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CITY CLERK

City of Riverside

City Hall, 3900 Main Street

Riverside, California 92522



Project Tract 28828

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**COVENANT AND AGREEMENT
AND DECLARATION OF RESTRICTIONS**

(22)

THIS COVENANT AND AGREEMENT AND DECLARATION OF RESTRICTIONS is made and entered into this 11TH day of JANUARY, 2001, by CENTEX HOMES, a Nevada General Partnership, ("Declarant") with reference to the following facts

A Declarant is the fee owner of the following described real property ("the Property") situated in the City of Riverside, County of Riverside, State of California

Lots 1 through 89 of Tract 28828 as shown by map on file in Book 302 of Maps, at pages 57 through 61 thereof, Records of Riverside County, California

B Declarant desires to develop the Property as a residential subdivision Therefore, Declarant has filed with the City of Riverside ("City") an application to divide the Property into approximately eighty-nine (89) lots by Tract Map 28828

C The Property consists of approximately 29 510 vacant acres situated on the west side of Trautwein Road, south of Alessandro Boulevard, within the City of Riverside The Property is in the Single Family Residential Zone (R-1-80 and R-1-130)

D As a condition of approval of Tract Map 28828, Declarant is required to execute and record a Covenant and Agreement and Declaration of Restrictions, to the specifications of the specifications of the Planning and Legal Departments of the City of Riverside, restricting the Property as follows

- a A 30 foot building setback from the 14 foot landscape and wall easement adjacent to Trautwein Road for those lots backing up to Trautwein Road
- b A setback for those lots adjacent to Wood Road and John F Kennedy Drive to restrict any future permanent buildings, structures, light standards or trees to a maximum height of 15 feet, within 12 feet of the centerline of the City of Riverside electric facilities as shown on attached Exhibit "A"

DESCRIPTION APPROVAL 02 102/01
Walter R. Ayre
SURVEYOR, CITY OF RIVERSIDE

Declarant is required to record such Covenant and Agreement and Declaration of Restrictions in the office of the County Recorder of Riverside County, California concurrent with the recording of the final map for Tract 28828.

E. It is the desire of Declarant to comply with the above noted condition by this document.

NOW, THEREFORE, for the purposes of complying with a condition imposed by the City of Riverside for the approval of Tract Map 28828, Declarant hereby covenants and agrees with the City of Riverside as follows:

A 30 foot rear yard building setback shall be provided for future dwellings on residential lots 20 through 38 of said Tract 28828, adjacent to the common property line of the 14 foot landscape and wall easement along Trautwein Road.

A building setback shall be provided as necessary to restrict any future permanent buildings, structures, light standards or trees to a maximum height of 15 feet, within 12 feet of the centerline of the City of Riverside electric facilities on residential lots 1, 77 and 89 of said Tract 28828, adjacent to Wood Road, and residential lots 17 through 20 of said Tract 28828, adjacent to John F. Kennedy Drive as shown on attached Exhibit "A".

Declarant further covenants and agrees that the terms of this Covenant and Agreement and Declaration of Restrictions may be enforced by the City of Riverside, its successors and assigns. Should the City of Riverside bring an action to enforce any of the terms of this Covenant and Agreement and Declaration of Restrictions, the prevailing party shall be entitled to court costs, including reasonable attorneys' fees.

Declarant further agrees that the Property and each lot thereof shall be held, conveyed, encumbered, leased, rented, used, occupied and improved subject to this Covenant and Agreement and Declaration of Restrictions. The terms of this Covenant and Agreement and Declaration of Restrictions shall run with the land and each and all of its terms shall be binding upon Declarant, its successors and assigns, and shall continue in effect until such time as released by the Planning Director of the City of Riverside, California, by a writing duly recorded.



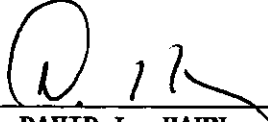
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03/21/2001 08:00A
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CIA 709

IN WITNESS WHEREOF Declarant has caused this Covenant and Agreement and Declaration of Restrictions to be executed the day and year first written above.

CENTEX HOMES, a Nevada General Partnership

By: Centex Real Estate Corporation, a Nevada Corporation, General Partner



DAVID L. HAHN

Title: DIVISION PRESIDENT



RENE C. MILLAR

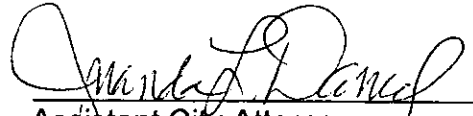
Title: DIV. CONTROLLER/ASSIST. SEC.

APPROVED AS TO CONTENT:



Planning Department

APPROVED AS TO FORM:


Assistant City Attorney
Deputy

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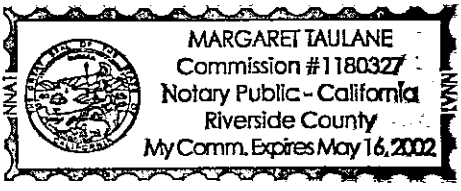
CIA 709

State of CALIFORNIA
County of RIVERSIDE

On JAN. 11, 2001 before me, MARGARET TAULANE, NOTARY PUBLIC
(DATE) (NAME/TITLE OF OFFICER-i.e. "JANE DOE, NOTARY PUBLIC")
personally appeared DAVID L. HAHN AND RENE C. MILLAR
(NAME(S) OF SIGNER(S))

personally known to me -OR-

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Witness my hand and official seal.

