

231/720 Base Copy

DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS OF THE HOLSTEINE HEIGHTS  
HOMEOWNER'S ASSOCIATION, INC.

The State of Alaska, through the Division of Forest, Land and Water Management, of the Department of Natural Resources, hereafter "the Declarant," is the owner of certain real property located in the Matanuska-Susitna Borough, Alaska which is more particularly describes as follows: Holstein Heights, Alaska, Subdivision, ASLS 80-135; within sections 20 and 29 of T.15N., R.4W, S. M. Alaska.

The Declarant hereby declares that all of the property described above shall be held, sold and conveyed subject to the following restrictions, covenants, and conditions, which shall run with the real property and be binding on all the owners of parcels within the describes properties or any part thereof, their heirs successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE 1

Section 1. "Association" means the Holstein Heights Homeowner's Association, its successors and assigns.

Section 2. "Owner" means the record owners of a lot within the Holstein Heights subdivision, a purchaser under contract with the Declarant, and the holder of a homesite entry authorization, excluding the Declarant and those having such interest merely as security for the performance of an obligation.

Section 3. "Properties" means that certain real property hereinbefore described, and such additions hereto as may hereafter be brought within the jurisdiction of the Association.

ARTICLE 2

This association shall be incorporated under the name of the Holstein Heights Homeowner's Association, Inc., as a corporation not for profit under the laws of the State of Alaska. This homeowner's Association is established to build or maintain roads and related drainage improvements within the subdivision, and to provide other necessary services until a unit of local government is able and willing to assume responsibility of them. This Homeowner's Association shall have all of the powers set forth in the Articles of Incorporation, Bylaws, and this Declaration.

ARTICLE 3

An owner of a parcel in Holstein Heights subdivision automatically becomes a member of Holstein Heights Homeowner's Association and is subject to this Declaration, the Articles of Incorporation and the Bylaws promulgated by the Association. All subsequent owners of any parcel within this subdivision automatically become members of the Homeowner's Association and more are subject to the Declaration, Articles and Bylaws to the same extent as an original member of the Association.

ARTICLE 4

Section 1. Creation of a Lien and Personal Obligation of Assessment. Each owner of a lot within the subdivision, by acceptance of a sale contract, deed or homesite entry permit, is deemed to covenant and agree to pay the association: (1) annual assessments or charges, and (2) special assessments for capital improvements, such assessments to be established and collected as hereafter provided. The annual and special assessments, together with interest, costs, and reasonable attorney's fees shall be a charge on the

land and shall be continuing lien upon the owner's interest in the property against which each such assessments is made. Each such assessment, together with interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the owner of such property at the time when the assessment fell due. The personal obligation for delinquent assessments shall not pass to his successors in the title unless expressly assumed by them.

Section 2. Purpose of Assessments.

The assessments levied by the Association shall be used exclusively for the improvement and maintenance of the Reserved or Common Areas within the Subdivision and construction and maintenance of capital improvements.

Section 3. Special Assessments for Capitol Improvements.

In addition to annual assessments, the Association may levy a special assessment applicable to that year only for the purpose of defraying, in whole or part, the cost of any construction, reconstruction, repair or replacement of a capital improvement. Both annual and special assessments must be fixed at a uniform rate for all parcels and may be collected on a monthly basis.

Section 4. Voting.

All assessments levied by this Homeowner's Association must have the assent of a majority of the owners of the lots in the Subdivision.

Section 5. Notice of Meetings.

Written notice of any meeting called for the purpose of taking assessments shall be sent by registered or certified mail to all owners not less than 30 days nor more than 60 days in advance of the meeting.

Section 6. Exempt Property.

Where the Declarant is the record owner of a parcel subject to a homesite entry permit or land sale contractor, the assessments lien is upon the homesite permittee's or purchaser's interest in the parcel. There may be no

liens upon the Declarant's interest in the parcel. All properties owned by the Declarant which are not subject to a sales contract or homesite entry permit, and all properties dedicated to, and accepted by, a local public authority shall be exempt from the assessments created herin.

#### Article 5

##### Section 1. Enforcement

The Association, or any owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

##### Section 2. Severability.

Invalidation of any one of these covenants or restrictions by judgement or court order shall in no way affect any other provisions which shall remain in full force and effects.

##### Section 3. Amendment.

The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of (10) years. This Declaration may be amended by an instrument signed by not less than a majority of the owners of the lots in the subdivision.

Any amendment must be recorded.

Recorded: April 20, 1981

NOTICE OF SPECIAL SEWER AND WATER SYSTEM  
RESTRICTIONS ON CERTAIN LOTS WITHIN THE  
HOLSTEIN HEIGHTS SUBDIVISION, STATE OF  
ALASKA.

Plat No. 81-50

The State of Alaska, through the Division of Forest, Land and Water Management, of the Department of Natural Resources hereby gives NOTICE THAT:

1) Pursuant to 18AAC72.065 the Department of Environmental Conservation, State of Alaska, has reviewed the subdivision plan for that certain real property known as the Holstein Heights Subdivision located in the Matanuska-Susitna Borough, Third Judicial District, State of Alaska, which real property is more particularly described as:

Alaska State Land Survey No. 80-135, within Sections 20 and 29, T.15N., R.4W., Seward Meridian, According to Plat No. 81-50 thereof, filed in the Office of the Recorder, Palmer Recording District, Third Judicial District, State of Alaska.

2) The Department of Environmental Conservation has approved the abovementioned subdivision plat, subject to the following conditions and restrictions:

Only non-discharge sewer systems and non-pressured water supply systems are allowed on Lots Four (4) and Six (6), Block Two (2) and on Lot Four (4), Block Three (3).

3) Said conditions and restrictions have been stated on the abovementioned subdivision plat and are binding on the purchasers of said lots, their heirs, successors and assigns.

4) Before any discharge type sewage system or pressured water system may be installed on the abovementioned lots, engineered plans for said systems must be approved by the Department of Environmental Conservation.

Theodore G. Smith  
Theodore G. Smith, Director  
Division of Forest, Land, & Water Mgmt.

STATE OF ALASKA )  
 ) ss  
Third Judicial District )

THIS IS TO CERTIFY that on this 19 day of April, 1981, before me personally appeared Theodore G. Smith of the Division of Forest, Land and Water Management of the Department of Natural Resources of the State of Alaska, who executed the foregoing NOTICE OF SPECIAL SEWER AND WATER SYSTEM RESTRICTIONS on certain lots within the Holstein Heights Subdivision, State of Alaska and acknowledged voluntarily signing the same.



Sandra K. Silva  
Notary Public in and for the State of Alaska  
My Commission expires: March 18, 1984

81- 004151  
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RECORDED & FILED  
PALMER REC.  
DISTRICT

APR 20 9 20 AM '81  
REQUESTED BY ASIDNR  
ADDRESS 703 W. N.H.  
ANCHORAGE