

DECLARATION OF RESTRICTIONS

ACKERMAN LAND COMPANY, LLC, a limited liability company organized under the laws of the State of North Dakota, does hereby, adopt a general plan for the protection and benefit of all of the property in Ackerman Acres 1st Addition and of all persons who may become owners of this Subdivision, and as part consideration for this conveyance, each lot therein described is subject to the conditions and restrictions set forth.

Ackerman Acres 1st Addition located in Ramsey County, North Dakota, and the property is described as follows, to wit:

A parcel situated in the NE 1/4 of Section 18, T153N, R63W of the 5th Principal Meridian, Ramsey County, North Dakota, and is more particularly described as follows: Beginning at the most Northerly corner of Lot 13, Block 5 of Ackerman Acres; thence S47°11'03"W along the Westerly line of Lot 13 a distance of 391.00 feet; thence S42°48'57"E along Sunset Drive a distance of 110.17 feet to the most Northerly corner of Lot 1, Block 1 of Ackerman Acres; thence S44°03'46"W along the Westerly line of said Lot 1 a distance of 300.61 feet to the Northerly Right of Way line of U.S. Highway #2; thence N46°00'16"W along said Northerly Right of Way line a distance of 385.81 feet; thence continuing along said Right of Way line along a simple curve to the right for an arc distance of 864.21 feet; thence N37°02'13"W along said Right of Way line a distance of 672.45 feet; thence N47°11'03"E a distance of 625.40 feet; thence S42°48'57"E a distance of 1790.81 feet to the point of beginning. Said parcel contains 29.3 acres, more or less, with 12.0 acres in the NW 1/4 of the NE 1/4, 12.3 acres in the SW 1/4 of the NE 1/4 and 5.0 acres in the SE 1/4 of the NE 1/4.

The Restrictions for Ackerman Acres 1st Addition are hereby providing as follows:

GENERAL RESTRICTIONS

1. All lots shall be used solely as residential lots with the exception of the area zoned commercial.
2. No residence shall be constructed, or erected unless the design and locations are in harmony with existing structures, the ground floor is a minimum of 1000 square feet, and the structure is affixed to a permanent foundation, and is approved by the board of directors of the subdivision.
3. The Covenants and Restrictions set out above shall apply to a manufactured or modular home no less than 1300 square feet, with frost pier footings or perimeter foundation with vertical metal or thermal skirting or approved by the Board of Directors of the Subdivision may be allowed.
4. No dwelling shall exceed two and a half (2½) stories in height on the front lots. Front lots consist of the lots closest to Highway 2. A garage for up to three (3) cars may be attached.

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5. Outbuildings on the front lots cannot exceed 9'4" sidewalls. Outbuildings on the back lots may exceed front lot limits with the approval of the Board of Directors.

6. Motor homes and campers shall be allowed on lots for no more than two years from purchase date.

7. Ackerman Acres 1st Addition shall have the right over any privately owned lot for purposes of maintenance. A perpetual easement is hereby reserved within ten (10) feet of each lot line along the boundary of each lot for the purpose of utility installation, maintenance, and repair. The Subdivision shall also have the right of obtaining easements for drainage purposes over the individual lots if it is determined that such drainage is reasonably necessary.

8. No residence including attached garage shall be erected on any residential building lot nearer than ten (10) feet to the lot line bordering an adjacent lot, and no appurtenant structure shall be erected nearer than ten (10) feet to the bordering line.

9. An Architectural Control Committee composed of three (3) or more lot owners approved by the Board of Directors of the Subdivision shall approve the exterior design and location of any building to be situated on any residential lot, in order that these structures may be in harmony with existing structures.

10. All lots shall be used solely as residential lots with the exception of the area zoned commercial. Residential lots shall not be less than Forty Thousand Square Feet (40,000 sq. ft.) in area for each single family dwelling except for lots Seven (7), Eight (8) and Nine (9) of Block Two (2), in which said lots each contain Thirty Thousand Square Feet (30,000 sq. ft.).

11. The Board of Directors may allow townhouses/condominiums on a lot if such structure is in harmony with existing structures.

APPLICABLE RESTRICTIONS

1. Every person, whether one or more, who is a record title owner of a single family residential lot in the Ackerman Acres 1st Addition shall be entitled to one (1) vote in the affairs of the Subdivision.

2. Each structure must be enclosed to prevent nuisance animals from taking up residence beneath the structure.

3. No basement, tent, shack, garage, or other outbuildings shall be erected to be used as a residence.

4. Garages, storage sheds, and gazebos shall be permitted, so long as they are in compliance with the Covenants and Restrictions, and are approved by the Board of Directors.

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5. A party purchasing a lot(s) does not have to build a house in any time frame. The owner or person(s) in possession of each lot, whether vacant or improved, shall keep the lot mowed, and free of weeds and debris.

6. No noxious or offensive trade shall be carried out upon any lot, nor shall anything be done which may be or become an annoyance or nuisance to the neighborhood. The determination of whether anything is an annoyance or nuisance shall be determined by the Board of Directors of the Subdivision.

7. All driveways must be of sufficient area to park at least two cars entirely off the access road. Visitors must park by the lot(s) owned by the person(s) hosting said visitor.

8. The owner shall be responsible to install a septic tank system, which is approved by the North Dakota Department of Health, prior to construction. The lot owner shall also be responsible for the pumping of the septic tank and all repairs, in a timely fashion. Should the lot owner fail to pump and keep the septic tank in repair the Subdivision may do so, and bill the cost to the lot owner.

9. Electrical lines are to be underground, and the digging, trenching, and buying of the wires, as well as the installation of the meters for each individual lot(s), is the responsibility of the owner of each lot(s).

10. Fences shall be permitted, except for barbed wire, woven fence, or chain linked fences.

11. No animals, livestock, or poultry of any kind shall be raised, bred or kept, except dogs, cats, and other common household pets, as long as they are not kept, bred or maintained for commercial purposes. Any dog must remain on its owner's property or be under its owner control at all times. A dog shall be considered a nuisance if the Board of Directors of the Subdivision has received two or more complaints on that particular dog. Nuisance dogs shall be removed from the Subdivision, and shall not be permitted to return.

12. 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 incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

13. The main Rural Water pipeline shall be provided, but the lot owners will be responsible for all hookups and fees, associated with the water hookup. Each lot owner shall be responsible for their own usage also, monitored by a meter, installed by the owner.

These restrictions are to run with the land and shall be binding upon all parties, and all persons claiming under them. If the parties hereto, or any of them, or their heirs or assigns shall violate and attempt to violate any of the restrictions herein it shall be lawful for any other persons or person owning any lot in said development to prosecute proceedings at law or in equity against the person or persons violating or attempting to violate any restrictions.

