

SLIP FILE *jm*

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 Title Insurance and Trust Company
 36 East Figueroa Street
 Santa Barbara, California
 Attn: Albert A. Martin

38139

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DECLARATION OF ESTABLISHMENT OF PROTECTIVE COVENANTS,
 RESTRICTIONS AND CONDITIONS OF TRACT NO. 10407, UNIT 2

KNOW ALL MEN BY THESE PRESENT:

THAT THE UNDERSIGNED, MARK J. SMITH AND DOROTHY W. SMITH, HUSBAND AND WIFE ARE THE SOLE OWNERS IN FEE OF THE REAL PROPERTY SUBDIVISION KNOWN AS "FOXEN WOOD COUNTRY ESTATES, NO. 2", PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 9 THROUGH 32, INCLUSIVE, OF TRACT NO. 10407, UNIT 2 IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA; AS PER MAP RECORDED IN BOOK 76, PAGES 71 AND 72 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

DECLARANT HEREBY CERTIFIES AND DECLARES THAT IT HAS ESTABLISHED AND DOES HEREBY ESTABLISH A GENERAL PLAN FOR THE IMPROVEMENT, DEVELOPMENT, PROTECTION AND MAINTENANCE OF THE TRACT, AND, IN ORDER TO ACCOMPLISH SUCH IMPROVEMENT AND DEVELOPMENT, TO INSURE SUCH PROTECTION AND MAINTENANCE; TO ENCOURAGE THE BEST USE AND MOST ARTISTIC DEVELOPMENT AND IMPROVEMENT OF EACH LOT THEREIN; TO PROMOTE THE CONSTRUCTION AND ERECTION OF TASTEFUL AND ATTRACTIVE HOMES, TO SECURE AND MAINTAIN ADEQUATE SET-BACK LINES, AND IN GENERAL ADEQUATELY TO PROVIDE FOR IMPROVEMENTS OF HIGH TYPE AND QUALITY, DECLARANT DOES HEREBY ESTABLISH AND IMPOSE UPON THE SAID TRACT AND ALL OF THE VARIOUS LOTS CONTAINED THEREIN; PROVISIONS, CONDITIONS, RESTRICTIONS, COVENANTS, EASEMENTS AND RESERVATIONS UPON AND SUBJECT TO WHICH EACH AND ALL LOTS IN SAID TRACT SHALL BE HELD, OCCUPIED, LEASED, SOLD AND/OR CONVEYED BY DECLARANT OR ITS SUCCESSORS, AND/OR BY THE RECORD OWNERS THEREOF, EACH AND ALL OF WHICH IS AND ARE FOR THE BENEFIT OF SAID TRACT AND EACH AND EVERY LOT THEREIN, AND OF EACH OWNER OF ONE OR MORE LOTS THEREIN, AND SHALL ENURE TO AND PASS WITH SAID TRACT AND EACH AND EVERY LOT THEREIN AND SHALL APPLY TO AND BIND THE RESPECTIVE SUCCESSORS IN INTEREST OF DECLARANT, AND ARE AND EACH OF WHICH IS IMPOSED UPON SAID TRACT AND EACH AND EVERY LOT THEREIN, AS THE DOMINANT TENEMENT OR TENEMENTS, AS FOLLOWS, TO WIT:

ARTICLE I -- GENERAL RESTRICTIONS

SECTION 1 - USES OTHER THAN RESIDENTIAL PROHIBITED.

ALL OF THE LOTS IN SAID TRACT SHALL BE USED ONLY FOR RESIDENTIAL PURPOSES AS HEREIN PROVIDED, AND NO PART OF SAID TRACT AND NO LOT THEREIN SHALL BE USED OR CAUSED TO BE USED OR PERMITTED OR AUTHORIZED IN ANY WAY, DIRECTLY OR INDIRECTLY, TO BE USED, FOR ANY BUSINESS OR PROFESSION OR FOR ANY COMMERCIAL, MANUFACTURING,

