

7374⁰⁴

DECLARATION OF COVENANTS

STATE OF WYOMING)
) ss.
COUNTY OF CAMPBELL)

KNOW ALL MEN BY THESE PRESENTS:

This Declaration of Covenants is made and executed as of the 23 day of _____
September, 1998, by Powder Basin Properties, a Wyoming general partnership, (hereinafter
referred to as "Declarant").

RECITALS

A. Description of Land: Declarant is the owner of the "subject land" as hereinafter
defined, which land is located in Gillette, Campbell County, Wyoming, and more particularly
described as:

Lot 2C of the resubdivision of Lot 1C of Block 1 of the Resubdivision
of Lot 1A of Block 1 of the resubdivision of Lots 1, 2, 3, and 4 of
Block 1 of the Homestead Addition, Campbell County, Wyoming,
according to the official plat thereof recorded 26 March 1992 in Book
5 of Plats, pages 164 and 165 of the records of Campbell County,
Wyoming.

ARTICLE I -- USES PERMITTED

In addition to those existing covenants and restrictions of record, the subject land is hereby
restricted for the use only as a retail recreational and car dealership or combination thereof. No
vehicle maintenance, repair or other related activity shall be permitted.

ARTICLE II -- ARCHITECTURAL CONTROL AND SIGNAGE

1. No building, fence, walk or other structure shall be commenced, erected or maintained
upon the subject land, nor shall any exterior addition to or change or alteration thereto be made by
any person until the plans and specifications showing the nature, kind, shape, height, materials, color
and location of the same have been submitted to and approved in writing by Declarant. Declarant
shall have fifteen (15) business days after Declarant's receipt of any such request for approval to
respond in writing. In the event Declarant fails to respond in writing on or before the expiration of
said fifteen (15) business days, Declarant shall be deemed to have approved any such request.
Declarant's response to any such request for Declarant's approval shall be on the date that Declarant
deposits Declarant's response in the United States mail, postage pre-paid, addressed to the party

making such request.

2. Upon completion of construction of any improvements on the subject land, all open, unpaved space, including but not limited to front, side and rear building setback areas (except the portions which are used for parking and driveways if such usage is permitted by this Declaration of Covenants), on the subject land shall be planted and landscaped. An underground sprinkler system shall be installed in all landscaped areas abutting dedicated streets.

3. Articles, goods, materials, incinerators, storage tanks, refuse containers or like equipment in the open or exposed to public view, or view from adjacent buildings from ground level are not permitted. If it shall become necessary to store or keep such materials or equipment in the open, they must be adequately screened from view by a screen at least equal in height to that of the materials or equipment being stored, but in no event less than six (6) feet in height. Adequate screening must also be provided to shield such stored materials and equipment from view from adjacent buildings.

4. The Owner of the Subject land and the Owner's successors and assigns will employ signs consistent with the signing standards and promotional signing of a first class retail recreational and car dealership. Declarant and its successors and assigns shall have the right to approve in advance any and all signs not consistent with such signing standards which the Owner and its successors and assigns propose to use. Notwithstanding anything in this paragraph 4 to the contrary, in no event will any sign on the subject land (i) be of a flashing or moving character, or (ii) be painted on a building wall. Declarant shall have fifteen (15) business days after Declarant's receipt of any such request for approval to respond in writing. In the event Declarant fails to respond in writing on or before the expiration of said fifteen (15) business days, Declarant shall be deemed to have approved any such request. Declarant's response to any such request for Declarant's approval shall be on the date that Declarant deposits Declarant's response in the United States mail, postage pre-paid, addressed to the party making such request.

ARTICLE III -- COMPLIANCE WITH ALL APPLICABLE LAWS

The Owner of the subject land and the Owner's successors and assigns will comply with all federal, state, county, municipal and other governmental laws applicable to the subject land, including without limitation, the rules, regulations, ordinances and laws promulgated by the Environmental Protection Agency which are applicable to the subject land.

ARTICLE IV -- ENFORCEMENT

Any person or entity owning the real property described on Exhibit "A" (the "Benefitting Real Property") attached hereto and made a part hereof for all purposes, may enforce these restrictions either by proceedings at law or in equity, or both, against any person or firm violating or attempting to violate the same or any part thereof, and any such violation or attempted violation of the foregoing covenants or restrictions may be enjoined or abated by proceedings at law or in equity brought by any person or entity to whom the benefits of said covenants and restrictions shall inure as hereinabove provided. All references to "Declarant" herein shall mean and include the owner or owners of the Benefitting Real Property, and its successors and assigns. Whenever in these Protective Covenants

EXHIBIT "A"

Lots 1B, 1E, and 2D of the resubdivision of Lot 1C of Block 1 of the Resubdivision of Lot 1A of Block 1 of the resubdivision of Lots 1, 2, 3, and 4 of Block 1 of the Homestead Addition, Campbell County, Wyoming, according to the official plat thereof recorded 26 March 1992 in Book 5 of Plats, pages 164 and 165 of the records of Campbell County, Wyoming.

STATE OF WYOMING } ss.
Campbell County

or record this 29th day of September A.D., 19 98 at 2:40 o'clock P M. and recorded in Book 1503
Photos on page 75-78 Fees \$ 12.00

Dusan Saunders
Clerk and Ex-Officio Register of Deeds

RECORDED
ABSTRACTED
INDEXED
CHECKED

By Deputy *Cheryl Uhler* 737404

