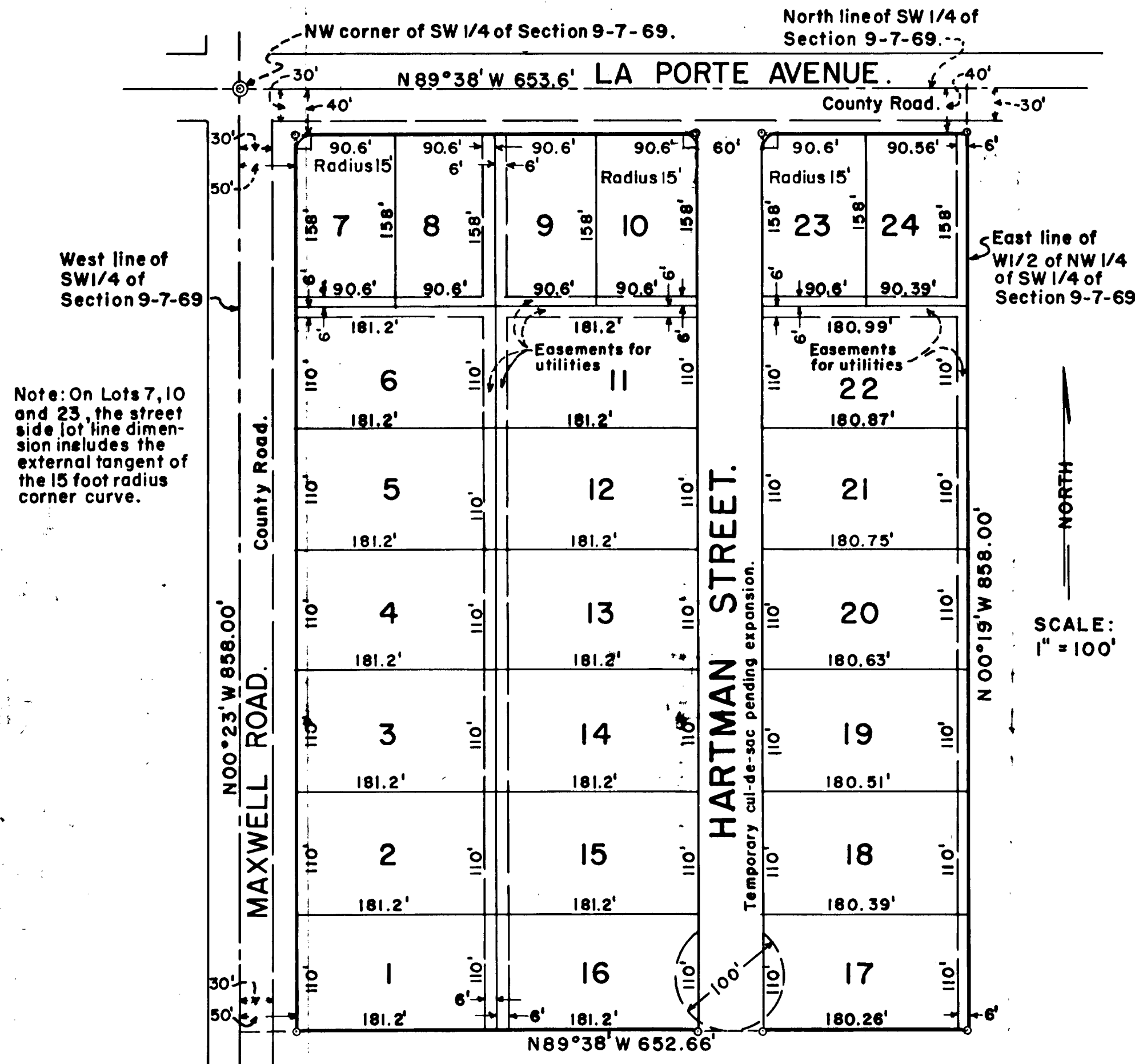


# THE FRUTCHEY SUBDIVISION.

Part of the NW 1/4 of the SW 1/4 of Section 9, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado.



### DECLARATION OF PROTECTIVE COVENANTS.

THE UNDERSIGNED, CECIL W. FRUTCHEY, JOYCE FRUTCHEY AND ROSCOE V. ANDERSON, BEING THE OWNERS OF ALL OF THE LAND IN THE FRUTCHEY SUBDIVISION, AS SHOWN ON THE WITHIN PLAT AND DESCRIBED IN THE STATEMENT HEREON, DO HEREBY MAKE THIS DECLARATION OF PROTECTIVE COVENANTS APPLICABLE TO ALL OF THE LOTS IN SAID SUBDIVISION:

