

IMPORTANT NOTICE

These documents are provided as a courtesy for information purposes only, and do not reveal all information that would be discovered by a full title search.

They were obtained from the Public Record and are believed to be correct, however, they are limited to what is readily evident and available from a search of the *current legal description only*. No search of the property, as it may have previously described, has been conducted, and such a search may yield additional liens, interests or restrictions.

A complete title search conducted in an open escrow may yield additional, supplemental or contradictory information.

The recipient is advised that no warranty or guarantee is provided with these documents, and is encouraged to conduct all needed due diligence on their own behalf.

STATE OF ARIZONA, County of Yavapai—ss.
I do hereby certify that the within instrument was filed and recorded at the request of
on **March 9** AD 1970 at **3:00** o'clock
Page **576** **522** **(N.W.)** Records of Yavapai County, Arizona.
WITNESS my hand and official seal the day and year first above written.

NOEL R. MARQUART, County Recorder
By **Paul Gandy**

RECEIVED YAVAPAI COUNTY RECORDER
M Book 589 Official Records

PRESCOTT VALLEY, INC
1300 United Bank Bldg.
Phoenix, Arizona 85012

When Recorded, Mail To:

Prescott Valley, Incorporated
Suite 1300, United Bank Building
Phoenix, Arizona 85012

RESTRICTIVE COVENANTS

PRESCOTT VALLEY UNIT NINE

KNOW ALL MEN BY THESE PRESENTS:

That PRESCOTT VALLEY, INCORPORATED, an Arizona corporation, being the owner of all of the following described premises, situated within the County of Yavapai, State of Arizona, to-wit:

Lots 4701, Four Thousand Seven Hundred One, through 4821, Four Thousand Eight Hundred Twenty-One, inclusive, 5766, Five Thousand Seven Hundred Sixty-Six, through 5827, Five Thousand Eight Hundred Twenty-Seven, inclusive, 5829, Five Thousand Eight Hundred Twenty-Nine, through 5877, Five Thousand Eight Hundred Seventy-Seven, inclusive, 5879, Five Thousand Eight Hundred Seventy-Nine, through 6241, Six Thousand Two Hundred Forty-One, inclusive, and 6244, Six Thousand Two Hundred Forty-Four, through 6432, Six Thousand Four Hundred Thirty-Two, inclusive, Prescott Valley Unit Nine, according to the plat of record in the office of the County Recorder of Yavapai County, State of Arizona, in Book 14 of Maps, page 43.

WHEREAS, the corporation has subdivided or intends to subdivide said protected area and to sell lots and building sites therein subject to certain protective restrictions, conditions, limitations, reservations, and covenants, herein referred to as "Protective Restrictions" in order to insure the most beneficial development in said area, and to prevent any such use thereof:

NOW THEREFORE, said corporation hereby declares that said protective restrictions are hereby imposed on said protected area, and are as follows, to-wit:

RESIDENTIAL AREA COVENANTS:

1. Lots 4723, 4792, 5767 through 5827, inclusive, 5829 through 5877, inclusive, 5879 through 6241, inclusive, 6244 through 6250, inclusive, 6253 through 6268, inclusive, 6271 through 6284, inclusive, 6302 through 6372, inclusive, 6374 through 6387, inclusive, 6390 through 6409, inclusive, 6412 through 6428, inclusive, shall be designated an R-1-L District (Residential; single family limited) in accordance with the planning and zoning ordinance of Yavapai County, Arizona, of record February 5, 1968. Also, the following restrictions shall apply to this district.

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2. RESTRICTIONS AGAINST BUSINESS USE: That the Grantee or Grantees, under any conveyance, shall not at any time conduct, or permit to be conducted on said premises any trade or business of any description, nor shall said premises be used for any other purpose whatsoever except for the purpose of establishing a Water Development Company to serve the Prescott Valley subdivision or for a single family dwelling unit. No real estate business or office or signs or other forms of advertising of a real estate business or office or signs advertising the sale of other properties, other than those described herein shall be placed or permitted on any of the lots unless written approval is first had and obtained from Prescott Valley, Incorporated.

3. APPROVAL OF DESIGN AND LOCATION OF BUILDINGS: No house, trailer, tent, shack, garage, barn or other outbuildings, shall at any time be used as a residence, temporarily or permanently. No building or improvement of any kind shall be erected, moved into, or maintained on the premises herein described until the design and location thereof have first been submitted to and approved by Prescott Valley, Incorporated, or upon relinquishing of all lots by said corporation, then by a committee elected by the owners of record of a majority of lots in said subdivision. In the event that such a committee is not in existence, the design shall be in harmony with other dwellings in the tract. No galvanized metal roofing or siding shall be permitted on dwellings or outside buildings. No asphalt, composition, or plaster board siding shall be permitted on a surface of exterior walls. Exterior surface walls shall be of approved stone, masonry, frame, asbestos siding or building blocks. Interior walls with studs must be sealed. Chimney must have spark arrester vent cap.

