

PROTECTIVE COVENANTS

FOR

BYERS CREEK LANDINGPART A: PREAMBLE

On this 8th day of SEPTEMBER, 1994, for the purpose of protecting property shown as BYERS CREEK LANDING according to Plat Number 94-43 of the official records of the Talkeetna Recording District.

The owners do hereby restrict the use of the property to the following uses:

PART B: AREA OF APPLICATIONB-1 Land Use and Building Type

Lots shall be used for single family residential purposes, except that:

Lot 1, Block 1; Lots 1-2, Block 2; Lots 1-2, Block 3; Lots 8, 15-18, 21, Block 2; Tract A

may be used for business use as herein defined provided it is an approved use of the zoning laws of the Matanuska Borough and the Architectural Control Committee.

"Business use" means single family and multiple family dwelling (not to exceed 8 units); hotel, motel and motor lodges; casino; golf course; boarding and lodging houses; private clubs and lodges, private or public; museums, historical and cultural exhibits, libraries and the like; day nurseries and kindergartens; public, private and parochial academic schools; hospitals, nursing homes, convalescent homes, homes for the aged, medical clinics, medical and dental laboratories, research centers, and the like; offices of physi-cians, surgeons, dentists, osteopaths, chiropractors and other practitioners of the healing sciences; accounting, auditing and bookkeeping services; engineering, surveying and architectural services; attorneys and legal services; real estate services and appraisers; stock and bond brokerage services; insurance services; photographic services; banks, savings and loan associations, credit unions and similar financial institutions;

"Single family dwelling" shall mean a building and appurtenant structure erected and maintained in conformance with purpose and design.

Any structure built within a flood hazard area must obtain a major development permit from Code Compliance Division of the Matanuska Borough.

B-2 Architectual Control

Paul J. Nangle is hereby appointed the Architectual Control Committee and any landscape, structure or other improvement must be submitted to him for approval. Said approval or denial will be given, in writing, within 10 days of submittal.

B-3 No Mobile Homes

No mobile homes are allowed. Travel trailers and mobile vehicles are permissible for a period not to exceed three (3) days.

B-4 Building Location and Size

No building shall be located on any lot nearer to the front line than twenty-five (25) feet to the front line. No building shall be located nearer than fifteen (15) feet to the rear lot line. No building shall be located nearer than ten (10) feet to an interior lot line and said building shall have a minimum size of 600 square feet. Decks may be constructed in the setback provided that they are ecstastically designed to conform to the terrain. Mat-Su regulations permit 18 inches above ground for decks encroaching into setbacks.

B-5 Easements

Easements for installment and maintenance or utilities and drainage are reserved as shown and dedicated on the plat of Byers Creek Landing.

B-6 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 any annoyance or nuisance to the neighborhood.

B-7 Livestock and Poultry

Two horses per residence, and two dogs or two cats per residence shall be allowed. All the above animals shall not be permitted loose and said animals shall be restrained. No other animals, livestock, or poultry of any kind shall be raised or kept on any lot.

B-8 Dog Teams

No dog teams shall be allowed.

B-9 Garbage and Refuse Disposal

No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Waste shall not be kept except in sanitary containers. All incinerators, or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

B-10 Water Supply and Sewage Disposal

Water supply and sewage disposal shall be in accordance with Department of the Environment quality regulations.

B-11 Petroleum Provision

There shall be no refining, quarrying or mining operation of any kind permitted upon or in any lot except that the developer may allow tourists a right to pan gold from Byers Creek.

B-12 Tress

No owner shall be permitted to completely clear a lot on which standing trees of size and beauty exist. Space may be cleared to provide for construction and trees may be thinned so long as maximum natural beauty and aesthetic value of the trees is retained.

B-13 Chain Link Fences

No chain link fences or dog runs shall be permitted in the front yard.

B-14 Antennas

Antennas shall be solely used for television reception. No unsightly antennas such as ham radio antennas shall be permitted.

B-15 Trucks

There shall be no semi-tractor trailers parked on streets in the subdivision unless there for loading and unloading.

B-16 Elevated Tanks

No elevated tanks of any kind shall be erected, placed or permitted upon a building site.

PART C: GENERAL PROVISIONS**C-1 Term**

These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of thirty-five (35) years from the date these covenants are

recorded and shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots have been recorded, agreeing to change said covenants, in whole or in part. The purchase of any lot in this subdivision shall constitute an agreement on the part of such purchaser to be bound by these protective covenants in their entirety and to abide by the same.

C-2 Enforcement

Enforcement shall be by proceedings at law and/or in equity against any person or persons violating or attempting to violate any covenant, either to restrain violation or to recover damages.

C-3 Severability

If any provisions of these covenants, or the application thereof to any person or circumstances is held invalid by judgment or court order, the remainder of these covenants and their application to other persons or to other circumstances shall not be affected thereby and shall remain in full force and effect.

DATED this 8th day of September, 1994.

DENALI LAND TRUST

By: Paul J. Nangle
Paul J. Nangle
Executive Trustee

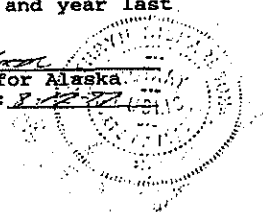
STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

THIS IS TO CERTIFY that on the 8th day of September, 1994, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Paul J. Nangle as Executive Trustee of Denali Land Trust and he acknowledged to me that he signed the same as Executive Trustee of Denali Land Trust in the name of and for and on behalf of said corporation, freely and voluntarily and by authority of its Board of Directors for the uses and purposes therein mentioned.

GIVEN UNDER MY HAND and official seal the day and year last above written.

RETURN TO:
PAUL J. NANGLE
101 CHRISTENSEN DR
BAKHOBBE, AK 99501

Richardson
Notary Public in and for Alaska
My Commission Expires: 8-27-1995



BOOK 0149

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TALKEETNA REC 24 cc
DISTRICT
REQUESTED BY Paul J. Mangler
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