

**ALBERTA GOVERNMENT SERVICES
LAND TITLES OFFICE**

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ADVISORY

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RESTRICTIVE COVENANT

SANDPIPER ESTATES SUBDIVISION PLAN

**Restrictive Covenant as to the Use of Land
Made Pursuant to Section 68.(1)
of the LAND TITLES ACT, R.S.A. 2000 C.L.-4
as of this 15th day of November, 2005
TO: THE PUBLIC**

WHEREAS LNR-SANDPIPER ESTATES LTD. (herein referred to as "the Developer") is the registered owner of the following lands:

**PLAN 9411167 BLOCK 5 to be subdivided
(Lots 1-24 and 26 Inclusive, Plan 0514207)
EXCEPTING THEREOUT ALL MINES AND MINERALS
(hereinafter referred to as the "said lands")**

AND WHEREAS it is desirable that the said lands should be deemed a building scheme and that certain land use, building restrictions and other conditions should be placed on the said lands;

AND WHEREAS the Developer claims an interest in the said lands by virtue of ownership and by virtue of the aforesaid land use and building restrictions and other conditions as set forth herein;

AND WHEREAS the Developer has carried out the subdivision of the said lands;

NOW THEREFORE THIS DEED WITNESSETH that in consideration of the foregoing, the Developer hereby for itself its assigns and successors in title, covenants as follows:

BUILDING SCHEME

- 1. THAT** all of the said lands shall be deemed to form a building scheme and the land use and building restrictions and conditions contained herein shall be deemed to be covenants running with the land and shall be binding on and enure to the benefit of all of the said lands and owners thereof in the said scheme, such land use and building restrictions and conditions may be enforced by the owner of any Lot or parcel included in the said lands or in such subsequent plans of subdivision affecting the said lands.
- 2. In the event of default in respect of this restrictive covenant, a Lot owner in default shall be obliged, at his sole expense, to remedy such default and in default thereof shall be obliged to remove any improvement erected on the said Lot or change any landscaping grades made in default hereof.**

PERMITTED USES

- 3. THAT** all lots in the said lands shall only be used for the purpose of a single family, country residential development with provisions for domestic staff and in-law suites, in accordance with the

0514207
BLOCK 5
LOTS 1-24, 26

Land Use Bylaw of the County of Newell No. 4 (hereinafter referred to as "the County").

4. No lot or building thereon shall at any time be used for the purpose of any profession, trade or business unless it is permitted under the "Minor Home Based Business" provisions of the County's Land Use Bylaw and further that it is wholly contained in the residence and does not attract the general public to the said lands.
5. Mobile homes, transportable or modular homes and trailers, other than holiday trailers or vehicles are prohibited and may not be used for temporary or permanent housing on the aforescribed Lots.
6. No equipment, material or supplies will be stored or stockpiled on the property other than as normally and regularly used in conjunction with a single family residence. Such use permits the landscaped/constructed screening in accordance with these Guidelines for the storage of one recreational vehicle, machinery or equipment owned by the occupants of the Lot for their personal residential use.
7. No activity shall be undertaken or permitted to be undertaken on the lands which creates or might reasonably be expected to create dust, smell, smoke (burning barrels shall be prohibited), noise or traffic incompatible with a private community.
8. No trail bikes, snowmobiles, all terrain vehicles or other such like machines shall be operated on the said lands. No firearms may be discharged on the said lands.
9. No used car bodies or antique vehicles or machinery shall be stored outside a garage or outbuilding on the said lands.
10. No birds or animals shall be allowed on the said lands except up to a maximum of two cats and two dogs per lot, plus small birds as household pets. Dogs shall not be allowed to run at large.

ARCHITECTURAL CONTROLS

11. There shall not be constructed on the said lands any house or improvement except in accordance with the architectural controls set forth in Schedule "A" attached hereto.

LOT DEVELOPMENT STANDARDS

12. No electrical, telephone, cable T. V., gas, water or other utility services shall be installed other than underground. No T. V. dish, high aerial masts, or similar apparatus shall be located on the said lands without the prior approval as to its location and size by the Developer.
13. All signs are prohibited with the exception of:
 - (a) Identification signs showing the name of the owner or occupant;

- (b) Temporary signs for the purpose of advertising the sale of the property, not to exceed 24" x 36" in size; and
- (c) Any signs erected by the Developer.

