

DECLARATION OF RESTRICTIONS ON  
FAIRVIEW FARMS

BY

HARVEY T. GRAHAM & WF.,  
ET AL.

DECLARATION OF RESTRICTIONS

THIS DECLARATION made this 24 day of February, 1947, by HARVEY T. GRAHAM and LOUISE GRAHAM, his wife, and KATE WARFIELD, a married woman, all of the County of Washoe, State of Nevada, .

W I T N E S S E T H:

THAT, WHEREAS, the aforesaid HARVEY T. GRAHAM and LOUISE GRAHAM, his wife, and KATE WARFIELD, a married woman, are the owners of the following described real property situated, located and being in the County of Washoe, State of Nevada, more particularly described as follows, to-wit:

All that certain subdivision known as "FAIRVIEW FARMS" WASHOE COUNTY, NEVADA, according to the official map thereof filed in the office of the County Recorder of Washoe County, Nevada, on February 10, 1947, and

WHEREAS, said HARVEY T. GRAHAM and LOUISE GRAHAM, his wife, and KATE WARFIELD, a married woman, are about to sell certain lots of land forming a part of the above described real property which they desire to subject to the conditions, restrictions and charges hereinafter set forth for the benefit of said lots and for the benefit of the present and subsequent owners thereof.

NOW, THEREFORE, the said HARVEY T. GRAHAM and LOUISE GRAHAM, his wife, and KATE WARFIELD, a married woman, hereby declare that the property hereinabove described, and each and every part and parcel thereof, is held by them and shall be conveyed subject to the conditions, restrictions and charges hereinafter set forth, to-wit:

1. No part or portion of said real property shall at any time hereafter be used or occupied by any person or persons other than members of the white or Caucasian race, except such as are in the employ of resident owners or tenants of said property residing thereon, and furthermore, said real property shall not, nor shall any interest therein at any time hereafter, be rented, leased, sold, devised or conveyed to or inherited, or be otherwise acquired by or become the property of, or be occupied by any person or persons whose blood is not entirely that of the Caucasian race, but persons not of the Caucasian race may be kept thereon by such Caucasian occupant strictly in the capacity of servants of such occupant.

2. The above described real property and each and every part and parcel thereof shall be used solely for private residential purposes and no part nor portion thereof shall at any time hereafter be used for business or commercial purposes of any kind or character. No nuisance shall at any time hereafter be maintained upon any part or portion of said real property. No swine or other livestock shall be maintained thereon other than horses and domestic livestock solely for the personal use of the respective owners and occupants thereof.

3. All lots forming a part of the above described real property shall be known and described as residential lots and no structure or structures shall be erected thereon other than one detached single family dwelling not to exceed two stories in height together with a one, two or three car garage constructed either as an out-building or incorporated in and made a part of said private dwelling house together with such other out-buildings as may be incidental to the residential use of said lots.

4. The ground floor area of any dwelling house constructed upon any part or portion of said real property exclusive of one story open porches and garages shall be not less than 750 square feet and the total square footage of floor space in one and one-half or two story

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structures shall be not less than 1000 square feet.

5. Complete plans, specifications, and plot plan shall be approved in writing by the undersigned or their nominee, and a copy thereof, as so approved, deposited with them, or said nominee, prior to the commencement of the erection of any dwelling house thereon.

6. All structures erected upon said premises and all additions thereto shall be at least twenty-five feet from the front lot line upon which the same are constructed and at least twenty-five feet from any street or road abutting any side lot line thereof and at least fifteen feet from the rear or side lines thereof. No fence shall be permitted to extend nearer to any street or roadway than a setback line of five feet.

7. No outhouses or out-buildings of any kind shall be erected or maintained upon any part or portion of said real property prior to the erection thereon of a dwelling house and no trailer, basement, tent, shack, garage, barn or other out-buildings shall be erected upon any part or portion of said real property for use at a temporary or permanent residence nor shall any residence of a temporary character be permitted thereon.

8. No lot as platted upon said subdivision map shall be subsequently re-subdivided, sold, conveyed or otherwise disposed of or transferred by operation of law or otherwise except as one parcel.

