

DECLARATION OF CONDITIONS AND RESTRICTIONS  
AFFECTING THE HIGHLANDS, SITUATE IN KLAMATH  
COUNTY, OREGON

G. O. ERLANDSON, First Party, JANA MCCLAIN, Second Party, JEFF ERLANDSON,  
Third Party, and GORDON O. ERLANDSON and ADELLE ERLANDSON, Trustees, Fourth  
Party.

TO THE PUBLIC:

KNOW ALL MEN BY THESE PRESENTS, that the parties are the owners of all of  
the following described real property, with the tenements, hereditaments and  
appurtenances, situated in County of Klamath, State of Oregon, described as  
follows:

THE HIGHLANDS, a recorded subdivision

All parties hereby adopt and declare the following restrictions of the  
above said property for the enjoyment and self-benefit of the parties, as  
owners of said land and also for the owners of any part of said land claimed  
through them, their heirs or assigns, which may and shall and should be enforced  
in equity by the owner of each part and parcel of said land:

1. All lots shall be residential lots, to be used as the location  
for permanent use residences, only one such residence shall be  
allowed on each lot. There shall be allowed no mobile homes,  
No trade, craft or profession shall be carried on or conducted  
upon this property, except those that can be conducted in the  
structure approved as provided herein.
2. No lot shall be subdivided or resubdivided.
3. No building shall be located nearer than 25 feet to the front  
or rear lot line or nearer than 20 feet to any side lot line.
4. Before any building, structure, walls or fences are erected or  
maintained upon any of said property, or any alterations made  
thereto, the plans for same, together with accompanying speci-  
fications, shall be submitted to a committee known as the  
"Architectural Control Committee", who shall review the same,  
considering the conformity of the structure to the develop-  
ment goals of the subdivision. In the event that approval  
or disapproval of such plan is not received within 30 days  
of submission to said Committee, said plans shall be deemed  
to have been approved.

The Architectural Control Committee shall be composed of  
Gordon O. Erlandson and two persons nominated and appointed  
by him. Provided, that at such time as the sale of this  
subdivision is completed, there shall be selected by said  
committee three owners to constitute said committee to continue  
the same and for the protection of the buyers afforded by  
these conditions and restrictions.

- 1 5. No signs, placards, signboards, or billboards of any character,  
2 or any nuisance, or building or structure, except as permitted  
3 by the Architectural Control Committee shall be erected,  
4 placed, or maintained on any part of the property herein  
5 described.

6 In the event of the violation of any of these conditions,  
7 the Architectural Control Committee may, in addition to any  
8 other right conferred by law, remove or abate the same without  
9 any liability therefor. The Architectural Control Committee  
10 reserves the right to grant permission to erect buildings and/  
11 or signs of a temporary nature.

- 12 6. No lot or tract shall be used as a dump for trash or rubbish  
13 of any kind. All garbage and other waste shall be kept in  
14 approved sanitary containers for proper disposal. The removal  
15 of such materials shall be the responsibility of the individual  
16 lot owners.

- 17 7. Sanitary disposal shall conform to the requirements of the  
18 Klamath County Health Department, and there will not be permitted  
19 the construction or use of outside toilet facilities upon any  
20 said property.

- 21 8. Pets and livestock shall be kept within the boundaries of the  
22 owner's lot or lots except when being used, and shall be kept  
23 under clean, sanitary conditions, and as heretofore set forth,  
24 all stables and outbuildings shall be subject to approval by  
25 the Architectural Control Committee.

- 26 9. All utilities shall be underground; to further this purpose  
27 there is hereby declared an utility and domestic water  
28 supply easement along the 25 feet of each lot adjacent to  
29 Lisa Road and to Jana Drive, as said Road and Drive appears  
30 on the plat of this said subdivision.

#### 31 GENERAL PROVISIONS

32 TERM: These covenants are to run with the land and shall be binding on all  
parties and all persons claiming under then for a period of 25 years from  
the date these covenants are recorded, after which time said covenants  
shall be automatically extended for a successive period of 10 years  
unless an instrument signed by a majority of the then owners of the lots  
has been reduced, agreeing to change said covenants in whole or in part.

ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against  
any person or persons violating or attempting to violate any  
covenant either to restrain violation or to recover damages.

SEVERABILITY: Invalidation of any one of these covenants by judgment or court  
order shall in no wise affect any of the other provisions which  
shall remain in full force and effect.

IN WITNESS WHEREOF, the parties above named have hereunto caused these  
presents to be executed this 6th day of June, 1973.

*[Signature]*  
First Party  
*[Signature]*  
Second Party  
*[Signature]*  
Third Party



8408

Gordon O. Erlandson  
Fourth Party  
Adelle Erlandson  
Fourth Party

STATE OF OREGON )  
County of Klamath ) SS June 7, 1973.  
Personally appeared the within named G. O. Erlandson, Gordon O. Erlandson,  
and Adelle Erlandson, Trustees, and acknowledged the foregoing instrument to  
be their voluntary act and deed.

Before me:

Thomas A. Zamsky  
Notary Public for Oregon

(SEAL)  
My Commission Expires: 9-19-75

STATE OF OREGON )  
County of Benton ) SS June 18, 1973.  
Personally appeared the within named Jana McClain and Jeff Erlandson and  
acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Thomas A. Zamsky  
Notary Public for Oregon

(SEAL)  
My Commission Expires: 2-7-74

STATE OF OREGON, }  
County of Klamath } ss.

Filed for record at request of:

Klamath County Title

on this 3rd day of July A. D. 1973.  
at 4:05 o'clock P. M. and duly  
recorded in Vol. M-73 of deeds  
Page 8466

WM. D. MILNE, County Clerk

By Hazel Drayton  
Fee \$1.00 Deputy.

GANONG, SISEMORE  
& ZAMSKY  
ATTORNEYS AT LAW  
323 MAIN STREET  
KLAMATH FALLS, ORE.  
97601

Return to:  
Barnhisel and Ganong  
323 Main Street  
Klamath Falls, OR 97601

Page 3