14. No refuse or unsightly objects shall be placed or be allowed to remain anywhere on the said lands. If any owner of any property shall fail or refuse to comply with the above mentioned covenant, then the Developer or its authorized agent may enter upon such lot and remove the same at the expense of the owner and such entry shall not be deemed a trespass and such removal shall cause a lien for such expense to arise in favour of the Developer.

15. No excavation shall be made except for the purpose of construction or improvement of the buildings, gardens or grounds. No person shall alter the existing drainage and all open areas of the said Lots shall be maintained in a dust free condition by landscaping with trees, shrubs, or suitable ground cover. Excess fill arising from the basement excavation, etc. must be immediately removed from the site unless it can be incorporated into the site in a manner acceptable to the Developer. No material may be excavated or removed from the said lands for commercial purposes.

16. All Lots and Buildings thereon shall be maintained in a clean and tidy manner and in good and substantial repair. Garbage containers and receptacles shall be enclosed or screened from view.

17. A suitably sized garbage container must be located at the site during construction to avoid debris and garbage blowing into other areas of the subdivision or into neighbouring fields.

WATER SYSTEM

18. No home shall be constructed on the said lands which is not connected to the Water System currently owned and operated by Eastern Irrigation District and which does not have an individual external read-out water meter. The water meter will be supplied by and remain the property of the Eastern Irrigation District or its successor. The Lot Owner must provide access to the Eastern Irrigation District or its designee for inspection, reading or service of the water meter upon reasonable notice and during normal business hours. Before the supply of water is activated to a Lot the Lot Owner must enter into an agreement with the Operator of the Water System pursuant to which water will be supplied to the Lot Owner for a fee as outlined in said agreement. No potable water other than bottled water for domestic consumption shall be supplied to the said lands for normal residential use except from the Water System. No ground water wells may be drilled on the Lands.

19. No activity shall be taken which will result in the removal or destruction of or which would prejudice the efficient operation of the said water meter located upon each Lot. No activity may be taken that would result in any water bypassing the water meter located upon each Lot.

MISCELLANEOUS

20. The owners of the Lots, either personally or through the Homeowners Association agree:

- (a) To maintain the landscaping done by the Developer in the walkway easements and in the Municipal Reserve park areas;
- (b) To not remove or destroy any trees or other landscaping placed by the Developer on the said lands, without the consent of the Developer.

21. Failure on the part of the Developer, or any Lot owner to enforce promptly and fully the covenants, conditions and restrictions hereof shall not be deemed to be a waiver of its rights to enforce the covenants, conditions and restrictions hereof.

22. Any provision of this restrictive covenant made void or rendered invalid by any law in force in the Province of Alberta or adjudged not to be covenant running with the land, shall not invalidate or render unenforceable the remaining provisions of this restrictive covenant which shall remain enforceable.

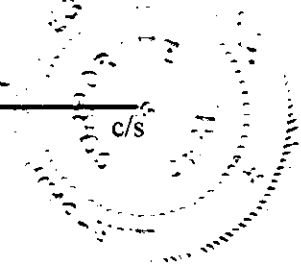
IN WITNESS WHEREOF LNR has caused its corporate seal to be hereunto affixed and these presents to be signed by its proper officer thereunto authorized this 15th day of November, 2005.

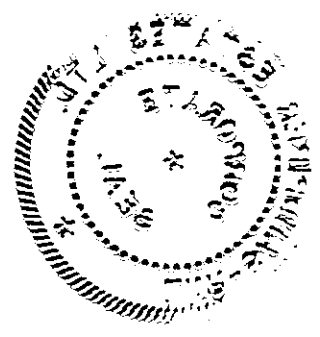
LNR-SANDPIPER ESTATES LTD.

Per: _____



c/s





SCHEDULE "A"

SANDPIPER ESTATES (DEVELOPMENT OF BLOCK 5 PLAN 9411167)

ARCHITECTURAL GUIDELINES ESTABLISHED BY THE DEVELOPER, LNR-SANDPIPER ESTATES LTD.

