

SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS TO THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS

This Supplementary Declaration of Covenants, Conditions and Restrictions, made this 6th day of May, 1985, by the Declarant, RALPH S. AOKI, Trustee of GENERAL HAWAIIAN DEVELOPMENT CORPORATION.

WITNESSETH:

WHEREAS, a certain Declaration of Covenants, Conditions and Restrictions was recorded on August 24, 1972, in Book 64 at Page 640 in the Palmer Recording District and a Notice of Additions of Territory was recorded on May 9, 1973, in Book 71 at Page 778 in the Palmer Recording District, and

WHEREAS, the Declarant, pursuant to is authority as stated in Article III, Section 2(a) of the Declaration, wishes to supplement said Declarations and Notice of Annexation by making complimentary additions and modifications of the covenants and restrictions for the covenants and restrictions relating to the properties annexed by the Notice of Addition of Territory referred to above.

NOW, THEREFORE, the Declarant hereby declares that all the annexed properties, known as "a subdivision of Tract C - Memory Lake Commercial Subdivision," shall be held, sold and conveyed subject to the following restrictions, covenants and conditions, which are for the purpose of protecting the value of and desirability of and which shall run with the real property and be binding on all parties having any right, title or interest in the annexed property, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof and to the Memory Lake Estates Community Association.

- 1) Article II, Section 1(c), shall be amended to all the following:

Easements for installations and maintenance of utilities are reserved as shown on the recorded plat.

- 2) Article VI shall be amended as follows:

Provision "(a)" to be added as Paragraph 2:

No fence or wall shall be erected or placed on any lot of "a subdivision of Tract C - Memory Lake Commercial Subdivision," which will in any way restrict any adjacent lot owner's view of the surrounding mountains and environs.

Provision “(d)” to be added as Paragraph 3:

Notwithstanding the above, a residence shall be no more than three (3) stories tall and shall contain a minimum of 720 square feet of living space on the main level of the dwelling. All structures built shall be of good quality workmanship and materials. No structure shall have as its sole permanent exterior: protective tar paper, roofing paper, celotex, nuwood or other similar non-permanent materials.

Provision “(j)” to be amended to read as follows:

No animals, livestock or poultry of any kind shall be raised, bred or kept on any land in the subdivision for commercial purposes except by special permit issued by the Board of Directors. However, a maximum of two (2) adult dogs and two (2) adult cats, or other conventional household pets may be kept on any lot. Such pets are to be properly kept, and restrained so as to prevent their becoming a nuisance. A maximum of one (1) adult horse may be kept on any lot provided that the following requirement is met: A protective shelter (lean-to, barn, etc.) consisting of at least three sides and a roof and of comparable quality of construction and appearance as the main dwelling, shall be provided BEFORE said horse is brought upon the land to live. Any such shelter and any corral or enclosure also provided must be a minimum of twenty-five feet from any lot line. Stallions over 12 months of age, as well as the breeding of horses within the subdivision, are specifically prohibited. No vicious dogs, as defined in the Matanuska-Susitna Borough Ordinances, shall be permitted and all dogs shall be kept confined to the owner's premises or, while off said property, shall be restrained on a leash held by a person capable of controlling the animal.

Provision “(k)” to be added:

(k-1) All the lots of “a subdivision of Tract C - Memory Lake Commercial Subdivision,” shall be used for single family residential use only, except the following lots:

Lots 3 & 4, Block 2, and Lots 6 & 7, Block 1, may be used for duplex or single family dwellings.

Lots 2 & 3, Block 1, may be used for four-plex, tri-plex, duplex or single family dwellings.

Lots 1, 4 & 5, Block 1, and Lots 1 & 2, block 2, may be used for commercial or four-plex or less residential.

Lot 13, Block 2, may operate an in-home small business, of a non-retail nature. The main usage of this lot is to remain that of a single-family residence.

(k-2) Lots 2, 3 & 7 of Block 1 may be used for a church and/or school, and any appurtenant structures, if and only if this usage is in conjunction with Lot 4, Block 1, designated a commercial use lot,

with main access to be restricted to Lot 4, so that any resulting traffic flow is off of Sund Court and does not affect the rest of the subdivision. Unless used as outlined above, in conjunction with Lot 4, then use of Lots 2, 3 & 7, Block 1 shall be only as otherwise given in (k-1) above.

Any resubdivision of lots must meet all existing subdivision requirements of the Matanuska-Susitna Borough and those imposed by these Declarations and Plats.

Provision “(l)”

No vehicle which is inoperable and/or unregistered shall be parked or stored upon any lot or property subject to these Declarations, for any period of time exceeding sixty (60) days. Snowmachines, three-wheelers, and any other similar vehicles are specifically prohibited from operations within this subdivision unless being operated on the public roadways by an operator who is licensed by and acting in accordance with the laws of the State of Alaska.

Provision “(m)”

To maintain the setting and aesthetic value of “a subdivision of Tract C - Memory Lake Commercial Subdivision,” no standing timber shall be cut except that which is necessary and reasonable for clearing for dwelling or other buildings, garden area, removal of hazardous or dangerous trees, or for clearing of access roadways on any lot. A buffer of trees and shrubs is suggested along side and rear lot lines to enhance privacy and maintain the natural wooded setting.

THIS amendment and supplement shall be binding upon and shall inure to the benefit of the parties hereto and the respective successors, executors, administrators, and assigns.

DATED this 6th day of May, 1985.

GENERAL HAWAIIAN DEVELOPMENT CORPORATION

By: Ralph S. Aoki, Trustee
(Signature on recorded document.)

STATE OF HAWAII)
) ss:
CITY & COUNTY OF HONOLULU)

THIS IS TO CERTIFY that on this 6th day of May, 1985, before me the undersigned Notary Public, personally appeared Ralph S. Aoki, Trustee of GENERAL HAWAIIAN DEVELOPMENT CORPORATION, the corporation described herein; and acknowledged that he signed the said instrument on behalf of said corporation by authority of its bylaws or its Board of Directors, as the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal:

(Notary signature and seal on recorded document.)

RECORDED MAY 10, 1985.