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Request of A. L. McFadden

Franklin Benton Title Co

Box 121, Kennewick, Wash.

FEE No. 312275

H. E. WISE, County Auditor

PROTECTIVE COVENANTS
SUBDIVISIONA. L. McFADDEN ~~RECORD~~ - BENTON COUNTY
STATE OF WASHINGTON

KNOW ALL MEN BY THESE PRESENTS That we, the undersigned, being the owners of the lots and blocks hereby platted and known as A. L. McFadden Subdivision, Benton County, State of Washington, plat of which is recorded in the office of the County Auditor of said County under Auditor's File No. 312275, do hereby declare that the following restrictions and covenants shall be restrictions and covenants running with the land, and shall be binding on all parties and all persons claiming under them until January 1, 1978, at which time said restrictions and covenants shall automatically be extended for a period of ten years, unless by a vote of the majority of the then owners of the lots it is agreed to change said covenants in whole or in part.

It is further agreed that these restrictions and covenants herein contained may be changed at any time by an agreement in writing and signed by at least two-thirds (2/3) of the owners of said property, numerically speaking.

If the parties hereto, or any of them, or their heirs, or assigns, shall violate any of the covenants herein, it shall be lawful for any other person or persons owning real property situate in said development or subdivision to prosecute any proceeding at law or in equity against the person or persons violating, or attempting to violate, any such covenant, and either to prevent him or them from so doing or to recover damages or other dues from such violation.

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

1. All lots in said addition shall be known and described as "residential lots", except Lot 10, Block 1 may be used for commercial purposes. No structure shall be erected, allowed, placed or permitted on any residential building lot other than one detached, single family dwelling, except corner lots on which may be located duplex dwellings architecturally designed to allow main entrances on each street. No building shall exceed more than two stories in height and not more than one private garage for more than two cars shall be constructed on any lot.

2. No building shall be located nearer than 20 feet to the front lot line, or nearer than 20 feet to the side street lines, nor shall have a minimum lot width at the set-back line of less than 50 feet. No building, excepting a detached garage or outbuilding located 65 feet or more from the front lot line shall be located nearer than 5 feet to any side lot line.

3. The ground floor area of the main structure of single family dwellings, exclusive of one-story open porches and garages, shall not be less than 750 square feet, nor less than 700 square feet in the case of one and one-half or two story structures. The ground floor area of the main structure of any duplex dwelling shall not be less than 1000 square feet, exclusive of one story porches and garages, for one bedroom units and for not less than 1200 square feet of floor space, excluding one story open porches and garages, for two bedroom units.

4. Any dwelling or structure erected or placed on any lot in this subdivision shall be completed as to external appearance, including finished painting, within nine months from date of commencement of construction.

5. No fence, wall, hedge or mass planting, other than foundation planting, shall be permitted between the street line and the minimum set-back line of the main building.

6. No trailer, basement, tent, shack, garage, barn or other out-building erected in addition shall at any time be used as residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

7. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. Septic tanks of not less than 550 gallon capacity, with concrete tile drain field or suitable dry well will be permitted.

9. No residential structure shall be erected or placed on any building lot which plot has an area of less than 6000 square feet or a width of less than 50 feet at the front building set-back line.

10. The grantors, for themselves and their grantees, successors and assigns, do hereby dedicate the plat above described subject to utility easements over, across and under that portion of the lots as indicated by the hyphenated lines and designed as utility easement on the face of the recorded plat for the purpose of installation, construction, reconstruction, repair and maintenance of utility lines, domestic water and irrigation water lines, telephone lines, electric power lines, gas lines and any other public utility. Said easement shall become effective if and when said utility is constructed and installed.

11. No single family dwelling with a completed value of less than \$5,500.00 shall be permitted on any lot in said addition. No duplex unit with a completed value of less than \$8,000.00 shall be permitted on any lot in said addition.

IN WITNESS WHEREOF, We have hereunto subscribed our names this 11 day of May, 1953.

A. L. McFadden

Ole Herrud

Mabel I. McFadden

Johanna Herrud



(Acknowledgment—Individual)

STATE OF WASHINGTON,
COUNTY OF Benton

I, the undersigned, a notary public in and for the state of Washington, hereby certify that on this 11th day of May, 1953, A. L. McFadden and Mabel I. McFadden and Ole Herrud and Johanna Herrud personally appeared before me to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



hand and official seal the day and year last above written.

Charles T. Morton
NOTARY PUBLIC in and for the State of
Washington, residing at *Kennecott*