The success of Sandpiper Estates at the Lake Newell Resort, as a community, requires the definition of an identity and image that will foster pride in the neighbourhood, promote quality of life for the residents and protect the long-term value of their property. The planned development is geared estate homes built on affordable large lots.

To assist in achieving this, all proposed designs for the homes in "Sandpiper Estates" are to be approved by the Architectural Control Committee established by the Developer, based on the architectural guidelines as described herein. These guidelines were arrived at with common consensus after input from the existing residents at Lake Newell Resort at the Council hearing and County of Newell administration.

However, the builder(s) must adhere to the requirements as set out by the County of Newell No. 4 in its by-laws. The guidelines set by the developer are to further improve the overall project and to meet its objective. Developer's guidelines are over and above the County guidelines.

DESIGN AND CONSTRUCTION GUIDELINES AND OBJECTIVES

Architectural Intent

- The intent for this project is to satisfy the demand for estate home product and therefore the architectural design; massing, colours and exterior elements of an estate area are mandatory.
- To allow for the individuality in design for each homeowner in a way that provides interest and variety to exterior elevations, while avoiding repetition or extreme contrasts on all homes.
- To provide a pleasant and consistent environment that takes into account the existing development and proposed future developments at the adjoining parcels of land and complementary to natural setting overlooking the Lake.

- To promote water conservation and produce an environmentally friendly subdivision. This requires, at the minimum, low water use toilets (Coroma) and low water use shower heads.

Construction Guidelines

Legal Surveys

Builders should review the registered plan to ensure that any variations do not affect their site plan. The builder/owner should first visit the site to note the unusual siting or grading problems that may vary with grading plans and to inspect legal, grade, easement, and other engineering plans to ensure that there is no conflict between driveways/sidewalk locations, hydrants, water-valves, signs, street lighting, electrical and telephone pedestals, etc.

Building Grade Plan

The Building Grade Plan prepared by the consulting engineer shows:

- a) Designated lot corner evaluations;
- b) Basic surface drainage patterns required;
- c) Lowest permissible top of footing elevation dictated by engineering concerns;
- d) Special requirements respecting drainage gutters etc.

Lot Corner Pins

Each lot will be staked at all corners with iron pins. Builders/contractors must be very careful to ensure he has established the correct grade for the driveway. The builder should examine the curb, gutter and sidewalk to make sure it does not settle in front of the driveway. As well, the builder should ensure that all work by the Shallow Utility companies is complete prior to placing driveways. For example, streetlights should be in prior to driveway construction. Driveways should be designed to ensure they do not settle. Piles or engineered fill may be necessary.

Damage to Utilities

The cooperation of all builders and sub-trades is requested to minimize damage to curb boxes, water valves, telephones, pedestals, power pedestals, street light terminals, natural gas lines, hydrants, irrigation system, streets, sidewalks, manholes, curbs and other structures. Should damage occur to services adjacent to any specific lot, charges for repair shall be deducted from the damage deposit. To protect utilities on and around the site, the builder is recommended to undertake the following precautions, thereby saving time and money.

- a) When excavating basements, builders should have excavators place a minimum of 16" of excavation material on curb and sidewalk to create a ramp for deliveries of materials.

- b) Brief sub-trades, deliverymen and all others of the importance of being careful around utility installations.
- c) If damage occurs, repair costs will be borne by the builder.
- d) Master plumbers should be instructed to replace water valve markers when house connections are complete. Lot builders will be responsible for expenses to locate, adjust, or to repair water valves.

Acceptance of Lots

Damage to services adjacent to the lot will be charged to the builder, unless damage occurs prior to delivery of grade slips to builder. The lot builder or his agent must notify the Developer in writing of any damage to services prior to receiving grade slips, or damages will be deemed to have occurred after delivery.

Location of Utilities

All servicing, with the exception of irrigation pipe, is from the street. The surface irrigation pipe is installed at back of the lots. Construction of permanent structures over sewer, water, irrigation, gas and electrical lines is prohibited.

Disposal of Excavation Dirt and Construction Wastes

Excavation dirt must be contained within the confines of the lot. If dirt removal is not preformed within a reasonable time frame, the dirt will be moved and the ensuing costs charged to the builder, general dumping of waste concrete is not allowed.

Garbage Pick-Up

Builders shall ensure that all appropriate containers are provided on the building site, to adequately contain waste material during construction. Containers shall not be permitted on the street or the adjoining property.

