

## AMENDED

## DECLARATION OF RESTRICTIONS

## SPRAGUE RIVER PINES, INC.

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Robert P. Ellingson, Jr., William P. Wampler and Dee M. McLemore, who are the owners of the following described real estates, to wit:

SPRAGUE RIVER PINES, INC., TRACT 1107 & 1029 and Tracts of land situated in the NE $\frac{1}{4}$  of Section 28 and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

That island in Sprague River in the NE $\frac{1}{4}$  Of said Section 28, containing approximately 18 acres.

That portion of the island in Sprague River in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 21 containing approximately 7 acres.

EXCEPTING THEREFROM Lots 39, 40, 41, 42, 43, 44 and 45, Block 1; Lots 1, 16, 17 and 18, Block 2; Lots 1, 2, 3 and 4, Block 11 of Tract No. 1107, SPRAGUE RIVER PINES.

ALSO all that portion of Tract A lying South of the North line of Lot 39, Block 1, Tract No. 1107, SPRAGUE RIVER PINES, extended West to Sprague River in Section 27, Township 34 South, Range 8 East of the Willamette Meridian.

does hereby declare that said land, and the whole thereof, shall be subject to the following protective covenants, conditions and restrictions which shall run with the land and be for the benefit thereof, to wit:

1. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat.

2. SQUARE FOOTAGE

The square footage of the dwelling must be at least 1200 square feet excluding garages, decks, carports and patios. Any variance will have to be approved by the Building Committee. The Building Committee will consist of William P. Wampler, Dee M. McLemore and Robert P. Ellingson, Jr. and one other property owner or their successors in interest for the purpose of administering and enforcing these protective covenants.

3. No building shall be erected, placed, or altered on any lot until construction plans and specifications and the plot plan showing the location of the structure have been approved by the Building Committee. The Building Committee shall approve only those structures and alterations which harmonize in material, design, workmanship and elevation with existing buildings.

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#### 4. SUBMITTAL AND APPROVAL PROCEDURE.

Assurance of conformity to the Building Committee rules requires that all proposed new buildings, remodelings, and additions, and other improvements of private areas be approved by the Building Committee before commencing work of any kind. The procedure shall be as follows:

#### 5. SITE

A minimum setback of 45 feet for each lot and 15 feet side yards will be considered except cul-de-sac lots by the Building Committee as having a clearly defined "building area." All buildings including garages, carports, roof overhang, decks, and patios must be kept within this "building area" unless a special variance is granted by the Building Committee. The Site Plan shall be developed to define within the "Building Area" the relationship of structure to site. This plan shall be produced at a scale not less than 1"-20'. In addition to the principal structures, the following information shall be provided:

#### Declaration of restrictions.

1. direction of primary view
2. natural sight topography
3. field stake out with necessary datum
4. proposed finish grades, and site drainage
5. location of existing structures on adjoining lots
6. proposed off-street parking, drives, walks, patios and decks
7. proposed fences, screens, earth berms
8. proposed exterior lighting location and description

#### 6. SUBMITTALS

Drawings and specifications for any proposed project shall be submitted to the Building Committee.

7. Upon review of design submittals, the owner will be notified in writing of the Building Committee action.

8. No structure of a temporary character, trailer, basements, partly finished house, shack, garage, barn or other out-buildings shall be used on any lot at any time as a residence, either temporarily or permanently, without the written consent of the Building Committee; now shall barns, garages, or other out-buildings be placed on any lot prior to the erection of the habitable dwelling house without the consent of the Building Committee. All structures, additions, or alterations shall be completed and painted in not more than one year from starting date. Open carports shall not be used for storage other than that enclosed by walls of the structure.

9. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

10. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than 1/3 square foot, one sign of not more than five square feet advertising the property for sale or rent, both of which must be not less than 20 feet from the property line. Signs used by the subdivider to advertise the property during the construction and sales period are not restricted.

11. No oil drilling, oil development operations, oil refining, or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

12. GARAGES, CARPORTS OR OTHER ACCESSARY BUILDINGS.  
It is intended that each interrelated structure on the same site be consistent with all others with respect to architectural character materials, and finished; and whenever feasible be physically connected to one another by roofs, fences, screens, stone walls or other appropriated means.

#### 13. ROOFS

Roofs generally shall have a minimum pitch of 4 in 12 and be covered with cedar shakes. Other roofing surfaces may be used on pitched or flat roofs when specifically approved by the Building Committee.

#### 14. EXPOSED METALS

All exposed metal surfaces such as roofing, flue pipes, fireplace chimneys and caps, plumbing stacks, miscellaneous flashings, etc., shall be painted flat black or colors, which, in the opinion of the Building Committee, are acceptable.

#### 15. SERVICE AREAS

Proposed plans must provide for fencing or screening of clotheslines, wood and outdoor storage, bicycle racks, garbage cans and trash areas, service meters and air conditioner condensing units from the view of adjacent property and roads. Such fencing or screening shall be of materials and finish consistent with the principal structures on the site or plantings of suitable plant materials whose growth patterns will screen both in height and density.

