

## DECLARATION OF SHIELD CREST

## A PLANNED COMMUNITY

Under the provisions of the Oregon Planned Community Act, the undersigned declares as follows:

1. Name: The name of the planned community shall be Shield Crest.
2. Location: The planned community shall be located in Klamath County, Oregon, and is not located in any incorporated city.
3. Legal Description: The legal description of the real property included in the planned community is as follows:

Tract 1172 - Shield Crest situated in the S½SW¼ of Section 5 and W½ of Section 8 T39S, R10 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the initial point marked by a 2" x 36" galvanized iron pipe, said point being the ¼ corner common to sections 5 and 8; thence along the section line common to said sections N88°49'47"W 1202.48 feet; thence S01°10'13"W 70.98 feet; thence, along the arc of a curve to the left, (radius = 270.00 feet, central angle = 52°34'17") 247.74 feet; thence S51°24'04"E 69.34 feet; thence, along the arc of a curve to the right (radius = 330.00 feet, central angle = 46°25'16") 267.37 feet; thence S04°58'48"E 984.75 feet; thence, along the arc of a curve to the right, (radius = 330.00 feet, central angle = 30°45'11") 177.13 feet; thence S25°46'23"W 315.00 feet; thence, along the arc of a curve to the left, (radius = 220.00 feet, central angle = 25°48'46") 99.11 feet; thence S00°02'23"E 881.71 feet; thence, along the arc of a curve to the right (radius = 180.00 feet, central angle = 24°14'35") 76.16 feet; thence S23°08'14"E 55.75 feet; to the northerly right of way line of State Highway 140, thence along said right of way line N65°47'48"W 142.00 feet; thence N71°32'38"E 55.75 feet; thence, along the arc of a curve to the left, (radius = 120.00 feet, central angle = 24°14'35") 50.78 feet; thence N00°02'23"W 881.71 feet; thence, along the arc of a curve to the right (radius = 280.00 feet, central angle = 25°48'46") 126.15 feet; thence N25°46'23"E 315.00 feet; thence, along the arc of a curve to the left, (radius = 270.00 feet, central angle = 30°45'11") 144.92 feet; thence N04°58'48"W 984.75 feet; thence, along the arc of a curve to the left (radius = 270.00 feet, central angle = 46°25'16") 218.75 feet; thence N51°24'04"W 69.34 feet; thence, along the arc of a curve to the right (radius = 330.00 feet, central angle = 52°34'17") 302.79 feet; thence N01°10'13"E 70.98 feet to the section line common to said sections 5 and 8; thence, along said section line N88°49'47"W 1204.83 feet; thence along the arc of a curve to the left (radius = 170.00 feet, central angle = 22°04'01") 65.47 feet; thence along the arc of a curve to the right (radius = 230.00 feet, central angle = 20°39'24") 82.92 feet; thence S89°45'36"W 23.52 feet; thence N26°39'00"W 16.75

feet to a point on the west line of section 8 (the northwest corner of section 8 bears N00°20'34"E 15.00 feet); thence N89°45'36"E 9.56 feet to the angle point on the southeasterly right of way line of the county road; thence along said right of way, N25°08'41"E 857.00 feet and N04°17'33"E 560.28 feet, to a point on the north line of the S½SW¼ of section 5; thence S89°01'08"E 2210.98 feet, to the C-S1/16 corner of said section 5; thence S00°42'57"E 1335.76 feet to the point of beginning, containing 76.53 acres, with bearings based on survey no. 3244, as recorded in the Office of the Klamath County Surveyor.

4. Number of Lots: There shall be forty-seven (47) lots or units in the Planned Community.

5. Common Property: The following described real property shall be common property of the Planned Community:

Arant Road: Commencing at the corner common to Section 5, 6, 7, and 8, T39S, R10 E. W. M.; thence S00°20'34"W 15.00 feet to the true point of beginning; thence S26°39'E 16.75 feet; thence N89°45'36"E 23.52 feet to the beginning of a curve to the left; thence along the arc of a 230' radius curve to the left (central angle = 20°39'24") 82.92 feet to the beginning of a curve to the right; thence along the arc of a 170 foot radius curve to the right, (central angle = 22°04'01") 65.47 feet; thence S88°49'47"E 2467.31 feet to the ¼ corner common to Sections 5 & 8; thence N00°42'57"W 60.03 feet; thence N88°49'47"W 2465.34 feet to the beginning of a curve to the left; thence along the arc of a 230.00 foot radius curve to the left, (central angle = 22°04'01") 88.58 feet to the beginning of a curve to the right; thence along the arc of a 170.00 foot radius curve to the right (central angle = 20°39'24") 61.29 feet; thence S25°08'41"W 49.84 feet; thence S89°45'36"W 9.56 feet to the point of beginning.