4. NOT MORE THAN ONE SINGLE FAMILY DWELLING: With garage or carport, and one guest house shall be built upon any one lot. A guest house used in this protective restriction is defined as any small structure used exclusively for extending the lodging accommodations for the owner's family or guests, but not including a kitchen or cooking facilities.

5. BUILDING LINE AND SIDE LINE RESTRICTION: No buildings or improvements of any kind shall be erected on any lot nearer than 25 feet to the front line, nor nearer than 5 feet on the carport side lot line, nor nearer than 8 feet on the structure side lot line.
(EXCEPTION) Surface terrain not suitable for construction within the given area, subject to written approval by Prescott Valley, Incorporated.

5a. Corner lots shall maintain a minimum setback of fifteen percent (15%) of the length of the front lot line from the side street line.

6. RESUBDIVIDING: No lots shall be resubdivided into building plots.

7. SEWAGE DISPOSAL: Pending availability of public sewers, sewage disposal shall be affected by means of individual septic tanks, the type of tank, its construction, locations on lot and tile disposal

field shall be approved in writing by the said corporation, in addition all septic tanks and disposal fields must be approved by Yavapai County Department of Health. No Cesspools or outside toilets shall be permitted.

8. GARBAGE DISPOSAL: No garbage shall be allowed to accumulate for any length of time on any lot. Owners must haul off lots or employ the services of a privately operated pickup service available in the area.

9. LIVESTOCK AND POULTRY: No livestock and poultry permitted in said subdivision.(EXCEPTION) Poultry that may be raised as a personal pet providing such would not constitute a public nuisance, when written permission is first had and obtained from Prescott Valley, Incorporated.

10. ADVERTISING SIGNS: No advertising signs, for sale or for rent signs, billboards, unsightly objects or nuisance shall be erected, placed or permitted to remain on any of the lots unless written approval is had and obtained from Prescott Valley, Incorporated, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonably disturb the holder of any lot.

11. Under no circumstances shall any owner of any lot or parcel of land build or cause to be built, a fence eliminating access to the easements for utilities, unless written permission is first had and obtained from Prescott Valley, Incorporated.

MOBILE HOME AREA COVENANTS:

1. Lots 4701 through 4722, inclusive, 4724 through 4791, inclusive, and 4793 through 4821, inclusive, shall be designated an R-1 district in accordance with the planning and zoning ordinance of Yavapai County, Arizona, of record February 5, 1968, and use shall be restricted to mobile homes only. Also, the following restrictions shall apply to this district.

2. RESTRICTIONS AGAINST BUSINESS USE: That the Grantee or Grantees under any conveyance shall not at any time conduct, or permit to be conducted on said premises any trade or business of any description, nor shall said premises be used for any other purpose whatsoever except for the purpose of establishing a Water Development Company to serve the Prescott Valley subdivision or for a single family dwelling unit. No real estate business or office or signs or other forms of advertising of a real estate business or office or signs advertising the sale of other properties, other than those described herein shall be placed or permitted on any of the lots unless written approval is first had and obtained from Prescott Valley, Incorporated.

3. APPROVAL OF DESIGN AND LOCATION OF BUILDINGS AND HOUSE TRAILERS: No tent, shack, garage, barn or other outbuildings shall at any time be used as a residence, temporarily or permanently. No building, house trailer, or improvement of any kind shall be erected, moved into, or maintained on the premises herein described until the design and location thereof have first been submitted to and approved by Prescott Valley, Incorporated or upon

relinquishment of all lots by said corporation, then by a committee elected by the owners of record of a majority of lots in said subdivision. In the event that such a committee is not in existence, the design shall be in harmony with the other dwellings in the tract.

4. NOT MORE THAN ONE SINGLE FAMILY DWELLING: with garage or carport shall be built or placed on any one lot.

5. BUILDING LINE AND SIDE LINE RESTRICTION: No building, house trailer, or improvement of any kind shall be erected on any lot nearer than 25 feet to the front line, nor nearer than 5 feet on the carport side lot line, nor nearer than 8 feet on the structure side lot line. (EXCEPTION) Surface terrain not suitable for construction within the given area, subject to approval by said corporation.

5a. Corner lots shall maintain a minimum setback of fifteen percent (15%) of the length of the front lot line from the side street line.

6. RESUBDIVIDING: None of said lots shall be resubdivided into smaller lots nor conveyed or encumbered in less than the full original dimensions of such lots as shown by the recorded plat.

7. SEWAGE DISPOSAL: Pending availability of public sewers, sewage disposal shall be affected by means of individual septic tanks, the type of tank, its construction, location on lot and tile disposal field shall be approved in writing by the said corporation, in addition all septic tanks and disposal fields must be approved by Yavapai County Department of Health. No cesspools or outside toilets shall be permitted.

8. GARBAGE DISPOSAL: No garbage shall be allowed to accumulate for any length of time on any lot. Owners must haul off lots or employ the services of a privately operated pickup service available in the area.

