✓ Book 2009 Page 2922
Document 2009 2922 Type 06 018 Pages 3
Date 7/24/2009 Time 2:40:50PM
Rec Amt $19.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by and return to: Steven E. Carr, 117 S. Franklin St., PO Box 333, Manchester, IA 52057;563-927-4164

Protective Covenants and Restrictions

Carol A. Raithel, a single person and Duane A. Elgin and Tina M. Elgin, husband and wife are owners of all lots in Earl's Hill Subdivision, Delaware County, Iowa, according to plat recorded in Book 2009, Page 2144 and hereby impose the following covenants and restrictions on each lot in said subdivision, which covenants and restriction shall be binding on the present and future owners of each and every lot.

1. RESIDENTIAL. All lots described in the Plat of Earl's Hill Subdivision shall be known, described and used solely as residential lots. No structure shall be erected on any residential lot other than one detached single family dwelling not to exceed two stories in height with a one to three car garage which must be attached to said dwelling structure, except that one additional out-building may be constructed for use in conjunction with said residence not to exceed one hundred forty four (144) square feet in size. The attached garage shall he of sufficient size to accommodate no less than one regular (as distinguished from compact, subcompact or economy) size automobile.

2. SIZE OF RESIDENCE. Each residence dwelling to be constructed or erected on any Lot in said Earl's Hill Subdivision shall have a minimum living area not less than one thousand six hundred (1200) square, feet (not including basement or garage).

3. BUILDING LINES. In order to create a uniform building line, no dwelling, out-building, nor any part thereof, shall be constructed nor erected within fifty (20) feet of the right-of-way adjacent to such lot line as shown on the plat; and no building structure on any lot in said plats shall be built within ten (10.0) feet of any lot line not adjacent to the right-of-way. Building structure for such overhang of a roof. Any purchaser of more than one not, of course, maintain any building line any distance line which is in common between such lots.

4. LOT USE AND SALE. Only one residential unit per lot shall be erected on any lot as shown on the recorded plat, and no portion or part of a lot may be subdivided sol sold separately.

5. ROAD ASSOCIATION. By accepting a deed to any lot in the Subdivision, each lot owner agrees to participate in the Earl's Hill Subdivision Road Association and be bound by the terms of these covenants.

6. NATURAL WATER FLOW. The titleholder of each lot shall so construct upon and maintain the property so as not to obstruct the natural flow of surface water onto, from or through the lot.

7. MAINTENANCE. The titleholder of each lot, vacant or improved, shall keep the lot or lots free of weeds and debris and shall permit no unsightly, obnoxious or offensive accumulation of junk, garbage or materials except that building materials may be temporarily kept or stored for the purpose of immediate construction of a structure thereon.

8. WATER. Any well drilled shall be toward the front of each lot in front of each house as it relates to the road.

9. SEWAGE. Each residence property shall have not less than a 1000 gallon septic tank, together with not less than one dry well (same to perform the function of a leach bed), or such other waste disposal system as may be approved by a certified and qualified Sanitary Engineer. All costs of operation, maintenance, repair and upkeep of the same shall be the individual residence owner's responsibility. Septic systems must be installed toward the back of each lot, behind each residence as it relates to the road so as not to create proximity issues to wells that must be located toward the front of each lot.

10. UTILITIES. All utility lines, pipes and wire, extending from the right-of-way to structures on individual residence lots, must be underground.

11. RESTRICTIONS.

a) NO BUSINESS AND TRADE, No business nor trade shall be carried on in any dwelling, building or on any lot unless permission is first obtained in writing from all owners of property lying within said Earl's Hill Subdivision. For the purpose of these restrictions, any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, such as professional offices including insurance, beauty shops, barber shops, real estate and similar professions shall not he deemed a business or trade and shall not be barred by this provision.

(b) TEMPORARY BUILDINGS - MOBILE HOMES, No trailer, basement, tent, shack or garage erected upon a lot in said Earl's Hill Subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted. No mobile home may be moved on to, constructed or erected on, any residential lot at any time.

(c) LIVESTOCK - ANIMALS. No livestock or animals of any kind shall be kept, raised or bred on any lot or property with the exception that dogs, cats or ordinary household pets may be kept provided they are not kept, bred or maintained for any commercial purpose. Such animals shall not be allowed to run free and must be either on leash or under supervision.

Dated this 24th day of July, 2009.

Carol A. Raithel

Carol A. Raithel

Duane A. Elgin

Duane A. Elgin

Tina M. Elgin

Tina M. Elgin

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

This instrument was acknowledged before me on this 24th day of July, 2009 by Carol A. Raithel, a single person.

Notary Public in and for the State of Iowa

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

This instrument was acknowledged before me on this 24th day of July, 2009 by Duane A. Elgin and Tina M. Elgin, husband and wife.

Notary Public in and for the State of Iowa