WESTGATE DRIVE: Beginning at the southeast corner of Block 1, Tract 1172; thence N01°10'13"E along the east line of Block 1, 1268.76 feet to the northeast corner of Block 1; thence S89°01'08"E 60.00 feet to the northwest corner of Block 2; thence S01°10'13"W along the west line of Blocks 2 & 3, 1268.96 feet to the southwest corner of Block 3; thence N88°49'47"W, 60.00 feet to the point of beginning.

GREENBRIAR DRIVE & IVAN LANE: Beginning at the southwest corner of Lot 1, Block 2, Tract 1172; thence S88°49'47"E along the south line of Block 2, 1290.00 feet to the beginning of a curve to the right; thence along the arc of a 230.00 foot radius curve to the right (central angle = 90°00'00") 361.28 feet; thence S01°10'13"W 740.00 feet to the southwest corner of Lot 12, Block 2; thence N88°49'47"W 60.00 feet; thence N01°10'13"E along the east line of Block 3, 740.00 feet to the beginning of a curve to the left (central angle = 90°00'00") 267.05 feet; thence N88°49'47"W along the north line of Block 3, 1290.00 feet to the northwest corner of Block 3; thence N01°10'13"E 60.00 feet to the point of beginning.

ARANT PLACE: Beginning at the southeast corner of Lot 25, Block 3, Tract 1172; thence N01°10'13"E 415.00 feet

## 2. DECLARATION OF SHIELD CREST

to the beginning of a curve to the right; thence along the arc of a 60.00 foot radius curve to the right (central angle =  $270^{\circ}00'00''$ ) 282.75 feet; thence  $S01^{\circ}10'13''W$  355.00 feet; thence  $N88^{\circ}49'47''W$  60.00 feet to the point of beginning.

SHIELD CREST DRIVE: Commencing at the  $\frac{1}{4}$  corner common to Sections 5 & 8, T39S, R10 E.W.M.; thence  $N88^{\circ}49'47''W$  along the south line at Arant Road, 1202.48 feet to the true point of beginning; thence  $S01^{\circ}10'13''W$  70.98 feet to the beginning of a curve to the left; thence along the arc of a 270.00 foot radius curve to the left (central angle =  $52^{\circ}34'17''$ ) 247.74 feet; thence  $S51^{\circ}24'04''E$  69.34 feet to the beginning of a curve to the right; thence along the arc of a 330.00 foot radius curve to the right (central angle =  $46^{\circ}25'16''$ ) 267.37 feet; thence  $S04^{\circ}58'48''E$  984.75 feet to the beginning of a curve to the right; thence along the arc of a 330.00 foot radius curve to the right (central angle =  $30^{\circ}45'11''$ ) 177.13 feet; thence  $S25^{\circ}46'23''W$  315.00 feet to the beginning of a curve to the left; thence along the arc of a 220.00 foot radius curve to the left, (central angle =  $25^{\circ}47'46''$ ) 99.11 feet; thence  $S00^{\circ}02'23''E$  881.71 feet to the beginning of a curve to the right; thence along the arc of a 180.00 foot radius curve to the right, (central angle =  $24^{\circ}14'35''$ ) 76.16 feet; thence  $S23^{\circ}08'14''E$  55.75 feet to State Highway 140; thence  $N65^{\circ}47'48''W$  along the State Highway right-of-way line 142.00 feet; thence  $N71^{\circ}32'38''E$  55.75 feet to the beginning of a curve to the left; thence along the arc of a 120.00 foot radius curve to the left (central angle =  $24^{\circ}14'35''$ ) 50.78 feet; thence  $N00^{\circ}02'23''W$  881.71 feet to the beginning of a curve to the right; thence along the arc of a 280.00 foot radius curve to the right, (central angle =  $25^{\circ}48'46''$ ) 126.15 feet; thence  $N25^{\circ}46'23''E$  315.00 feet to the beginning of a curve to the left; thence along the arc of a 270.00 foot radius curve to the left (central angle =  $30^{\circ}45'11''$ ) 144.92 feet; thence  $N04^{\circ}58'48''W$  984.75 feet to the beginning of a curve to the left; thence along the arc of a 270.00 foot radius curve to the left, (central angle =  $46^{\circ}25'16''$ ) 218.75 feet; thence  $N51^{\circ}24'04''W$  69.34 feet to the beginning of a curve to the right; thence along the arc of a 330.00 foot radius curve to the right (central angle  $52^{\circ}34'17''$ ) 302.79 feet; thence  $N01^{\circ}10'13''E$  70.98 feet; thence  $S88^{\circ}49'47''E$  60.00 feet to the point of beginning.