(SEAL)

Margaret Taulane
(SIGNATURE OF NOTARY)

RIGHT THUMBPRINT (Optional)
TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
 INDIVIDUAL(S)
 CORPORATE

OFFICER(S) _____ (TITLE(S))
 PARTNER(S) LIMITED
 GENERAL
 ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

RIGHT THUMBPRINT (Optional)
TOP OF THUMB HERE

CAPACITY CLAIMED BY SIGNER(S)
 INDIVIDUAL(S)
 CORPORATE DAVID L. HAHN

& RENE C. MILLAR
OFFICER(S)
DIV. PRES. & DIV. CONTR./ASSIST. SEC.
(TITLE(S))

PARTNER(S) LIMITED
 GENERAL
 ATTORNEY IN FACT
 TRUSTEE(S)
 GUARDIAN/CONSERVATOR
 OTHER: _____

SIGNER IS REPRESENTING:
(Name of Person(s) or Entity(ies))

CENTEX HOMES, A NEVADA
GENERAL PARTNERSHIP

ATTENTION NOTARY

The information requested below and in the column to the right is OPTIONAL. Recording of this document is not required by law and is also optional. It could, however, prevent fraudulent attachment of this certificate to any unauthorized document.

THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:
Title or Type of Document COVENANT & AGMT. & DECLAR. OF RESTR.
Number of Pages _____ Date of Document _____
Signer(s) Other Than Named Above _____



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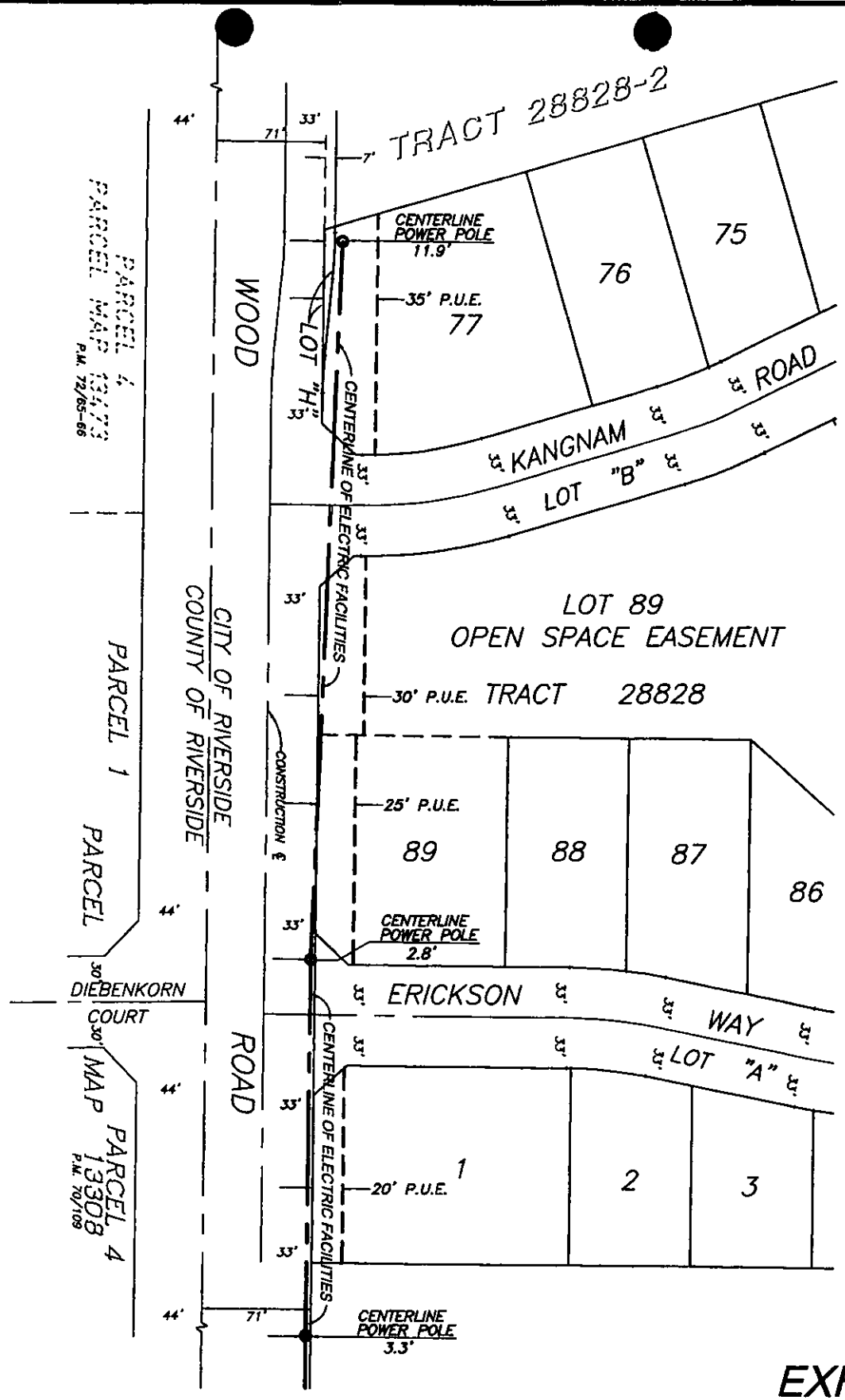


