

DECLARATION OF PROTECTIVE COVENANTS AND RESTRICTIONS

Tract 1 of Lattz Estate Subdivision, Lots 2A, 2B, 3A, 3B Burr Minor Subdivision  
Sheridan County, Wyoming

THIS DECLARATION of Protective Covenants and Restrictions is made this 28<sup>th</sup> day of August, 2001 by **Charles Edward Burr and Florence Eileen Burr**, Co-Trustees of the Florence Eileen and Charles Edward Burr Revocable Trust Agreement dated June 2, 2000, of Sheridan, Wyoming; **Ronald Charles Burr and Tammy D. Burr**, husband and wife, of \_\_\_\_\_, Wyoming; **Thomas Blake Mulholland and Karen Lee Mulholland**, husband and wife, of Sheridan, Wyoming; and **Janis L. Legerski**, to whom reference is hereinafter made as "Declarants."

WITNESSETH, THAT:

WHEREAS, The Declarants are the owners of real property described as **Tract 1 of Lattz Estate Subdivision, and Lots 2A, 2B, 3A, and 3B of Burr Minor Subdivision** in Sheridan County, Wyoming; and they intend by this declaration to impose upon the said property, certain restrictions for the benefit of the owners of the property herein described;

NOW, THEREFORE, Declarants hereby declare that all of the above described parcels property shall be held, transferred, sold or conveyed by Declarants, or by them contracted to be sold, subject to the below-specified conditions, restrictions, reservations, and covenants, which are for the purpose of protecting the value and desirability of, and which shall run with the above-described real property and which shall be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors, successors in title, and assigns, and shall inure to the benefit of each owner thereof.

Said conditions, restrictions, covenants and reservations are imposed upon all of the lands above-described, as an obligation or charge against the same for the benefit of each and every tract therein contained, present and future, and the owner or owners thereof; conditions, restrictions, covenants and reservations will be imposed upon each and every lot in said above-described property, and are as follows:

- (1) All lots in said subdivision shall be maintained as family recreational and residential property.
- (2) No lot shall be used except for residential and recreational purposes and no business or commercial activity of any nature shall be conducted on said lots. No building shall be erected, altered, placed or permitted to remain on any lot other than single family dwellings with the necessary outbuildings or garages.

(3) All buildings erected on the land shall be detached single family dwellings with the necessary outbuildings or garages.

(4) The use of any portion of the land as a dumping ground for rubbish, trash, garbage or other waste is prohibited. No dumping or storing of solid waste is allowed and all trash, garbage and other waste shall not be allowed to accumulate and shall be kept in sanitary containers.

(5) No weeds, underbrush or unsightly growth of plants shall be permitted to remain upon any lot in the subdivision, and all lots shall be kept mowed and cleared of any debris, including areas under fences.

(6) No animals, livestock or poultry shall be raised, bred, or kept on any lot, except domestic pets; owners shall keep such pets under control.

(7) Excavation for stone, gravel or dirt for any commercial purpose is prohibited. Excavation for construction purposes is permitted. All areas disturbed by construction shall be returned to natural conditions and replanted with suitable ground cover.

(8) Fence construction must be ornamental and shall not exceed four feet in height.

(9) All utilities shall be placed underground. The owner of each tract shall be responsible for the installation of underground utilities in their tract. The cost of said installation shall lie with the owner of said parcel. Any utility poles and wires in place above ground at the time of filing of these declarations are excluded; specifically, those on Declarants' land. No television or other communication towers or structures, including satellite dishes, shall be placed in front of the front line of the dwelling upon a lot.

(10) No sewage disposal system shall be constructed, altered or allowed to remain or be used unless fully approved by Sheridan County.

(11) Continued use of existing irrigation lines is permitted; however, upon failure of any of these lines which is not located upon or within the access easement described in Exhibit A, "Little Goose Creek Access Easement," such a line must be moved to the easement.

(12) Easements and rights of way will not be granted for the benefit of other subdivisions or property other than the property located in the Burr Minor Subdivision; except that **Charles Edward Burr and Florence Eileen Burr** will be allowed to use the right of way through Lots 2A, 2B, 3A and 3B, shown on attached Exhibit B, "Charles Burr Access Easement," so long as they continue to own Tract 1 of Lattz Estate Subdivision. Upon their divestment of Tract 1 of Lattz Estate Subdivision, this right will terminate.

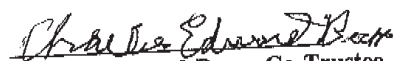
(13) This Declaration of Restrictive Covenants and Restrictions may be modified or amended by agreement of 100 percent of the landowners.


