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RECORDER'S OFFICE, CASS COUNTY, ND 10/4/2018 12:09 PM
I CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD THIS DATE.
JEWEL A. SPIES, COUNTY RECORDER

by Shena Garcia, Dep **1548645**
Recorded Electronically

**LOST RIVER THIRD ADDITION DECLARATION
OF COVENANTS AND RESTRICTIONS**

THIS DECLARATION, made October 2nd, 2018, by Winnie Development II, Inc., hereinafter referred to as "Developer," who desires to provide for the preservation of the values and amenities of the property described in Article II of this Declaration, hereinafter called the "Lost River Third Addition Property." To this end, the Lost River Third Addition Property is subject to the covenants and restrictions set forth in this Declaration, each and all of which is and are for the benefit of the Lost River Third Addition Property and the entire Lost River Addition Property and each Owner. This Declaration shall run with the land and be binding on all parties having or acquiring any right, title, or interest in the Lost River Third Addition Property or any part thereof, and shall inure to the benefit of each Owner thereof.

NOW, THEREFORE, Developer declares that the Lost River Third Addition Property is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, conditions and restrictions set forth in this Declaration.

ARTICLE I

SUBSEQUENT DECLARATION

This Declaration is a "Subsequent Declaration" as that term is defined by the Lost River Addition Declaration of Covenants, Conditions, Restrictions, Reservations, Easements, Liens and Charges, dated May 29, 2017, and recorded May 31, 2017, as Doc. No. 1511136, hereinafter called the "Lost River Addition Declaration." The Lost River Third Addition Property is bound by the terms of Article I, Article II, Article III, Article IV, Article VI, Article VII, Article VIII, Article IX, and Article X of the Lost River Addition Declaration. The Lost River Addition Declaration is incorporated by reference to this Declaration, and all of the terms of this Declaration shall have the same meaning as the Lost River Addition Declaration. This Declaration provides supplemental covenants and restrictions that apply to the Lost River Third Addition Property, and is intended to be read in conjuncture with the Lost River Addition Declaration. Any Owner

within the Lost River Addition shall have the right to enforce this Declaration (subject to any variance granted by the Developer or Architectural Review Committee).

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION

The Lost River Third Addition Property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is described as follows:

Lost River Third Addition, a re-plat of Lots 1 & 2, Block 4; Lots 15 & 16, Block 1 Lot 1, Block 6; and part of Lot 2, Block 6, of Lost River Addition to the City of Horace, Cass County, North Dakota.

Portions of the Lost River Third Addition Property that 1) have been or will be dedicated to the public, whether for park space, right-of-way, or other uses, or 2) will be conveyed by the Developer to the Homeowners Association as green space or landscaped areas shall not be subject to this Declaration to the extent the intended use of the dedicated or conveyed property is inconsistent with this Declaration.

ARTICLE III

COVENANTS AND RESTRICTIONS RELATING TO LOST RIVER FOURTH ADDITION LOTS

1. **DWELLING SIZE.** Residential dwellings constructed on the following Lots shall meet the following minimum square footage requirements, unless a variance is issued in writing by the Review Committee:

Dwelling Style	All Lost River Third Addition Lots
Standard one story (rambler) and one and a half story	1,900 sq. ft. total on all level(s) entirely above grade
3 Level Split	Not allowed
Standard two story	2,500 sq. ft. on all levels entirely above grade
Bi-Level (including both floors)	Not allowed

**The above stated minimum square footage requirements do not include basements, garages, decks, or porches.

2. **CURB APPEAL.** In order to protect and preserve the character and nature of the Property, all residences in Lost River Third Addition shall have 20% hard surface coverage on the front of the structure which include brick, rock, dryvit or of similar type materials. In lieu of