6. Reservation of Declarant: The Declarant reserves the following rights:

a. The Declarant shall not be liable for the payment of any assessments against lots owned by the Declarant until such time as the lot is sold at which time all past due assessments shall be paid in full.

(b) Unimproved lots owned by the Declarant will be assessed at one-tenth (1/10) of the assessment of lots that are sold and improved.

(c) The Declarant shall elect the Board of

3. DECLARATION OF SHIELD CREST

Directors of the Homeowner's Association until the time of turnover of administrative control. The Declarant shall have the right to remove the member of the Board of Directors of the Homeowner's Association for a period of three years after turnover.

(d) The Declarant may without approval of the owners of the lots or the Board of Directors of the Homeowner's Association construct or complete construction of the improvements in the planned community or which the Declarant deems advisable and necessary for the Planned Community.

(e) The Declarant may convert lots or portions of lots in the Planned Community to common property.

7. Allocation of Votes: Each lot, regardless of size, shall be allocated one vote. A lot shall be a numbered lot as shown on the tract map for Tract 1172 - Shield Crest. Each lot shall designate the authorized voter of that lot to the Board of Directors of the Homeowner's Association.

8. Common Expenses: The lots shall be liable for common expenses on the following ratios:

(a) Full liability for any lot which has been sold to an owner and upon which improvements have been commenced.

(b) 50% liability for any lot which has been sold to an owner, but upon which no improvements have been commenced.

(c) 10% liability for any lot owned by the Declarant which is unimproved.

Any common profits shall be allocated to the reserve account.

9. Reserve Account: The reserve account for replacement of items of common property shall be assessed against the lots prior to turnover on the same ratio as common expenses. After turnover the lots shall be assessed equally regardless of the size of the lot. All reserve account assessments against the lots of the Declarant shall be deferred until the date the lot is conveyed.

#### 4. DECLARATION OF SHIELD CREST

10. Conditions and Restrictions: The Planned Community is subject to a Declaration of Conditions and Restrictions of Tract 1172 - Shield Crest as recorded in the office of the Klamath County Clerk, in Volume M-80 at page 24027 on December 11, 1980 which Declaration is subject to amendment by two-thirds of the property owners and may be amended from time to time by said property owners. The undersigned Declarants, being all of the property owners, hereby revoke said Declaration of Conditions and Restrictions of Tract 1172 - Shield Crest and replace and supercede them with this Declaration of Shield Crest - A Planned Community.

11. Use of Lots: All lots shall be used as single family residential dwellings. All buildings are to be approved by the Architectural Control Committee which shall be the Board of Directors of the Homeowner's Association.

12. Conveyance of Common Property: The Homeowner's Association under the provisions of ORS 94.665 may convey or subject to a security interest any portion of the common property.

13. Restriction, Use and Maintenance of Lots: The following is a Statement of Restrictions, Uses and Maintenance of lots in the Planned Community and the means of enforcing the terms of this provision:

A. UTILITY CONNECTIONS: On each of the lots, no above-ground utilities, pipes, wires, shall be used to connect a telephone system, power system, and other improvements with supplying facilities. Exposed television antennas and receptions disks shall be prohibited.

B. TEMPORARY STRUCTURES: No structures of a temporary character: trailer, basements, tent, shack, garage, barn or other outbuildings shall be used on any lot at any time as a residence, either temporary or permanently. No mobile homes or trailers will be allowed for temporary or permanent use. However, a builder or his agents, may construct or move a small

5. DECLARATION OF SHIELD CREST

construction shed upon the property, but only for the duration of the construction period.

C. FENCES: No fence, wall or hedge in excess of forty-two (42) inches in height shall be permitted to extend from the minimum front setback line of the house to the curb line of the street. No fence shall exceed six (6) feet high on any portion of the lot. All fences shall be made of materials that are compatible with the main dwelling. The provisions of this paragraph shall not apply to fences built on the exterior boundary of the Planned Community. Such boundary fences shall be constructed of good materials and, at all times, be kept in a like new condition.

D. NUISANCES: 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. The shooting of BB guns, air rifles, firearms or dangerous type weapons on the premises are prohibited.

