANT OR AGREEMENT HEREIN CONTAINED SHALL IN NO EVENT BE DEEMED A WAIVER OF THE RIGHT TO DO SO THEREAFTER AS TO THE SAME BREACH OR AS TO ONE OCCURRING PRIOR OR SUBSEQUENT THERETO, NOR SHALL SUCH FAILURE BE HELD TO ANY CLAIM OR CAUSE OF ACTION AGAINST THE SUBDIVIDER OR SUCH LANDOWNER. VIOLATION OF ANY ONE OR MORE OF SUCH COVENANTS MAY BE RESTRAINED BY ANY COURT OF COMPETENT JURISDICTION, AND DAMAGES AWARDED AGAINST SUCH VIOLATOR, PROVIDED, HOWEVER, THAT A VIOLATION OF THESE RESTRICTIVE COVENANTS, OR ANY ONE OF THEM, SHALL NOT AFFECT THE LIEU OF ANY MORTGAGE NOW OF RECORD, OR WHICH HEREAFTER MAY BE PLACED OF RECORD UPON SAID LOTS OR ANY PART THEREOF.