(14) Any owner of a portion of the land described on Exhibit "A" hereof shall have the right and authority to determine compliance with the Covenants, Conditions and Restrictions contained herein. Said owner shall give written notice to the owner of the property, of any violation or breach of the Covenants and Restrictions set forth herein. Said owner shall have 10 days after receipt of said notice to correct the violation. If said violation is not corrected within the 10 day period, the said owner may commence an action to enjoin the violation of any of the Covenants and Restrictions contained herein. In the event suit is required to enjoin the violation of, and compel compliance with, any of the Covenants and Restrictions contained herein, the violator, in addition to any costs imposed by the court, shall be liable for all attorney's fees and costs incurred by the said party bringing such action.


(15) This Declaration of Covenants, Conditions and Restrictions is to run with the land and be binding upon all parties and persons claiming under them for a period of forty years from the date of recording of the same in the office of the Sheridan County Clerk, Sheridan County, Wyoming; at the end of such period, said restrictions and covenants shall automatically be extended for a successive period of ten years unless, by a vote of three-fourths majority of the then owners of the lots in said subdivision (each lot having one vote), taken prior to the expiration of said 2 year period and filed of record in said County, it is agreed to amend or release same.

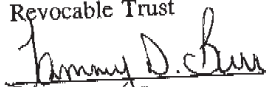
(16) In the event any one of the covenants or restrictions contained herein is invalidated by a Judgment or Court Order, the remaining provisions shall remain in full force and effect.

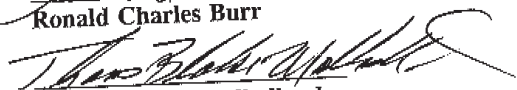
IN WITNESS WHEREOF, the Declarants have executed this "Declaration of Protective Covenants and Restrictions" this \_\_\_ day of August, 2001.


  
Charles Edward Burr, Co-Trustee  
The Florence Eileen and Charles Edward Burr  
Revocable Trust

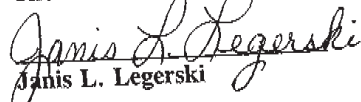
  
Florence Eileen Burr, Co-Trustee  
The Florence Eileen and Charles Edward Burr  
Revocable Trust

  
Ronald Charles Burr

  
Tammy D. Burr

  
Thomas Blake Mulholland

  
Karen Lee Mulholland

  
Janis L. Legerski

STATE OF WYOMING     )  
                                  : SS  
COUNTY OF Sheridan

On this 28<sup>th</sup> day of August, 2001, personally appeared before me, Viana L. Wright,  
Notary Public within and for the aforesaid County and State, **Charles Edward Burr** and  
**Florence Eileen Burr**, and after being duly sworn upon oath, they did acknowledge that they  
were the Trustees of the Florence Eileen and Charles Edward Burr Revocable Trust created June  
2, 2000, that the instrument herein was signed on behalf of said Trust by the authority vested  
in them under the terms of the written Trust instrument, and that the same is the free act and  
deed of said Trust.

WITNESS MY HAND AND OFFICIAL SEAL.

Viana L. Wright  
NOTARY PUBLIC

My Commission Expires: My Commission Expires Dec. 3, 2003

STATE OF WYOMING     )  
                                  : SS  
COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of August, 2001, by  
**Ronald Charles Burr** and **Tammy D. Burr**.

Cliff J. Sen  
Notary Public

My Commission Expires: June 25, 2003

STATE OF WYOMING     )  
                                  : SS  
COUNTY OF SHERIDAN )

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 2001, by  
**Thomas Blake Mulholland** and **Karen Lee Mulholland**.

Cliff J. Sen  
Notary Public

My Commission Expires: June 25, 2003

STATE OF WYOMING     )  
                                  : SS  
COUNTY OF SHERIDAN )

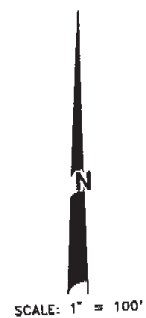
The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of August, 2001, by  
**Janis L. Legerski**.

Viana L. Wright  
Notary Public

My Commission Expires: My Commission Expires Dec. 3, 2003

# EXHIBIT A

SHOWING  
"LITTLE GOOSE CREEK ACCESS EASEMENT"  
LOCATED WITHIN  
LOTS 2A, 2B, 3A, and 3B  
BURR MINOR SUBDIVISION  
SHERIDAN COUNTY, WYOMING



4  
LATZ  
ESTATES  
SUBD.

BURR  
MINOR  
SUBDIVISION

LOT 3A

LOT 2A

30' ACCESS EASEMENT  
(15' EACH SIDE OF  $\phi$ )

S 5°21' W  
614.00'

1  
LATZ  
ESTATES  
SUBD.

LOT 3B

LOT 2B

S 81°31'19" E  
162.77'

EXISTING ROADWAY (TYP)

EXISTING GUARD RAIL (TYP OF 2)

S 49°54'09" E, 26.97'

S 61°52'19" E, 46.73'

S 57°23'15" E, 59.56'

S 38°31'27" E, 50.07'