EXHIBIT "A"

--- CITY OF RIVERSIDE, CALIFORNIA ---

| | | |
|--|--------------|---------------|
| THIS PLAT IS SOLELY AN AID IN LOCATING THE PARCEL (S) DESCRIBED IN THE ATTACHED DOCUMENT. IT IS NOT PART OF THE WRITTEN DESCRIPTION THEREIN. | SHEET 1 OF 2 | W.O. 1022-002 |
|--|--------------|---------------|

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| SCALE : 1" = 100' | DRAWN BY : M.C. DATE : 8 / 10 / 00 | SUBJECT : BUILDING SETBACK -- TRACT 28828 |
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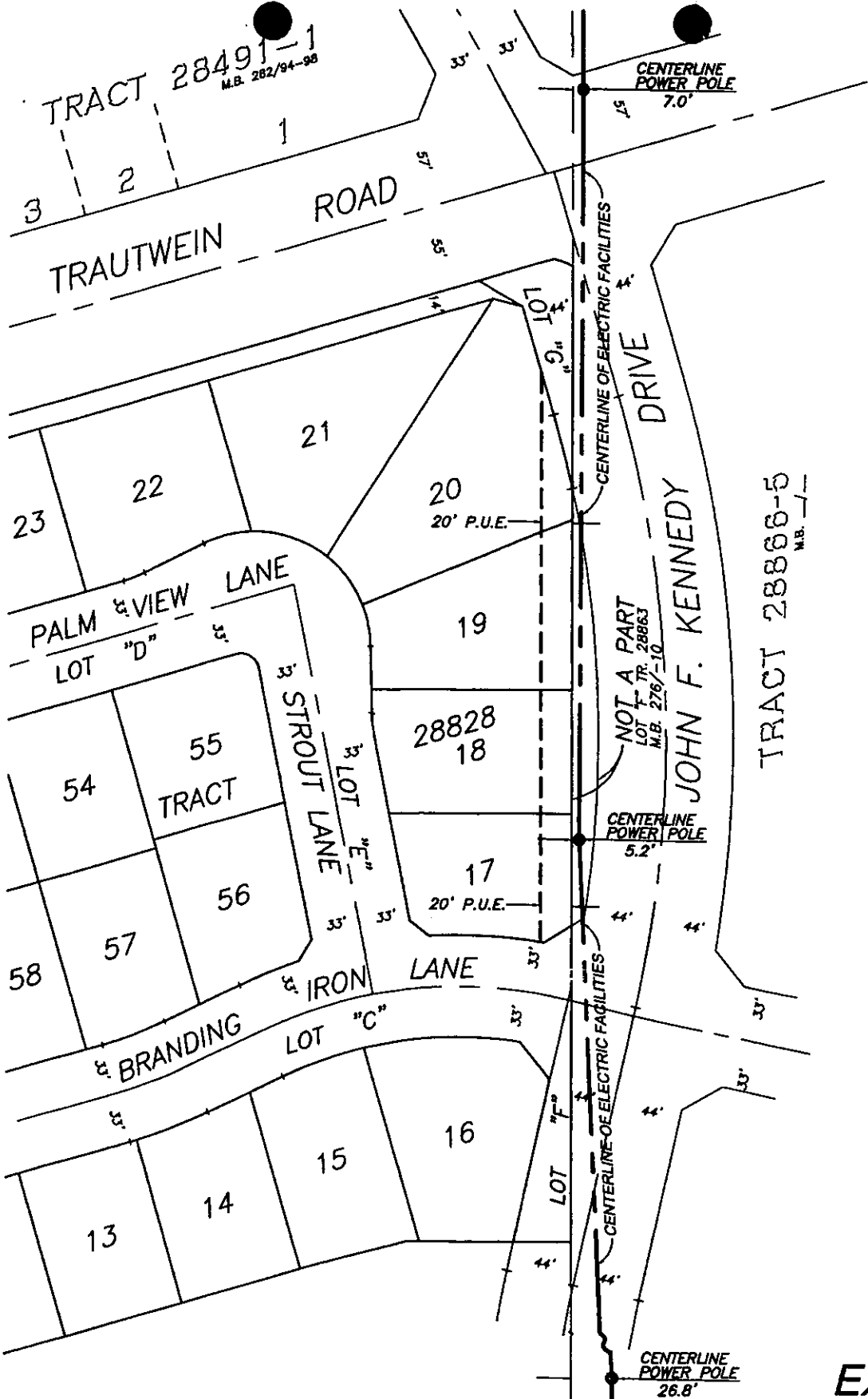


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SHEET 2 OF 2

W.O. 1022-002

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