

## PROTECTIVE COVENANTS

Skyview Addition

WHEREAS, Sky View Community Development #2, a Minnesota General Partnership comprised of Thomas Schmidgall, Randolph Sutter and Keith Schieler, Partners, (hereinafter referred to as "Developer") are the owners of the following described premises in Stevens County, Minnesota known as Sky View; and,

WHEREAS, the undersigned desires to restrict the use of the aforesaid premises to residential uses, and to insure that undesirable and offensive uses will not be made of said premises, or any part thereof.

NOW THEREFORE, the undersigned owner does hereby make the following declarations as to limitations, restrictions and uses to which said property may be put, and does hereby specify that said declarations shall constitute covenants to run with all of the land as provided by law, and shall be binding on all parties and all persons claiming under them and for the benefit of and limitations upon all future owners in said addition:

1. RESIDENTIAL AREA. All lots in the tract shall be known and described as residential lots.
2. SINGLE AND DUPLEX FAMILY DWELLINGS. No structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one single family dwelling or duplex not to exceed two and one-half stories in height and a private garage for not more than three cars.
3. ARCHITECTURAL CONTROL. Architectural control shall be limited to a five year period beginning on the date hereof and ending September 30, 1999. During this development phase no building shall be erected, placed or altered on any building plot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity and harmony of external design with existing structures in the subdivision; and as to location of the buildings with respect of topography and finished ground elevation by the Developer.

1. Definitions.

- a. "Subdivision" shall be deemed to mean Riley's Skyview Estates, according to the duly recorded plat thereof on file and of record with the County Recorder for Stevens County, Minnesota.
- b. "Lot" or "Lots" shall be deemed to mean Lots 1 through 5, Block 1, and Lots 1 and 2, Block 2, Riley's Skyview Estates, according to the duly recorded plat thereof.
- c. "Development Period" shall be deemed to mean that period of time commencing with the date of these declarations and ending five years thereafter.

2. Restrictions Relating to Lots.

- a. All Lots shall be for residential use for single family dwellings only. No duplexes, townhouses, condominiums, apartment buildings, or other similar multi-family structures shall be constructed upon any Lot.
- b. Any dwelling constructed on any Lot shall have not less than 1,200 square feet of enclosed living space on the main floor.
- c. No Lot shall be used for commercial purposes of any kind. Notwithstanding the foregoing, an owner or occupant of any Lot may maintain his or her personal/professional library thereon, or keep his or her personal or professional records or accounts thereon, or handle his or her personal business by telephone or correspondence therein, provided that such use is incidental to the principal residential use and that such use does not involve externally observable business activity such as deliveries to the Lot or visitation by customers or employers.
- d. No sign of any kind shall be displayed to the public view on any Lot except:
  - (1) The Developer may erect and display no more than three professional signs of not more than 8' x 16' advertising Lots in the Subdivision for sale during the Development Period.
  - (2) Permanent signs identifying the entrances to the Subdivision may be erected by the Developer.

streets and alleys or other platted easements. No overhead utilities shall be allowed between homes and out-buildings.

13. SIGNS. No permanent sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.
14. NUISANCES. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become annoyance or nuisance to the neighborhood.
15. TEMPORARY STRUCTURES. No trailer, basement, tent, shack, garage, barn, or other out-buildings erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
16. LIVESTOCK AND POULTRY. No cows, goats, sheep or other domestic animals, poultry or fowl of any kind, except dogs and cats for domestic purposes will be permitted to be kept on any of the residential lots. All animals kept outdoors shall be kenneled. A concrete floor running the full length of the kennel shall be required. Kennels shall be maintained with all waste removed promptly so as not to create a nuisance to the neighborhood. No animal shall be leashed outdoors except in a temporary manner. Large dogs over 25 pounds shall be restricted to two. No dogs shall be allowed to run at large.

These covenants shall run with the land and shall be binding on all of the parties hereto, their heirs, successors and assigns. These covenants shall be effective for ten years from the date hereof, at which time said covenants shall automatically be extended for successive periods of ten (10) years unless by vote of the majority of the then owners of the lots it is agreed to change the said covenants in whole or part.

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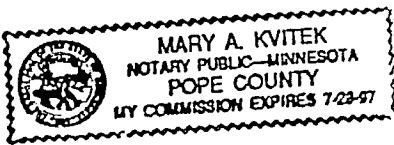
SKY VIEW COMMUNITY DEVELOPMENT #2  
a Minnesota General Partnership

By Keith Schieler  
Keith Schieler

Office of County Recorder  
COUNTY of STEVENS, MINNESOTA  
I hereby certify that the within instrument was filed in this office  
for record on the 20th day of Oct. A.D., 19 94  
at 4:20 o'clock P. M. and was duly recorded  
in Book 42 of Misc. on page 704  
Virginia Mahoney  
County Recorder  
By \_\_\_\_\_ Deputy

STATE OF MINNESOTA )  
 ) ss  
COUNTY OF STEVENS )

On this 10<sup>th</sup> day of October, 1994, the foregoing instrument was acknowledged before me by Keith Schieler, one of the General Partners of Sky View Community Development #2, a Minnesota General Partnership.



Mary A. Kvitek  
Notary Public

This instrument was drafted by:  
FLUEGEL, HELSETH, McLAUGHLIN,  
ANDERSON & BRUTLAG, CHARTERED  
215 Atlantic Avenue, Box 527  
Morris, MN 56267-0527

4. DWELLING SIZE. Any ranch style dwelling constructed on any one lot shall have a minimum living space on the ground floor area of the main structure, exclusive of open porches and garages, of not less than 1,200 square feet. Any split foyer style dwelling constructed on any one lot shall have a minimum living space of 1,100 square feet on the main floor. Any variance must be approved in writing by the Developer.
5. GARAGE RESTRICTIONS. Each dwelling must have a minimum of a two car attached garage. Exceptions to this restriction must be approved by the Developer.
6. LOCATION OF IMPROVEMENTS. Location of structures upon said lots shall be in accordance with minimum building set-back lines dictated by applicable ordinance of the City of Morris.
7. OUT-BUILDINGS. Only one out-building per lot shall be allowed which shall be not larger than 10 feet by 12 feet. Any out-building exceeding 120 square feet shall be constructed only with the consent of the Developer during the development period referred to in Paragraph 3. No outbuilding may be constructed on any lot prior to commencement of construction of a single family dwelling or duplex on such lot.
8. EXTERIOR DESIGN. No structure shall be erected and left incomplete on the exterior and exteriors shall be of neutral color as to conform to the harmony of the development. Unless waived by the Developer in writing, a minimum of thirty percent (30%) of the front of each residence shall be faced with brick or other non-artificial stone surface or cedar or redwood or other natural wood.
9. GARBAGE AND REFUSAL DISPOSAL. No lot shall be used or maintained as dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All other equipment for storage or disposal of such material shall be kept in clean and sanitary condition.
10. WATER SUPPLY. No individual water supply system shall be permitted on any lot unless the said systems are located and constructed and equipped in accordance with requirements, standards of state and local health authorities and approved by the Developer.
11. OIL AND MINING OPERATIONS. No lot or portion thereof in said area shall be used for the removal of gravel or gravel pit, mining or drilling for oil or other underground products.
12. PUBLIC UTILITIES. Installation of public utilities upon the lots within Sky View shall be such as to provide a good appearance and subject to the control of the Developer. Public utility installation and maintenance shall be on dedicated