LITTLE GOOSE CREEK



**MENTOCK-WILLEY CONSULTANTS**  
CONSULTING ENGINEERS AND LAND SURVEYORS  
1030 NORTH MAIN ST.  
TAYLOR PLACE No. 2  
SHERIDAN, WY 82801  
Phone 307-674-4224  
Fax 307-672-9492

389

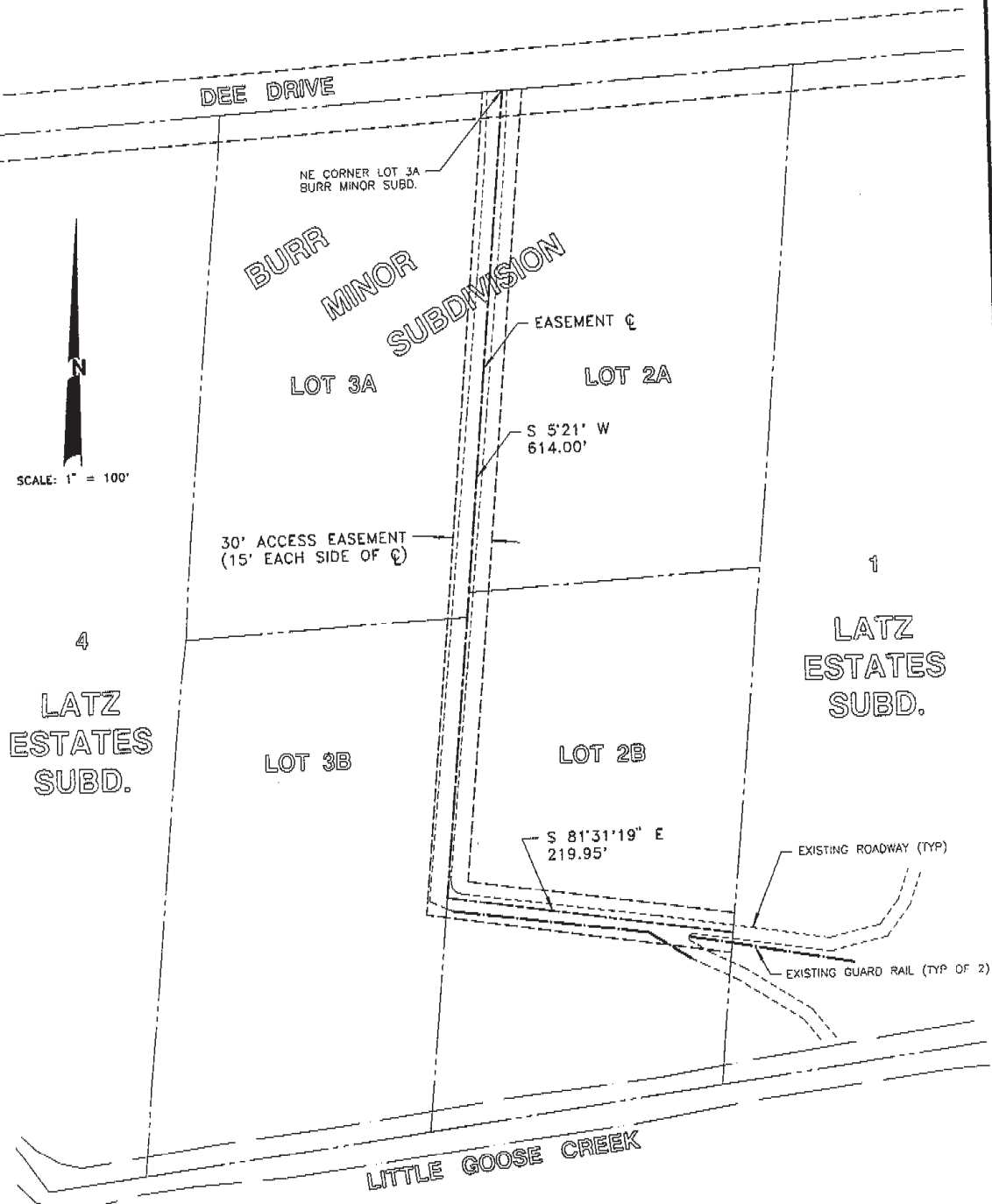
JOB No. 01-367

01367LGE.dwg

AUGUST 21, 2001

**EXHIBIT B**

SHOWING  
**"CHARLES BURR ACCESS EASEMENT"**  
 LOCATED WITHIN  
 LOTS 2A, 2B, 3A, and 3B  
 BURR MINOR SUBDIVISION  
 SHERIDAN COUNTY, WYOMING



**MENTOCK-WILEY CONSULTANTS**  
 CONSULTING ENGINEERS AND LAND SURVEYORS

1030 NORTH MAIN ST.  
 TAYLOR PLACE No. 2  
 SHERIDAN, WY 82801  
 Phone 307-674-4224  
 Fax 307-672-9492

JOB No. 01-367

01367CBE.dwg

AUGUST 21, 200