

**Foothills Subdivision
Sunset View Estates Addition No. 2
Restrictions on Use, Alienation and Occupancy**

Section 1. Land Use.

Lots are zoned rural residential in the city of Homer and shall be used to conform to the land use laws of the city of Homer with the exceptions as noted.

Section 2. Business or Commercial Activity.

No business or commercial activity shall be maintained or conducted on any Lot as per the zoning restrictions of the City of Homer. However, certain professionals and administrative occupations may be carried on within residences on Lots so long as there exists no external evidence thereof.

Section 3. Signs.

No Signs of any kind, shall be displayed to the public view on any Lot except a sign of not more than six (6) square feet advertising the property for sale or rent, homeowners name and signs used by the builder or to advertise the properties during the construction or sales period. No such signs shall be nailed or affixed to trees. All signs shall comply with the current zoning ordinance regulations applicable to signs. House numbers and family names are allowed.

Section 4. Animals.

No animals, sled dogs, livestock including horses or poultry of any kind shall be raised, bred or kept on any Lot except that three (3) dogs, cats or other pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose. All pets shall be chained, fenced or otherwise restrained at all times. No pets shall be allowed to roam freely. Lot Owner is responsible for removing its pet's animal feces from all areas of the Planned Community (i.e. when walking, bike trails, sidewalks, etc.). No vicious dogs, as defined by ordinances of the city of Homer shall be kept on any Lot.

Section 5. Nuisances.

No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may become an annoyance or nuisance or danger to the neighborhood. Owners shall contain or control their animals to the extent necessary to eliminate nuisances (including but not limited to barking dogs) to the neighbors.

Section 6. 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 other than ground cover or other material shall be placed or allowed to remain, which may damage or interfere with the installation and maintenance of utilities, or which may change the flow of drainage facilities in the assessment, or which may obstruct or retard the flow of water through drainage channels in the easements. The easement of each Lot and all improvements in it shall be maintained continuously by the owner of the Lot, except for

those improvements for which a public authority or utility company is responsible. No live vegetation shall be disturbed in the perimeter buffer easements, except where utilities and storm drainage structures are to be installed, all disturbed areas must be re-vegetated with buffer landscaping. The perimeter buffer landscaping must be maintained.

Section 7. Waste Materials.

No Lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waster. All such matter shall be kept in sanitary containers.

Section 8. Duplexes.

No duplexes shall be allowed. Small one bedroom mother in law type living designs are acceptable as long as the apartment is less than 850 square feet and is restricted to one bedroom or less.

Section 9. Storage.

All vehicles, boats, trailers, campers, motorcycles, recreations vehicles, snow machines, all-terrain vehicles, and cross-country vehicles of any type, midget cars and all other similar types of property must be stored inside, or in a licensed covered trailer or directly along side or behind the home. No such property may be stored, located or maintained on any street in the subdivision. No airplanes, ultra-light aircraft, helicopters or similar devices or parts thereof shall be kept on any property within the subdivision. Fuel storage is prohibited except for home heating tanks. Home heating tanks shall be painted to match house color.

Section 10. Antennae

Each dwelling shall be permitted one (1) standard TV, AM/FM antenna, VHF radio, and one small satellite dish. No large sending/receiving antenna or the like shall be permitted in the subdivision. It is the intent of this section to prohibit the proliferation of antenna (other than standard TV, AM/FM, VHF radio and a small satellite receiving dish) in the subdivision.

Section 11. Vehicles.

No vehicle or trailer may be abandoned or allowed to remain on any Lot for more than thirty (30) days if it is not in operating condition and all vehicles in any Lot must be licensed. No equipment such as bulldozers, work trucks and road graders may be parked on any Lot or street except during that time it is actually working in that area of the subdivision in a continuous manner. No Lot or street may be used for the storage of any equipment, materials or merchandise used or to be sold in a business or trade. All owners shall comply with the parking ordinances of the City of Homer which are applicable to residential neighborhoods i.e., there shall be no on-street parking overnight. No vehicle shall be parked to block a bike path or sidewalk. No recreational vehicles shall be covered in any manner with tarpaulins or other such unsightly coverings.