#### 16. OFF-STREET PARKING

The location of each single family residential structure shall allow for the off-street parking of at least two automobiles. If a carport or garage is provided, that structure will fulfill the requirement for one space. In any event, at least one additional open off-street parking space must be provided. Any planned garage or carport must be within the building envelope, however, the additional space may be otherwise located on the site subject to approval of the Building Committee.

#### 17. BUILDING HEIGHT

Height limit restriction may be imposed by the Building Committee primarily to preserve the views from adjacent homes and areas.

## 18. EXTERIOR LIGHTING

Type and placement of exterior lighting devices must be approved by the Building Committee. The concern is to eliminate glare and annoyance to the adjacent homes and areas.

## 19. MASONRY

Exposed masonry surfaces shall be limited to normally local stone. Concrete, concrete block, stucco, and brick will be acceptable where appropriate, subject to specific approval by the Building Committee.

20. No lot shall be used as a business, service or manufacturing site, or maintained as a parking place for trucks, trailers, equipment and material, or used as a dumping ground for rubbish or used as parking place for automobiles not in regular family use. Trash, garbage, or other waste shall not be kept except in sanitary containers. All incinerators, other equipment for the storage of or disposal of such material shall be kept in a clean and sanitary condition. Storage of any kind of personal goods, chattels, merchandise or material shall be walled in and out of sight of the adjoining lots and streets. Equipment and material being used by a builder in the course of construction are not restricted during the allowable one year construction period.

21. No TV antenna erected on any lot shall extend more than 20 feet above the portion of the roof of the dwelling on which it is mounted.

22. Yards shall be landscaped not more than one year after occupancy. Yards shall be maintained in a neat, clean condition and grass shall be watered and cut regularly. One tree shall be planted and sustained in the parking strip, or, when no parking strip exists, as near to the front of the lot as practicable. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which shall become an annoyance or nuisance to the neighborhood. No unnecessary trees shall be cut on any site.

23. No fence, wall hedge or shrub shall obstruct the line of vision between 2 feet and 7 feet vertical nearer than 45 feet to the street property line, except a young tree not sufficiently tall to trim. Foliage on other trees and shrubs shall be trimmed not less than sight lines; nor shall any fence be erected or cross an easement without permission from the Building Committee.

24. No lot shall be used except for single family residential purposes and no buildings shall be erected except dwellings, garages, carport, or barns without the approval of the Building Committee.

25. Only Dogs and Cats may be kept on any lot. No other animals or fowl of any kind or description will be allowed.

26. No lot shall be subdivided or part of sold or redivided in anyway without their permission of the Building Committee.

27. AUTOS  
No unlicensed, junk or abandoned autos or parts thereof will be allowed in the Sprague River Pines Subdivision. Any autos that the Building Committee feel are detrimental to the area will be towed away at the owners expense.

28. MOBILE HOMES  
No Mobile Homes will be allowed in the Sprague River Pines Subdivision.

29. TIMBER  
Timber may only be removed for clearing of a lot owners building site, unless prior written approval is given by the home owners association. There will be no clear cutting of trees at any time.

30. WILDLIFE  
There will be no hunting of Wildlife at any time in the Sprague River Subdivision or common Greenbelt areas.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date of recording of these covenants, after which time said covenants shall be automatically extended for successive periods of ten (10) year periods. An instrument signed by a majority of the owners of the lots and duly recorded may agree to change said covenants in whole or in part.

Enforcement shall be by proceedings of law or in equity against any person or persons violating or attempting to violate any covenant with rights to restrain violation or to recover damages, or both.

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

STATE OF OREGON, )  
County of Klamath )  
Filed for record at request of

*William P. Wampler*  
William P. Wampler

on this 11th day of April A.D. 19 79  
at 10:08 o'clock A. M. and duly  
recorded in Vol. M-79 of Deeds  
Page 7918

*Dee M. McLemore*  
Dee M. McLemore

Wm D. MILNE, County Clerk

By *Jaqueline Miller* Deputy

Fee \$15.00

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

FORM No. 24—ACKNOWLEDGMENT—CORPORATION.

STATE OF OREGON,

County of Klamath } ss. On this 10 day of April, 19 79  
before me appeared Dee M. McLemore and  
William P. Wampler both to me personally known, who being  
duly sworn, did say that he, the said Dee M. McLemore  
is the President, and he, the said William P. Wampler  
is the Secretary of Sprague River Pines, Inc  
the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corpora-  
tion, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board  
of Directors, and Dee M. McLemore and William P. Wampler  
acknowledge said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed  
my official seal the day and year last above written.

*Donna K. Rick*  
DONNA K. RICK  
NOTARY PUBLIC-OREGON  
My Commission Expires 7/2/79

Notary Public for Oregon.

My Commission expires.....