1. LAND USE AND BUILDING TYPE. No building shall be erected, constructed, placed, altered or retained on any lot other than a single one-story, one and one-half story or a two story, tri-level residence and such accessory buildings as may be required for incidental use with such residence, by a single family, except that a residence may be arranged for not to exceed two single family units if approved in advance of construction by the Architectural Control Committee.
2. ARCHITECTURAL CONTROL. No building shall be constructed, placed or altered on any lot, until the construction plans and specifications and a plan showing the location of the residence and all accessory buildings on the lot have been approved by the Architectural Control Committee as to quality of workmanship, materials, harmony of design with existing structures and location with respect to lot lines, topography and finish grade elevations.
3. BUILDING QUALITY AND SIZE. All improvements shall be constructed of good and suitable materials and all workmanship shall be first class. The ground floor area of each residence shall not be less than 1100 square feet on Lots 1, 2, 3, 4, 5, and 6 and not less than 950 square feet on the remaining lots.
4. BUILDING LOCATION. No building shall be located nearer than 30 feet to a front lot line, nearer than 15 feet to a side street line or nearer than 5 feet to an interior lot line, except that no side yard will be required for a permitted accessory building if it is located on the rear one-half of the lot. In any event, no building shall be located upon the land reserved for utility easements.
5. LOT AREA. Not more than one residential building shall be constructed or placed on any lot as shown on the plat. Further subdivision of the lots in order to create additional building sites will not be permitted.
6. NUISANCES. No noxious or offensive activities shall be carried on upon any lot, which may become an annoyance or a nuisance to the neighborhood. No commercial livestock or poultry feeding or processing operations shall be carried on upon any lot.
7. ARCHITECTURAL CONTROL COMMITTEE. The Architectural Control Committee consists of three members, namely, Cecil W. Frutchey, Roscoe V. Anderson and Fred A. Pinkerton, all of Fort Collins, Colorado. In the event of the death or resignation of any member of the committee, the remaining members shall have full authority to appoint a successor. No committee member shall be entitled to any compensation for services rendered pursuant to these covenants. The committee's approval or disapproval of plans and specifications, as required by these covenants, shall be in writing. In the event that such approval or disapproval is not made within thirty days after plans and specifications have been submitted to the committee, or in any event, if no suit to enjoin construction has been commenced prior to the completion of the improvements, approval will not be required and the related covenants shall be deemed to have been fully complied with.
8. TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of thirty years after these covenants have been recorded, after which time, they shall be automatically extended for successive periods of ten years, unless an instrument in writing, signed by a majority of the then record owners of the lots, has been recorded, agreeing to change said covenants, in whole or in part.
9. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity, against any person or persons violating or attempting to violate any covenant, to restrain violation or to recover damages.
10. SEVERABILITY. Invalidation of any of these covenants, by judgment or court order, shall in no wise effect the validity of any of the other covenants.
11. EASEMENTS FOR UTILITIES. Easements for the installation, maintenance and operation of utilities are reserved as laid out and designated on the within plat. No buildings or other structures shall be constructed, erected or placed upon any easement, except fences which may be constructed along lot lines or property lines and which fences shall be subject to the approval of the Architectural Control Committee.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE AFFIXED THEIR HANDS AND SEALS THIS 28th DAY OF JULY, A.D. 1956.

STATE OF COLORADO )  
COUNTY OF LARIMER ) s.s.

Cecil W. Frutchey, L.S.  
Joyce Frutchey  
Roscoe V. Anderson, L.S.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME  
THIS 28th DAY OF JULY, A.D. 1956, BY CECIL W.  
FRUTCHEY, JOYCE FRUTCHEY AND ROSCOE V. ANDERSON.

My commission expires Feb. 11, 1959  
Dale L. Fitcher  
NOTARY PUBLIC.

KNOW ALL MEN BY THESE PRESENTS: That Cecil W. Frutchey, Joyce Frutchey and Roscoe V. Anderson being the owners of the following described land, to wit: The North 888 feet of the W 1/2 of the NW 1/4 of the SW 1/4 of Section 9, Township 7 North, Range 69 West of the 6th P.M., Larimer County, Colorado, and more particularly described as being contained within boundary lines which begin at the NW corner of the SW 1/4 of said section and run thence S 00° 23' W 858.00 feet, along the West line of the SW 1/4 of said section, thence S 89° 38' E 652.66 feet, to the East line of the W 1/2 of the NW 1/4 of the SW 1/4 of said section, thence N 00° 19' W 858.00 feet, along the East line of the W 1/2 of the NW 1/4 of the SW 1/4 of said section, to the North line of the SW 1/4 of said section, and thence N 89° 38' E 653.60 feet, to the point of beginning; have caused the same to be surveyed and to be subdivided into lots, to be known as the Frutchey Subdivision, as shown on the above plat; do hereby dedicate and convey, to and for public use, forever, hereafter, the streets as laid out and designated on said plat; and hereby reserve perpetual easements for the installation, maintenance and operation of utilities, as are laid out and designated on said plat.

WITNES OUR HANDS AND SEALS THIS 28th DAY OF JULY, A.D. 1956.

Cecil W. Frutchey  
Joyce Frutchey  
Roscoe V. Anderson

STATE OF COLORADO )  
COUNTY OF LARIMER ) s.s.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS  
28th DAY OF JULY, A.D. 1956, BY CECIL W. FRUTCHEY, JOYCE  
FRUTCHEY AND ROSCOE V. ANDERSON, FOR THE PURPOSES THEREIN SET  
FORTH.

My commission expires Feb. 11, 1959  
Dale L. Fitcher  
NOTARY PUBLIC.

APPROVED BY THE FORT COLLINS REGIONAL PLANNING COMMISSION  
ON August 2, 1956  
Edward H. Withrow  
SECRETARY.

APPROVED BY THE LARIMER COUNTY PLANNING  
COMMISSION ON September 14, 1956  
Harley Teley, PRESIDENT.  
H. J. Polyard, SECRETARY.

THE APPROVAL OF THIS PLAT BY THE LARIMER COUNTY PLANNING  
COMMISSION DOES NOT CONSTITUTE THE ACCEPTANCE OF THE ROADS AND STREETS  
THEREON FOR MAINTENANCE BY THE BOARD OF COUNTY COMMISSIONERS OF LARIMER  
COUNTY.