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MERCANTILE, STORING, VENDING, CIVIC, EDUCATION, RELIGIOUS, MEDICAL, HOSPITAL, OR OTHER NON-RESIDENTIAL PURPOSE, OR FOR THE MANUFACTURING OR SALE OF MALT, VINOUS OR SPIRITUOUS LIQUORS, OR FOR THE CARRYING ON OF ANY NOXIOUS ACTIVITY OR PURSUIT, OR ANY ACT OR THING WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

SECTION 2 - HORSES, LIVESTOCK, POULTRY AND BEES PROHIBITED:

NO HORSES, COWS, CATTLE, GOATS, SHEEP, RABBITS, HARES AND/OR OTHER LIVESTOCK, NO POULTRY, PIGEONS, DOVES, AND/OR SIMILAR FOWL, AND NO BEES, SHALL BE KEPT OR RAISED ON ANY PART OF SAID TRACT OR ON ANY LOT THEREIN; NO DOG, CAT, BIRD, FISH OR PET RAISING OR TRADING AS A BUSINESS SHALL BE CARRIED ON, DIRECTLY OR INDIRECTLY, ON ANY PART OF SAID TRACT OR ON ANY LOT THEREIN.

SECTION 3 - CONSTRUCTION TO BE DILIGENTLY PROSECUTED AND NEW MATERIALS USED.

THE WORK OF CONSTRUCTION OF ANY BUILDING OR STRUCTURE SHALL BE DILIGENTLY AND CONTINUOUSLY PROSECUTED FROM THE TIME OF COMMENCEMENT UNTIL THE SAME SHALL BE FULLY COMPLETED, AND SHALL BE SO COMPLETED WITHIN SIX MONTHS FROM DATE OF COMMENCEMENT, AND ONLY NEW MATERIALS SHALL BE USED IN SUCH CONSTRUCTIONS. NO SEPARATE GARAGE, NOR ANY NECESSARY OF USUAL OUTBUILDING, SHALL BE ERECTED ON ANY OF SAID LOTS UNTIL THE ERECTION, OF THE RESIDENCE HAS COMMENCED.

SECTION 4 - OCCUPANCY OF UNFINISHED DWELLINGS AND OTHER STRUCTURES PROHIBITED; LIMITATION OF USE OF SIGNS.

NO BUILDING, ANY PART OF WHICH IS FOR DWELLING PURPOSES, SHALL BE IN ANY MANNER OCCUPIED OR LIVED IN WHILE IN THE COURSE OF ORIGINAL CONSTRUCTION OR UNTIL MADE TO COMPLY WITH ALL REQUIREMENTS AS TO AREA AND WITH ALL OTHER CONDITIONS SET FORTH OR REFERRED TO HEREIN OR IN ANY FURTHER RESTRICTIONS ESTABLISHED AND APPLICABLE THERETO. NO BUILDING OR STRUCTURE ANYWHERE ON THE TRACT, OTHER THAN A COMPLETED DWELLING OR GUEST HOUSE SHALL EVER BE LIVED IN OR USED FOR DWELLING PURPOSES, INCLUDING TENTS, SHACKS, TRAILERS, OUT-BUILDINGS, GARAGES OR OTHER SUCH STRUCTURES. NO SIGN OR BILLBOARD SHALL BE ERECTED, PLACED OR MAINTAINED ON ANY LOT EXCEPT "FOR SALE" OR "FOR RENT" SIGNS USED IN CONNECTION WITH THE SELLING OR RENTING OF INDIVIDUAL LOTS OR HOUSES; HOWEVER, NOTHING IN THIS PARAGRAPH, OR ELSEWHERE IN THIS DECLARATION, SHALL BE CONSTRUED TO PREVENT THE ERECTION, PLACEMENT OR MAINTENANCE BY DECLARANT OR ITS SUCCESSORS OR ITS DULY AUTHORIZED AGENTS, OF SIGNS, OFFICES OR BUILDINGS IN CONNECTION WITH THE CONDUCT OF TRACT BUSINESS AND/OR THE DEVELOPMENT AND SALE OF ANY PART OF SAID TRACT OR ANY PART OF AN ADJOINING TRACT OWNED BY DECLARANT.