Section 12. Overall Design and Structure.

The developer wishes to create a superior residential neighborhood which exhibits a wide range of designs, appearances and colors. Thus, No set of building plans may be

replicated or repeated (defined as less than approximately 30% change to the house front) within the subdivision unless approved by Sunset View Estates LLC>

Section 13. Driveway, Dwelling Location, Clearing Limits and Set-Back Lines.

All required slope stabilization and sedimentation control shall be provided at all times during construction. All construction shall comply with the City of Homer, the Alaska Department of Environmental Conservation and the EPA Storm Water Pollution Prevention Plan requirements. A Lot layout plan showing house, driveway and clearing limit locations shall be plotted in compliance with the intent of this Section by a registered surveyor at the Lot owner's expense.

Section 14. Dwelling, Quality and Size.

The ground floor living area of the main structure, exclusive of one story open porches, garages and greenhouses, shall not be less than 1,300 square feet of finished living space for a one-story dwelling excluding basement and walk-out basement and garage. Any two story dwelling shall have a minimum size of 1,800 square feet of finished living area, excluding basement and walk-out basement and garage. One-car garage minimum required, two-car recommended. Detached garage is allowed.

Section 15. Drainage.

All driveways and walkways from the street shall conform with the natural drainage, or rolled curb and gutters, to allow unimpeded flow drainage. Any alteration of natural drainage shall become the responsibility of the party changing grades and shall so make the necessary provisions for such water and run-off. Anything else herein to the contrary notwithstanding where driveways cross walkways or bike paths the cross slope shall not exceed 3%. All culverts shall be 18 inches in diameter and have prefabricated flared galvanized metal ends. Lot Owners must maintain culverts and keep openings clean of debris, etc.

Section 16. Lawns and Landscaping.

All disturbed areas shall be landscaped by the Homeowner with trees, shrubs, mulch and grass and seeded, weather permitting, not later than the first growing season after taking residency.

Section 17. Greenbelts or Open Spaces.

Any areas in the greenbelt disturbed by utilities, storm draining structures, grading, contouring, cutting or filing, must be recontoured in a natural, pleasing manner and re-vegetated.

Section 18. Driveway Paving and Location of Utilities.

Any utility connections or work that disturb or damage subdivision pathways, roads, curbs or buffer vegetation must be repaired or replaced by the Lot Owner.

Section 19. Permanent, Detached Structures (Outbuildings).

No storage structures can be over two hundred (200) square feet in storage space and not over twelve feet (12') in height. Similar siding and roofing to that of the dwelling must be

used. Metal, aluminum or similar structures shall not be allowed. Such structures shall be finished the same as the house. Detached garages in excess of 200 feet are allowed.

Section 20. Siding, Roofs and Colors.

No metal building shall be constructed or maintained on any Lot. No T1-11 or sheet wood siding or metal roofing may be used in the construction of dwellings or permanent, detached structures. Natural stain earth tone colors shall be allowed. The intent is to have pleasing and differing colors from house to house.

Section 21. Completion of Exteriors.

All houses must be enclosed and exteriors finished within twelve (12) months of the time of the beginning of construction. This time may be extended for compelling reasons at the discretion of Sunset View Estates LLC to avoid hardship. No building shall be occupied prior to completion of the exterior.

Section 22. Fences.

Hedges, shrubs or trees shall be used for screening. Dog runs shall be concealed by a wooden fence.

Section 23. Changes to restrictions.

Any changes to the above-defined restrictions shall require a simple majority vote from the lot owners in Sunset View Estates phase one. All lot owners are eligible one vote. If any party owns more than one lot in phase one, the owner is eligible to vote each lot.

Sunset View Estates, LLC.

(signed and notarized 8/22/2007)