9. LIVESTOCK AND POULTRY: No livestock and poultry permitted in said subdivision. (EXCEPTION) Poultry that may be raised as a personal pet, providing such would not constitute a public nuisance when written permission is first had and obtained from Prescott Valley, Incorporated.

10. ADVERTISING SIGNS: No advertising signs, for sale or rent signs, billboards, unsightly objects or nuisance shall be erected, placed or permitted to remain on any of the lots unless written approval is first had and obtained from Prescott Valley, Incorporated nor shall the premises be used in any way for any purpose which may endanger the health or unreasonably disturb the holding of any lot.

11. Under no circumstances shall any owner of any lot or parcel of land build or cause to be built, a fence eliminating access to the easements for utilities, unless written permission is first had and obtained from Prescott Valley, Incorporated.

RS DISTRICT COVENANTS:

1. Lots 5766, 6251, 6252, 6269, 6270, 6285 through 6301, inclusive, 6373, 6388, 6389, 6410, 6411, and 6429 through 6432, inclusive, shall be designated an RS District in accordance with the planning and zoning ordinance of Yavapai County, Arizona, of record February 5, 1968. The following restrictions shall also apply to this district.

a. Commercial use restricted to closed buildings.

b. No business, service, or enterprise of any nature whatsoever shall be commenced until said venture has first been submitted to and approved by Prescott Valley, Incorporated.

c. Noise and broadcasting beyond buildings is prohibited.

d. Outside storage of material or supplies is prohibited.

e. Any lighting must be so placed to reflect the light away from lots in residential districts.

2. **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 detriment to the development.

3. **TEMPORARY STRUCTURES:** No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other out-building shall be used on any lot anytime as a residence either temporarily or permanently.

4. **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 any other household pets may be kept provided they are not kept, bred or maintained for any commercial purposes, when written permission is first had and obtained from Prescott Valley, Incorporated.

5. **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. Approved incinerators or other equipment for the storage or disposal of such material shall be kept in a clean, dry and sanitary condition. No outside rubbish burners shall be allowed. Individual owners must haul off garbage off lots within a reasonable time or use a privately owned garbage pickup service which is available in the area.

6. **JUNK:** No lot shall be used or maintained as a junk yard or for storing or merchandising of material classified as junk.

7. **RESUBDIVIDING:** None of said lots shall be resubdivided into smaller lots nor conveyed or encumbered in less than full original dimensions of such lots as shown by the recorded plat.

8. **APPROVAL OF DESIGN AND LOCATION OF BUILDING:** No building

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or improvement of any kind shall be erected, moved into, or maintained on the premises herein described until the design and location thereof has first been submitted to and approved by Prescott Valley, Incorporated or upon relinquishment of all lots by said corporation, then a committee elected by the owners of record of a majority of lots in said subdivision. In the event such a committee is not in existence, the design shall be in harmony with the other buildings in the tract.

9. **ADVERTISING SIGNS:** No advertising signs, for sale or for rent signs, billboards, unsightly objects or nuisance shall be erected, placed or permitted to remain on any of the lots unless written approval is first had and obtained from Prescott Valley, Incorporated, nor shall the premises be used in any way for any purpose which may endanger the health or unreasonably disturb the holder of any lots.

10. Main buildings and accessory buildings on a lot shall not occupy more than forty-five percent (45%) of the total area of the lot, except where written approval is first had and obtained from Prescott Valley, Incorporated.

11. Under no circumstances shall any owner of any lot or parcel of land build or cause to be built, a fence eliminating access to the easements for utilities.

Under no circumstances shall any owner of any lot or parcel of land be permitted to deliberately alter the topographic conditions of his lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended, to flow from his property onto any adjoining property or public right of way. (EXCEPTION) The subdivision may find it necessary from time to time to alter the natural drainage of the roads so that the road system would not be damaged by excessive waters.

Title subject to restrictions. Nothing contained in this declaration shall impair or defeat the lien of any mortgage or deed of trust made in good faith and for value, but titles to any property subject to the declaration obtained through sales in satisfaction of any mortgage or deed of trust shall thereafter be held subject to all the protective restrictions hereof.

The foregoing protective restrictions shall be binding on all parties and all persons claiming under them for a period of 25 years from March 15, 1970, at which time said protective restrictions shall automatically become renewed for an additional period of 25 years, unless 75% or more of the owners of record, at that time, agree in writing to changes and said changes are made in a lawful manner.

Each and all of the protective restrictions shall be enforceable by injunction or by other forces of action available to the parties aggrieved, or to the corporation or its successors in interest. Invalidation of any one of these protective restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

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Restrictive Covenants
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Page Seven

DATED this the 4th day of March, 1970.

PRESCOTT VALLEY, INCORPORATED

Robert Loos, President

STATE OF ARIZONA)
)
County of Maricopa)

On this the 4th day of March, 1970, before me personally appeared Robert Loos who acknowledged himself to be the President of PRESCOTT VALLEY, INCORPORATED, an Arizona corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires:

My Commission Expires May 27, 1972

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