E. LIVESTOCK AND POULTRY: No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes. However, upon Lots 1, 4, 5, 6, 7 & 9, of Block 1, and Lots 1, 2, 3, 7, 8, 9, 10, 11 and 12 of Block 2, three sheep or two cows, two horses or a cow and a horse may be kept with their lambs, calves and colts, if said animals are kept on the portion of the lot behind the main dwelling house and said animals are provided a clean and sanitary place to be pastured.

F. MAINTENANCE OF LOTS: Each parcel and its improvements shall be maintained in a clean and attractive conditions, in good repair and in such a fashion as not to create a fire hazard or visual pollution.

G. REPLACEMENT: If a home is partially damaged by fire or other hazard, the home is to be replaced to approval of the Architectural Control Committee within six (6) months. If

## 6. DECLARATION OF SHIELD CREST



a home is totally destroyed by fire or other hazard, and the owners prefer not to replace the home, the lot is to be cleared and put in a clean and attractive condition.

H. GARAGE AND REFUSE DISPOSAL: No parcel shall be used or maintained as a dumping ground for rubbish, trash, or garbage and other waste shall not be kept, except in sanitary containers at all times. All equipment for the storage or disposal of such material shall be kept in clean and sanitary condition. No rubbish may be burned or buried on or near the Planned Community, nor shall any parcel be used for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or which will be obnoxious to the eye, nor shall any substance, thing or material be kept upon any lot that will, or might, disturb the peace, comfort or serenity of occupants of surrounding property. All lots must be maintained at all times to control and prevent grass and range fires upon the property.

All garbage containers, cuttings, refuse, fuel tanks, clothes lines and other service facilities must be screened from view of neighboring parcels.

I. LIGHTING: No offensive exterior lighting or noise making devices shall be installed or maintained on a lot without written Architectural Control Committee approval.

J. SIGNS: No sign or any kind shall be displayed to the public view on any lot, except one professional sign of not more than four square feet to advertise the art, craft or hobby of the owner, or one sign of not more than nine square feet advertising the property for sale or rent.

K. DESIGN AND ARCHITECTURAL CONTROL: No building shall be erected, placed, or altered on any lot until the construction plans and specifications, and a plan showing the location of the structure (site plan) have been approved by the Architectural Control Committee as to quality or workmanship and material, harmony of external design with existing structures,

## 7. DECLARATION OF SHIELD CREST

and as to location with respect to topography and finish grade elevations.

L. DWELLING QUALITY AND SIZE: No building, other than a single-family dwelling for private use, may be constructed on any lot. No mobile home or trailer may be used as a residence. No more than one single-family dwelling not to exceed two stories in height shall be constructed on any lot. Accessory buildings incidental to residential use shall be of the same or acceptable architecture as the main home. Basements, which are daylight, split entry and split level types, shall not be considered in determining the number of stories in the dwelling. Minimum square footage per single-family dwelling is 1800 square feet, excluding the garage and porches.

M. BUILDING LOCATION: No structure shall be located on any lot nearer than seventy-five (75) feet to the centerline of a street or nearer than twenty (20) feet to an interior side lot line, nor twenty (20) feet where abutting on the side lot line which abuts a street or highway. No structure shall be located nearer than twenty-five (25) feet from a rear lot line on inside lots or sixteen (16) feet from lots on outside parameter. No structure shall unnecessarily obstruct the view of any neighboring lot.

N. LANDSCAPING: All yards shall be landscaped within one year after the exterior of the main building is finished, with not less than 20% of front yard to be in grass, the rest to be natural, or with bark chips and evergreens in a professional manner. No chinese elm will be permitted. Cottonwoods and Poplars may be considered on outside parameter north of Arant Drive.

O. DRIVEWAYS: The first forty (40) feet of all driveways must be composed of asphalt or concrete. Thereafter, the driveway may be composed of asphalt or concrete or gravel.

Q. COMPLETION OF CONSTRUCTIONS: All dwellings shall be completed within one (1) year from the beginning of

8. DECLARATION OF SHIELD CREST



construction. Upon completion of the exterior of all buildings under construction, the Owner may petition the Architectural Control Committee for permission to leave certain interior portions unfinished. The decision of the Architectural Control Committee is final.

R. PARKING: Parking of recreational vehicles is not permitted on the street in front of the residences. The streets shall not be used for parking vehicles except on a temporary basis. Off-street parking shall be provided by each property owner for at least two vehicles. No parking or storage of trailers, trucks, campers, boats, boat trailers, snow mobiles, or other off-road vehicles shall be permitted unless they are garaged, screened or concealed from the view of any neighbor.

S. ENFORCEMENT: These Declarations and Covenants may be enforced by the undersigned, any owners of any lot in the Proposed Community, or any member of the Architectural Control Committee. Any consent required of the Architectural Control Committee shall be in writing. Failure of the Committee to give a written consent within seven (7) days of a request, shall be deemed to be a denial of the request.