9. Not more than one dwelling house together with the usual and customary out-buildings appurtenant thereto shall be erected upon any of said lots as shown upon said map.

10. No used house or building of any kind shall be moved upon any part or portion of said real property without the written approval of the undersigned or their nominee.

11. Until such time as a sanitary sewer system shall have been constructed to serve this subdivision, an adequate and separate sewerage disposal system shall be constructed to serve each dwelling house which may hereafter be erected upon any part or portion of said subdivision in accordance with the requirements of the local health authority having jurisdiction over the same and in no event shall the effluent from any septic tank be permitted to discharge into a stream, storm sewer, open ditch or drain unless it has been first passed through an absorption field approved by the proper health authority.

12. Each and every lot forming a portion of said subdivision shall be conveyed subject to all easements of record and all existing rights of way for pipe-lines and ditches presently traversing the same and subject to all necessary rights of way for water and gas pipes, telephone and electric power lines, poles and conduits requisite for the proper development of said subdivision including all necessary rights of ingress to and egress from the same for the purpose of construction, maintenance, repair and operation of the same.

13. Upon good cause shown to the undersigned, the undersigned in writing may grant a variance from any of the foregoing restrictions to any subsequent owner or owners of portions of the real property covered hereby in the event in the sole discretion of the undersigned such variance should be deemed desirable in connection with the general settlement and development of said subdivision.

14. Each, every and all of the restrictions herein contained shall attach to and run with the title to the real property hereinabove described, and every part and parcel thereof, including all titles, interests and estates therein, and the same shall conclude and bind the undersigned and all subsequent owners thereof, their heirs, assigns and personal representatives, and each and every person owning, claiming, holding, or occupying any part or portion of said real property with the same force and effect as if the same were expressly embodied and set forth in each and every subsequent conveyance and contract relating to said real property until January 15th, 1972, at which time the same shall be

automatically extended for successive periods of five years unless by a vote of a majority of the then owners of the lots comprising the above described real property it is agreed to change said covenants and restrictions in whole or in part.

15. If the undersigned or any subsequent owner or occupant of any part or portion of said real property shall hereafter violate or attempt to violate any of the aforesaid restrictions, it shall be lawful for any other person or persons owning any part or portion of said real property to institute, prosecute, and maintain any proceedings at law or in equity for the purpose of preventing any such violation or for the purpose of recovering damages therefor.

16. Any invalidation of any one or more of these restrictions by the judgment or order of a Court of competent jurisdiction shall in no way affect any of the other provisions herein contained which shall continue and remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals the day and year in this declaration first above written.

Harvey T. Graham  
Louise Graham  
Kate Warfield  
By Harvey T. Graham  
Atty. in fact.

STATE OF NEVADA }  
County of Washoe } ss.

On this 24 day of February, 1947, before me, the undersigned, a Notary Public in and for the County of Washoe, State of Nevada, personally appeared HARVEY T. GRAHAM and LOUISE GRAHAM, his wife, known to me to be the persons described in and who executed the annexed instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Washoe, State of Nevada, the day and year in this certificate first above written.

(SEAL)

Elizabeth Davis  
NOTARY PUBLIC  
in and for the County of Washoe State of Nevada.

STATE OF NEVADA }  
County of Washoe } ss.

On this 24 day of February, 1947, personally appeared before me, the undersigned, a Notary Public in and for the County of Washoe, State of Nevada, HARVEY T. GRAHAM, known to me to be the person whose name is subscribed to the within instrument as the Attorney in Fact of KATE WARFIELD, and acknowledged to me that he subscribed the name of the said KATE WARFIELD thereto as principal and his own name as Attorney in Fact, freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Washoe, State of Nevada, the day and year in this certificate first above written.

(SEAL)

Elizabeth Davis  
NOTARY PUBLIC in and for the County of Washoe  
State of Nevada

FILING NO. 150055

Filed for Record at the Request of WASHOE COUNTY TITLE CNTY. CO. FEB 26 1947 at 55 Minutes past 3 o'clock P. M

Fee \$4.85

HR: CES  
HD: ACB  
CES 7-1-1947

*Della B. Boyd*  
COUNTY RECORDER