Waste Material and Litter on Building Sites

Builders are requested to maintain, on daily basis, a clean work site and to clean up the site on completion of construction. Every attempt should be made to control waste materials and litter on each lot as to avoid dispersal of this garbage by the wind to other lots the subdivision; if proper clean up does not occur debris will be removed and charged to the builder/owner.

Weed and Dust Control

The lot is to be weed free and effort is to be made to minimize the creation of dust during construction

Signs

Signage shall be allowed on lots only.

Construction Time Limit

The house shall be complete on the exterior within one year of construction start.

Grade Slip

The issuance of a building grade slip or other information by the Developers Engineer, or other agents of the Developer in no way absolves the builder from complying with all requirements, statutory or otherwise, such as Provincial, Local or Municipal law, regulations, by-laws or other enactments and any encumbrances affecting the Title to the property, including, without limitation, utility rights of way, easements and restrictive covenant.

Commitment to Install Water Conserving Devices

Prior to submission to the County for the building permit, the owner/builder must submit a cover letter with request for the grade slip stating that the water efficient toilets and shower heads will be installed. The developer will have the right to inspect such installation before releasing any of the Security Deposit.

Approval Guidelines

Building Commitment

Once a lot is purchased a builder/owner has until **Sept. 30, 2010** to complete construction of a house. After this period Developer reserves the right to take over the lot, at its option, for the original purchase price with no compensation for any costs incurred by the owner. Including the costs for which compensation will not be paid is time cost of money, property taxes and other levies paid.

One-Year Approval Period

The Lot Owner shall submit two (2) sets of plans prior to commencement of construction for approval by the Architectural Control Committee. The Approval is good for one year and is not transferable.

Security Deposit

The security deposit of \$5,000 per lot or \$10,000 for any single builder application (*for construction of two or more houses*) is payable to the Developer. This deposit is required prior to the review and approval of any application. The security deposit will be released sixty (60) days following the final inspection of the house to confirm adherence to the approved drawings. Deductions will be made for any damages to streets, curbs, utilities, non-conformance with approved plans, etc. If the damages exceed \$5,000 during construction, the owner/builder is liable for the difference and the Developer may ask for the additional Security Deposit.

Extra Charges

Administration charges of \$200 will be placed on re-submissions or additional site inspections. Each home application is entitled to an initial free review and comment and the final review/approval.

Right of Refusal

LNR-Sandpiper Estates Ltd. (or its designate) reserves the right to refuse to approve any plans or designs, which it considers not to be in compliance with the Architectural Guidelines.

Changes & Walk Out Basements

LNR-Sandpiper Estates Ltd. reserves the right to change or modify provisions of these controls on a lot-by-lot basis *in order to best utilize the view and layout of the homes or create walk-out basement if so desired by the Homeowner(s).*

Power Supply

All lots in Sandpiper Estate (Block 5) are capable of 100 Amp Power Supply.

PLOT PLANS MUST CONTAIN THE FOLLOWING:

- a) Scale 1:200 metrics
- b) North arrow
- c) Municipal address
- d) Legal description of property
- e) All property lines, designated and diminished
- f) Size and location of proposed building(s) to property lines, and other structures
- g) All cantilevers (including floor, bay windows, fireplaces, etc.)
- h) Abutting streets, avenues, lanes, etc.
- i) Easements and utility rights-of-way labelled and dimensioned
- j) Spot levels around buildings showing finish grade on all sides of the building and elevation along the side yards – drainage directions
- k) Dimensions from property line to sidewalk and curb face
- l) Show elevation of top of footing, main floor, garage, and finished grades on all building sides
- m) All elevations to be in metric geodetic
- n) All plot plans to include lot area and site coverage
- o) Location and height of retaining walls

SETS OF 2 BUILDING PLANS SHOWING THE FOLLOWING:

- a) To scale drawings
- b) Plans of all four elevations
- c) Floor plans of basement and all floors
- d) Show sizes of windows, doors, heights, etc.
- e) Showing exterior finishes

- f) Be fully dimensioned

Final Inspections

Final inspections will be scheduled once a month. The builders are to notify the LNR-Sandpiper Estates Ltd. @ (403) 210-3334, one week prior to these inspections of homes that require final inspection.

