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10001

ROBERT A. HILDING and  
GORDON H. JOHNSON

DECLARATION OF

RESTRICTIVE COVENANTS

to

WHOM IT MAY CONCERN

We the undersigned, Robert A. Hilding and Gordon H.

Johnson, are the owners of the following described real property:

Country Gable Estates, 1st Addition,  
A portion of the NE 1/4 of the SE 1/4,  
Sec. 5, T101N R48 W. & Swanson's Tract  
#1 in the NW 1/4 of the SW 1/4 of Sec.  
4, T101 R48 Minnehaha County, South  
Dakota according to the recorded plat  
thereof.

and we hereby make the following Declaration as to limitations, restrictions and uses to which such property may be put, and hereby specify that such Declaration shall constitute covenants to run with the land, as provided by law, and shall be binding on all persons claiming under them, and for the benefit of and limitations on all future owners of such property. This Declaration of Restrictions being designed for the purpose of keeping the property desirable and uniform in use as specified herein:

1. No lot site shall be used except for residential purposes. No more than one single family dwelling and one outbuilding shall be erected on any one lot site. No lot site shall be subdivided or split by any means whatsoever into any greater number of lot sites.
2. No dwelling structure shall be erected containing less than 1400 square feet of living area.

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3. Any outbuilding erected on a lot site shall be of the same building material and shall be harmonious with the dwelling structure on the lot site.
4. No trailer, basement tent, shack garage, barn or other outbuilding erected or placed within the boundaries of the above described property shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.
5. No agricultural, manufacturing or commercial enterprise or enterprises of any kind for profit shall be maintained or conducted on the property, nor shall such property in any way be used for other than strictly residential purposes.
6. All construction of dwelling structures or outbuildings shall be completed within one year from the date of commencement of the initial construction activity.
7. No birds, animals or insects shall be kept on any site except dogs, cats or other common household pets, provided that they are not kept, bred or maintained for any commercial purposes, and further provided that two horses may be kept on each of lot sites 1, 2, and 3.
8. No noxious or offensive activities shall be conducted on any lot site, nor shall anything be done thereon which may be or become an annoyance or nuisance to other lot site owners.
9. All uses shall comply with the zoning and other applicable regulations as set forth by the City of Sioux Falls.
10. No sod, earth, sand gravel, stone or trees shall be removed to the injury of the value of or appearance of any lot.
11. No outside storage of offseason recreational vehicles or commercial equipment shall be allowed on any lot site.



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12. No building, fence, wall or other structures shall be erected upon any lot site until the plans and specifications showing the nature, kind, shape, height, materials and location of the same shall have been submitted to and approved in writing by either Robert A. Hildring or Gordon H. Johnson, so long as either declarant owns any lot sites within the above described property. In the event neither declarant owns any lot sites in the above described property or if neither declarant approves or disapproves such design and location within thirty (30) days after said plans and specifications have been submitted, approval will not be required and this restriction will be deemed to have been fully complied with.

13. Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

*Robert A. Hildring*  
 Robert A. Hildring

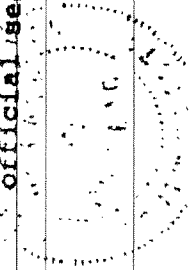
*Gordon H. Johnson*  
 Gordon H. Johnson

STATE OF SOUTH DAKOTA )  
 )  
 COUNTY OF MINNEHAHA ) :SS

On this 9th day of September, 1975, before me, William D. Kenyon, the undersigned officer, personally appeared Robert A. Hildring and Gordon H. Johnson, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged that they executed the same for the purposes

therein contained.

In witness whereof, I have hereunto set my hand and official seal.



*William D. Kenyon*  
William D. Kenyon  
Notary Public - South Dakota

My commission expires May 19, 1977.

STATE OF SOUTH DAKOTA }  
Minnehaha County } ss.  
Office of Register of Deeds

Filed for Recording this 29 day of  
September A. D. 1975 at 2:40 o'clock  
P. M. and Recorded in Book 120 of  
Maps on page 466-469.

MARY T. JOHNSON  
By *M. A. Johnson* Register of Deeds, Deputy