

**RESTRICTIVE COVENANTS FOR BROOKVIEW PLACE WEST FIRST ADDITION**

WHEREAS, the undersigned are the owners of the lots contained in the Brookview Place West First Addition to the City of Ames, Iowa, and

WHEREAS, for their own protection and for the benefit of subsequent owners of the lots within said subdivision, the said owners desire to restrict the use thereof in certain particulars;

NOW THEREFORE, the parties hereto and in consideration of the covenants and agreements of each other, by these presents, covenant, bargain, and agree among themselves, and for their successors and assigns as follows:

1. That each lot within the subdivision is hereby restricted to residential use and uses related to the convenience and enjoyment of such residential use, except for Lot 1 which the City of Ames is using as a bus turn-around. No more than three unrelated persons shall occupy, use, purchase, own, rent, or live in any of the homes.
2. That no structure of a temporary character, trailer, tent, shack, garage, barn or other outbuildings shall be used on any portion of any lot at any time as a residence, either temporary or permanent.
3. That no obnoxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereon which may become a nuisance to the neighborhood.
4. No building, fence, wall, nor other structure shall be commenced,

erected, or maintained upon any lot nor shall any exterior addition to or change or alteration therein, be made until the plans and specifications showing the nature, kind, shape, height, materials and location of the same have been submitted to and approved in writing by Erben A. Hunziker, as Trustee of the Erben A. Hunziker Revocable Trust dated July 28, 1992, and Donald M. Furman and Ruth W. Furman, as Trustees of the Donald and Ruth Furman Revocable Trust dated March 1, 1991, hereinafter referred to as "Developers" or by an Architectural Committee composed of 2 or more representatives appointed by the Developers. The primary guidelines for approval are that the plans and specifications reflect harmony of external design and location in relation to surrounding structures and topography.

When dwellings have been constructed on all lots within Brookview Place West First Addition to the City of Ames, Iowa, the requirements imposed by this paragraph shall terminate.

5. All residence built in this addition shall be single family and shall meet or exceed the following:

- a) single family, split foyer or split level homes shall have at least 1100 sq. ft. finished on the main level
- b) two story homes or 1 ½ story homes shall have at least a total of 1400 sq. ft. of finished area
- c) all homes shall have at least a 2 car detached or attached garage

6. That the developers and all subsequent owners of property located within this subdivision shall make all lots in the subdivision subject to the grading plan as submitted to and approved by the City of Ames, Iowa.

7. All rubbish, trash or garbage shall be regularly removed from

each lot, and shall not be allowed to accumulate thereon. No trash burning shall be permitted on any lot.

8. Planting or gardening shall be done in individual backyards only.
9. The following restrictions shall also constitute covenants:
  - a) There shall be no mobile homes placed nor erected on any lot.
  - b) Any dog run, trash receptacle, tool shed, or other outside structure of like nature shall be properly screened by shrubbery or by a decorated fence, or both.
  - c) Television or radio antennas of less than ten feet are permitted on dwellings or garages. Satellite dishes, if less than two feet, are permitted in rear yards. No obnoxious nor offensive activities nor odors shall be permitted on or to escape from any lot, nor shall anything be done on any lot which is or may become an annoyance or nuisance, either temporarily or permanently.
  - d) No animals, livestock, nor poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, and other common household pets may be kept so long as they are not kept, bred, or maintained for commercial purpose. Dogs must be tied or fenced or kept in a dog run. In no event shall such animals be kept on any lot if they unreasonably disturb the owners or residents of any other lot.
  - e) When the City of Ames requires the construction of public sidewalks, the sidewalks shall be constructed within one year after the sale of any lot or at the time of the occupancy of any dwelling on a lot, whichever first occurs.
  - f) No automotive repair or rebuilding or any other form of automotive manufacture, whether for hire or otherwise, shall occur on any lot or driveway in the said subdivision.
  - g) Recreational vehicles, travel trailers, motor homes, boats, fold-down campers or such other type of recreational vehicle shall not be allowed on any lots for more than 48 hours.
10. That all of these restrictions shall be deemed to be covenants

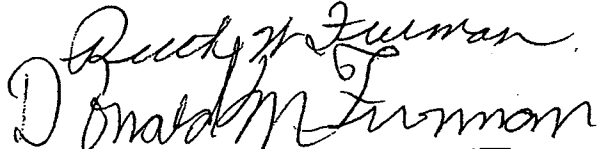
running with the land and shall endure and be binding upon the parties hereto, their successors and assigns, for a period of 21 years from the date of the recording of these covenants, unless claims to continue any interest in the covenants are filed as provided by law.

11. That in case of violation of any of the covenants, any person then owning a lot in said subdivision, of the City of Ames, Iowa, is specifically authorized to resort to an action of law or equity for relief, either by injunction or in damages, against the person so violating said covenants.

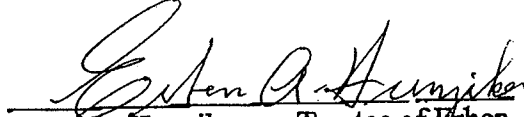
12. That the invalidation of any of these covenants by judgement or Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.

Dated at Ames, Iowa, this 27<sup>th</sup> day of November,

2001.

  
Donald M. Furman

Donald M. Furman and Ruth W. Furman, as Trustees of the Donald and Ruth Furman Revocable Trust Dated March 1, 1991.

  
Erben A. Hunziker, as Trustee of Erben A. Hunziker Revocable Trust dated July 28, 1992

STATE OF IOWA, STORY COUNTY, ss:

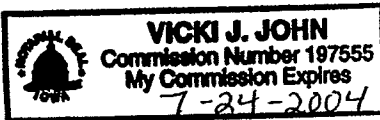
On this 27<sup>th</sup> day of November, 2001, before me, the undersigned, a Notary Public in and for the State Of Iowa, personally appeared Erben A. Hunziker as Trustee of the Erben A. Hunziker Revocable Trust dated July 28, 1992, as to me known to be the identical person named in and who executed the foregoing instrument, and acknowledge that the person, as the fiduciary, executed the instrument as the voluntary act and deed of the person and of the fiduciary.



Vicki J. John  
Notary Public in and for said State

STATE OF IOWA, STORY COUNTY, ss:

On this 27<sup>th</sup> day of November, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald M. Furman and Ruth W. Furman, as Trustees of the Donald and Ruth Furman Revocable Trust dated March 1, 1991, as to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledge that the persons, as the fiduciaries, executed the instrument as the voluntary act and deed of the persons and the fiduciaries.



Vicki J. John  
Notary Public in and for said State