Building Lot Guidelines

Driveways

Driveways are to be placed according to the engineers building grade plan and width of the garage.

Site Grading

Lot grades are to provide positive drainage away from the home both front and back.

Drainage cannot be allowed to drain to the neighbours' lot.

Down spouts are to drain front, on to the road curb and gutter.

Driveway 10%

Front & rear yards 20%

Side yards 33%

Grading will be allowed for builder/owner to create walk out basements where possible.

Foundation Design

Builders are responsible for footing elevations and for any other precautions necessary for good foundation design.

Retaining Walls

The builder is responsible for the construction and cost of all retaining walls. The home on the higher side is responsible for the retaining wall unless the design of the lower home creates the requirement for the retaining wall as determined by the Developer. Retaining walls should not be higher than 3 ft. and are of concrete material with a parging finish.

Corner Lots

All exposed sides of corner lots are to be treated as the primary view. If a bungalow is selected it may fill the lot to the County side yard setback. A two stories or split level should have a minimum of 8 feet to property line and break significant portions of the side wall area up with intermediate roofs over entries, windows, and setbacks on the upper level.

Front Set Backs

All homes are to be set back at least 6 M and no more than 9M, unless a building envelop is provided by the developer otherwise to improve Lake View of other lot owners.

Side Yard Set Backs

In order to provide Lake view to other Homeowners in the Sandpiper Estates some or all homes may be set back 3 M from the side lot line (as opposed to lesser set back required by the County).

Landscaping

Topsoil is to be supplied by the owner/builder and placement in the front and back yard shall be completed prior to final inspection. The builder is responsible for a minimum requirement of 2 trees or 1 tree and 6 shrubs in the front yard as part of the Architectural Guidelines. Grass and shrubbery is appropriate in both front and back yard. Developer at its option may consider supplying additional trees, which builder must install and maintain.

Fencing

Installation of fences is allowed. The side yard and the back yard fences shall be a maximum of 6' high black or transparent nature. (Such as plastic coated chain link or wrought iron design). Front yard fences are discouraged. However, if allowed, they must not exceed 4' in height and must be of similar design to the back and side yard fence. All fence(s) must have developer's approval before it is installed.

Trees and Shrubs

Supplied by the homeowner, Minimum requirement is 2 trees or one tree and 6 shrubs planted within the next growing season. In addition, Developer may provide additional trees, which builder/homeowner must install and maintain.

Repeated Homes

Builders will not be allowed to repeat the exterior appearance of homes within four homes laterally or directly across the street from the subject lot. Given the limited colour pallet, repetition of colours may be limited to neighbouring residences.

Minimum Building Size

In Sandpiper Estates (Block 5), houses can be with minimum of one car garage. The houses on lots 18 thru 24 must be Bungalow style. At his option, the Developer may approve a two story or split story design on these lots, if in his opinion this can be accomplished without adversely affecting the views of the houses on North side of Sandpiper Estates Road. The house shall be a minimum 900 sq ft. bungalow and 1,200 sq ft. two story +/- 5% of total square footage. The major focus is significant massing to widen the house and maximize the front lot widths and back side view of the house e.g. move the garage over to widen the house on narrower homes and effective increase the width to allow a front and back porch feature.

Housing Style

A variety of homes are encouraged with styles ranging from Arts and Crafts, to Tudor, to French Country to English Cottage. Both front and back Porches are strongly encouraged and will help with the massing of the house across the front elevation.

Materials and Exterior Finishes

Roof

Various roof materials are permitted including asphalt, clay, fiber and wood products as long as they are CSA approved and conform to federal and provincial statutes.

The guiding principle in place requires that the roof must be black, dark gray or dark brown.

The roof pitch is a minimum of 7/12 on the front facing facades (subject to the County of Newell No. 4- Bylaw height restrictions). Rooflines are to be made as aesthetically interesting as reasonably possible by means of a variation of roof forms and through the use of dormers and gable end details.

Soffit and Fascia

Soffit overhangs are to be a minimum of 18" (450mm) and have a 6" (200mm) fascia and 5" (127mm) eaves trough. Exposed gable fascia is to be Smartboard or Hardwood in material.

Fascia covered by eaves trough may be aluminum.