Should suit or action be instituted to enforce any of the foregoing covenants or restrictions, after written demand for the discontinuance of a violation thereof, and any failure to so do, then, whether said suit be reduced to decree or not, the board or owner seeking to enforce or to restrain any such violations, shall be entitled to have and recover from such defendant or defendants, in addition to the costs and disbursements allowed by law, such sum as the Court may adjudge reasonable as attorney's fees in said suit or action.

14. AMENDMENT OF DECLARATION: This Declaration, or any portion thereof, may be amended by an affirmative vote of 75% of the lots owners favoring the amendment.

15. CONTEMPLATED IMPROVEMENTS: The Declarant does not agree to build any specific improvement and does not choose to

9. DECLARATION OF SHIELD CREST

limit Declarants' right to add improvements not included in this Declaration.

16. TURNOVER OF ADMINISTRATION: The Declarant makes no other specific provisions for turnover, except as otherwise provided in this Declaration and as provided by the Oregon Planned Community Act.

17. DELIVERY OF DEED: The deed to the common property will be delivered to the Homeowners Association contemporaneously with the execution of this Declaration.

18. ANNEXATION OF PROPERTY: The Declarant reserves the right to annex all or any portion of the following described real property to the Planned Community, to-wit:

That portion of the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 7, and NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 8 which lies Northeasterly of the following described line: Beginning at a point 7.5 feet West of the corner common to Sections 5, 6, 7, and 8, Twp. 39 S.R. 10 E.W.M.; thence South 26°39' E. 16.7 feet to a point on the line of said Secs. 7 and 8 which point is 15 feet South of the corner common to said Secs. 5, 6, 7, and 8; thence continuing South 26°39' E. 1344.3 feet, more or less, to a point on the South line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Sec. 8, which is 665 feet, more or less, East from the SW corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 8.

The E $\frac{1}{2}$  NW $\frac{1}{4}$  and that portion of NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Sec. 8, Twp. 39 S. R. 10 E.W.M., lying North of the Klamath Falls-Lakeview Highway, SAVING AND EXCEPTING from said portion of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  that portion thereof conveyed to School District No. 11 by a deed acknowledged February 5, 1910, recorded February 26, 1910, in Deed Book 28 at page 338, and NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Sec. 8, Twp. 39 S. R. 10 E.W.M.

A portion of which above-described property is also described as Tract 1172 SHIELD CREST, a platted subdivision, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

under the following terms and conditions:

A. The declarant, or its successors in interest, shall annex the above mentioned real property, or any portion thereof, by notification of the Board of Directors of the Homeowner's Association of the intent to annex. Such notice shall fully describe the property to be annexed and the plan of subdivision of the property into lots and parcels. The Board of

Directors of the Homeowner's Association shall accept the annexation within thirty (30) days of notification.

B. There will be no limitation upon the number of lots the declarant, or its successors in interest, may create upon the above described property and annex the same to the Planned Community.

C. There will be no limitation on the right of declarant, or its successors in interest, to annex common property to the Planned Community.

D. One vote shall be allocated to each lot or parcel annexed to the Planned Community.

E. The common expenses and the reserve fund shall be allocated to each lot or parcel that is annexed in the same manner as in this Declaration. No lot or parcel annexed to the Planned Community shall be assessed any common expenses until the beginning of the next fiscal year following annexation.

Return:

Wm. P. Brandness  
411 Pine Street  
KF Ore.

SHIELD CREST, INC. an Oregon corporation

By: E. Marie Owens  
President

By: Robert E. Heyne  
Secretary

STATE OF OREGON )  
County of Klamath )

) ss. March 9, 1984

Personally appeared the above-named E. MARIE OWENS who, being sworn, stated that she is President, and ROBERT E. CHEYNE, who, being sworn, stated that he is Secretary of Shield Crest, Inc., and that said instrument was signed in behalf of said corporation by authority of its Board of Directors; and they acknowledged said instrument to be its voluntary act and deed.  
Before me:

Deborah A. Luzzo  
Notary Public for Oregon  
My Commission expires: 9/16/85

STATE OF OREGON: COUNTY OF KLAMATH: ss

I hereby certify that the within instrument was received and filed for record on the 16th day of March A.D., 1984 at 8:38 o'clock A.M. and duly recorded in Vol. M84, of Deeds on page 4256.

EVELYN BIEHN, COUNTY CLERK

Fee: \$ 44.00

by: Ann Smith, Deputy