

DECLARATION OF
RESTRICTIVE AND PROTECTIVE COVENANTS
FOR KILLARNEY SUBDIVISION

ARCOAL, INC., fee owner of the following described real property located in the City of Gillette, County of Campbell, State of Wyoming, same being the real property now duly platted as KILLARNEY SUBDIVISION, a subdivision of the City of Gillette, as such plat is now recorded in Book 1 of Plats, page of the records in the office of the County Clerk of Campbell County, Wyoming, hereby makes the following declaration as to limitations, restrictions, and uses to which the lots or tracts constituting such subdivision may be put, and hereby specifies that such declaration shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations on all future owners in such subdivision, to-wit:

A. PURPOSE OF COVENANTS

The purpose of these restrictions is to insure the use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction on the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners.

B. AREA OF APPLICATION

B-1. FULLY PROTECTED RESIDENTIAL AREA. The covenants herein declared in their entirety shall apply to all Lots in Blocks 1 through 5, KILLARNEY SUBDIVISION, a subdivision of the City of Gillette, Wyoming.

C. RESIDENTIAL AREA COVENANTS

C-1. LAND USE AND BUILDING TYPE. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than

one detached single-family dwelling not to exceed two and one-half stories in height and a private garage for not more than two cars.

C-2. BUILDING LOCATION.

(a) No building shall be located on any lot nearer to the front lot line or nearer to the side street line than twenty-five feet.

(b) No building shall be located nearer than five feet to an interior lot line. No dwelling shall be located on any interior lot nearer than twenty-five feet to the rear lot line.

(c) For the purposes of this covenant, eaves, steps, and open porches shall not be considered as part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

C-3. EASEMENTS. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or which may change the direction of flow of drainage channels in the easements, or which may obstruct or retard the flow of water through drainage channels in the easements.

C-4 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 an annoyance or nuisance to the neighborhood.

C-5 TEMPORARY STRUCTURES. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

C-6 SIGNS. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

C-7 OIL AND MINING OPERATIONS. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

C-8 LIVESTOCK AND POULTRY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose.

C-9 GARBAGE AND REFUSE DISPOSAL. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

C-10. WATER SUPPLY. No individual water-supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards, and recommendations of the City of Gillette, Wyoming. Approval of such system as installed shall be obtained from such authority.

C-11. SEWAGE DISPOSAL. No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located, and constructed in accordance with the requirements, standards, and recommendations of the City of Gillette, Wyoming. Approval of such system as installed shall be obtained from such authority.

C-12. SIGHT DISTANCE AT INTERSECTIONS. No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight-line limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections, unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

C-13. LAND NEAR PARKS. No building shall be placed nor shall any material or refuse be placed or stored on any lot within five feet of the property line of any park.

C-14. PARKING OF VEHICLES. Parking of trailer campers, truck campers, bus campers, boats and boat trailers and otherwise large vehicles such as stock trucks and trailers shall be limited to a period of 48 hours, when parked on the street in front of a residence or on the front driveway or parking area between the front building line and the street.

D. GENERAL PROVISIONS

D-1. 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 from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

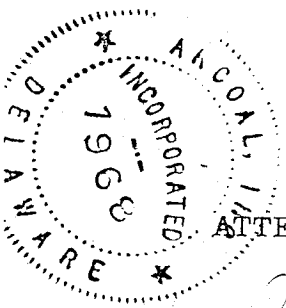
D-2. ENFORCEMENT. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

D-3. SEVERABILITY. Invalidation of any one of these covenants by judgment or court order shall in nowise affect any of the other provisions which shall remain in full force and effect

IN WITNESS WHEREOF the undersigned owner has hereunto set its hand and seal this 7th day of June, 1976.

ARCOAL, INC.

By *F. C. Witmer*
F. C. Witmer
TITLE: Vice President



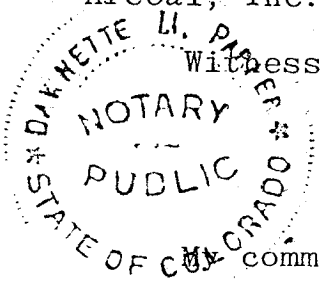
ATTEST:

R. M. Brown
Assistant Secretary

STATE OF COLORADO)
City & County of Denver) ss.

The foregoing instrument was acknowledged before me this 7th day of June, 1976, by F. C. Witmer, as Vice President of Arcoal, Inc., a corporation, on behalf of said corporation.

Witness my hand and official seal.



Dakhette L. Pierce
Notary Public

My Commission Expires Mar. 14, 1977

STATE OF WYOMING }
Campbell County } ss.

Filed for record this 1st day of July A. D., 19 76 at 2:48 clock P M. and recorded in Book 351 of Photos on page 111 Fees \$ 9.00

Virgil E. Addison
County Clerk and Ex-Officio Register of Deeds

RECORDED
ABSTRACTED
INDEXED

By *Jeanette Faust*
Deputy
407 79 THE MILLS COMPANY, SHERIDAN 143343