Wall Cladding

Acceptable materials are wood siding, vinyl siding, stucco with stone tile or masonry. Homes clad with stucco should incorporate detailing such as two tone stucco battens (6") for doors and window trim, Smartboard or Hardboard for elevations that have for example, a Tudor flavour in the overall house elevation for all sides of the house. There should be some masonry to give accent to front and back of the house. The bottom edge of the wall cladding must be adjusted so that a maximum of 18" (450mm) parging is maintained on all elevations.

Developer reserves the right to approve exterior materials and colours on an individual basis.

Additional Exterior Detailing

All houses will incorporate a sidelight in the front entry detail. If a sidelight is not possible because of the design of the home, then a transom over the front door is required.

Each house must install a minimum of one Front entry monument 1M back of the curb. This monument will show the house address on the face of it and a light on top of the monument. This top light may be used for illumination of the road at night. It must have power to it all the time but operated by light sensitive switch to come on at sunset and go off at sunrise. (See attached lighting monument detail)

Side Elevation Treatment

Special attention must be paid to all elevations oriented toward public or open spaces or at Developer's discretion in highly visible locations. Architectural treatments used on the front elevation such as articulation of wall or roof forms, box outs, window trim details, stone or brick, must also be incorporated on these side elevations.

Houses on corner lots should try to incorporate bay windows, cantilevers, interesting fireplace chases, hip roofs on second stories, and battens or window detailing to eliminate or soften, the two story wall facing the street, adjoining property or public area. Single story homes are encouraged on these lots.

Walkout Lots

The main floor rear deck on any walkout lot must be built concurrently with the home and must incorporate a minimum 12" (300mm) column, details appropriate for the design of the home.

Rear Elevation Treatment

The rear elevation of the highly visible homes, on south side of Sandpiper Estates Rd., must be designed with the same attention to detail as the front of the home. As the houses back on to the Greenwald Drive and the Lake, the house view from the road and the water should be as pleasant as possible. Some elements, which must be considered, are the placement of balconies, windows and doors, articulation of roof forms and details such as window trim, deck columns and railings. Clear three story height rear elevations without interruption will not be permitted. All rear decks and balconies must be approved and built concurrently with the home.

Chimneys and Fireboxes

Chimneys and furnace flues must be boxed in and covered with the appropriate pre-dominate exterior cladding material and carefully detailed incorporating corbelling, banding, or batten accents. Direct vent fireboxes are not allowed if located on a front elevation or rear elevation. Direct vent fireboxes, which project into the side yard on a side elevation, oriented toward a public space must incorporate detailing to enhance the side elevation.

Front Entrances

Builders are required to construct the houses so that the garages are offset so that the main entry is visible from the street. The front entry should be a focal point of the elevation. This can be accomplished by incorporating features such as columns and roofline treatments, which emphasize the entrance. Sidewalks that lead to the main entry are to be poured concurrently with and match the driveway materials.

The number of risers to the entry landing or porch may not exceed three unless lot grades are such that more risers are required. The underside of all veranda elements must be enclosed and finished with materials suitable to the design of the home.

Front Elevations

Muntin bars are encouraged but not mandatory. If used, they will be incorporated on all windows facing the street, including both street orientated elevations on corner lot homes.

Appearance During Construction

The builder/owner is required to keep his/her lot clean and orderly during construction. There will be no burning of garbage on site. Builder/owners are required to supply garbage bins and to empty them as they become full. The developer expects the site to be cleaned on daily basis. A written notice may be issued to the builder in case the site is not kept clean. If the developer is forced to keep the site clean, all costs as well as every written notice will cost the owner/builder a minimum of \$100.00 for the repeated reminders.

County Road Load Restrictions

The owner/builders are reminded that the County of Newell No. 4 has load restrictions on its roads. It is owner/builders responsibility to verify with the County in advance to avoid any penalties or fines for non-compliant loads.

Best Management Practices

Developer has implemented policies to address the amount of debris, silt, and dirt being tracked either on to the street or run off directly in to the road ditched or the Lake. These policies include measures or practices, which restrict construction vehicles from driving onto the lot and requiring them to remain on the street. **Builders are subject to penalties for violation.**

Developer's Design Committee's decisions on any approval will be final.



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