

COVENANTS AND RESTRICTIONS RUNNING WITH THE LAND

WHEREAS, Darrell J. Nickelson, of Belle Fourche, Butte County, South Dakota, is the owner of the hereinafter described real property, which said real estate is divided into lots for the purpose of building and developing for residential use, to-wit: Lots 1 through 35, inclusive, according to the plat of "Prairie Hills Ranchettes No. 2," a subdivision of the East Half of the Southeast Quarter of Section 28; East Half of Northeast Quarter & the Southwest Quarter of the Northeast Quarter of Section 33; in Township 8 North, Range 2 East, Black Hills Meridian, Butte County, South Dakota, as platted in Plat Book 11, Page 78, on February 9, 1978 at 9:45 A. M. in the Office of the Butte County Register of Deeds.

Let it be known that I do hereby make the following declaration as to the limitations, restrictions and uses to which any lots thereof may be put, hereby specifying that said declarations shall be binding upon all grantees of any portion of said property and all persons claiming under or through them, and for the benefit of and limitations of all future owners of said real property within said subdivision; this declaration of restrictions being designed for the purpose of keeping all new additions desirable, uniform and suitable in architectural design and uses as herein specified.

NOW, THEREFORE, the undersigned owner does hereby declare and make the following covenants and restrictions running with the above described real property:

1. No junk yards shall be maintained on any of the above described property, and all garbage, trash and other debris of any type or nature shall be promptly removed from the premises and shall not be allowed to accumulate.
2. No unlicensed automobiles, trucks or motor vehicles shall be permitted on the above described property at any time. This does not include legitimate and operating vehicles used in construction work and storage of operating construction and farm equipment is permitted.
3. No residence erected and constructed upon any of the above described lots shall be erected, maintained or located nearer to any

Covenants and Restrictions Running With the Land
Page 2

boundary line than twenty (20) feet. There is also specifically reserved adjacent to each lot line, not a street lot line, a strip ten (10) feet in width for an easement for utility lines (water, sewer, and electric power), that no building or structure shall be placed thereon.

4. Livestock may be kept on the property but only under the condition that there is sufficient acreage to properly care for and maintain said animals, and under the further condition that they do not become a nuisance to the other property owners within the above described subdivision. However, the following limitations are provided: No hogs shall be maintained on the premises and each lot shall be limited to a maximum of three (3) horses, or three (3) head of cattle, or fifteen (15) head of sheep. No confined livestock feedlot shall be permitted; maintaining dogs, cats or household pets for commercial purposes is also prohibited.

5. Fences shall be the liability of the adjoining property owners in the above described subdivision, as regulated by the laws of the State of South Dakota that may be in force and effect from time to time. The owner of the above described subdivision states that his only obligation shall be for the construction of a perimeter fence fencing only the perimeter of the above described subdivision. All other fencing shall be assumed by the purchasers of the lots. In the event any owner or resident of said property shall maintain livestock or pets, said owners shall be responsible for constructing a sufficient fence that will restrain and keep all livestock and pets confined on the owner's property. All fences must be properly repaired, maintained and painted as the case may be.

6. All septic tanks and drain fields shall be located at least fifty (50) feet from adjoining property lines and all private sewage disposal systems shall meet or exceed all local, state, and federal requirements.

7. No commercial business engaged in the sale of any form of alcoholic beverage shall ever be permitted or conducted on any of the above described property. In addition, no noxious or offensive activity shall be carried out upon any portions of the above described real property nor

Covenants and Restrictions Running With the Land
Page 3

shall anything be done thereon or therein that will be or may become annoying or a nuisance to the surrounding property owners within the subdivision.

8. No more than two (2) residences for living purposes may be located on any one lot, and any one residence shall not consist of less than two (2) acres per residence. No dwelling house shall have less than 950 square feet on the ground floor. All construction of all residences and all buildings shall be of new material and new construction, and no houses or residences shall be moved on to any lot from any other lot or from outside the above described property. Modular or pre-built dwellings shall be permitted, providing they meet all Farmers Home Administration or Veterans Administration specifications. No mobile homes shall be permitted on the above described property.

9. These restrictions and covenants may be amended or altered at any time upon the approval of the owner or owners of two-thirds of the lots in the above described subdivision.

10. Invalidation of any one of these restrictions by court order, judgment or decree shall affect only the restriction in question and shall in no other way affect any of the other provisions herein contained and, which shall remain in full force and effect.

11. Any property owner of property in the above described subdivision may and shall be entitled to bring an action to specifically enforce the covenants enumerated herein. Any property owner violating any of the covenants herein contained shall be liable and responsible for attorneys fees and costs that may result from the specific enforcement of the foregoing covenants.

12. Drainage culverts are required in any road approaches to the lots hereinabove described, and any drainage culvert so required shall be not less than fourteen (14) inches in diameter.

13. Individual purchasers of the above described lots shall be responsible for providing their own utilities and the construction and

