

As per 88552

SECOND AMENDED DECLARATION OF CONDITIONS AND RESTRICTIONS
BELLA VISTA SUBDIVISION TRACT 1235
KLAMATH COUNTY, OREGON

The undersigned, being owners of the real property located in Bella Vista Subdivision, Tract 1235, hereby dedicate these second amended conditions and restrictions as covenants running with the land each to benefit and burden the following described real property situate in Klamath County, Oregon, particularly described as:

Government Lots 19, 20, 25 and 26 of Section 7 Township 35 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Also known as:

Lots 1 through 42, Block 1; Lots 1 through 4, Block 2; Lot 1, Block 3; Lots 1 through 7, Block 4; Lots 1 through 9, Block 5; and Lots 1 through 7, Block 6; all in BELLA VISTA TRACT 1235, a subdivision of Klamath County, Oregon, according to the official plat thereof.

The undersigned are the owners of the lots described below.

29. Repeal. The Amended Declaration of Conditions and Restrictions recorded the 15th day of April, 1988, at Volume M88, Page 5869, of the Klamath County Deed Records is hereby expressly repealed. Paragraphs 26, 27, and 28 are of no further force and effect, it being the intention of the parties hereto that no mobile homes shall be permitted within the subdivision, provided however, that to the extent this second Amended Declaration might remain in effect for any reason, that any mobile home permitted on any one or more of the lots described herein, shall meet the minimum standards in paragraphs 27 and 28 previously published.

30. Republication. Paragraph 4 and paragraph 7 of the Declaration of Conditions and Restrictions of Bella Vista Subdivision Tract 1235, Klamath Falls, Oregon, recorded August 14, 1987, in Volume M87, Page 14651 et seq. of Klamath County Deed Records is hereby expressly republished.

31. Utilities. All utilities serving the subdivision shall be located underground and placed within the easements reserved therefor. No overhead electrical, telephone or cable television service or utility shall be permitted, nor shall electrical service be strung between overhead service poles on or across an individual parcel, save and except that poles may be installed as standards for street lights, providing the electrical service thereto is underground.

32. Severability. By signing below, each of the signers warrants and represents as follows:

- A. That said person or persons is the holder of fee simple title in the described real property; or
- B. That same person has affixed his or her signature thereto under full authority of his or her principal, if that signature is given in representative capacity for a corporation, partnership or other entity; or
- C. That any person signing hereto under power of attorney, warrants and represents that he or she has fully authority to bind the principal to this transaction, that he or she shall hereafter warrant and defend the same.

33. Partial Validity. Each of the signers hereto fully consent to and join in the repeal of the Amended Declaration of Conditions and Covenants and execute the Second Amended Declaration.

It is further agreed to the extent that one or more of the property owners named herein should not execute this agreement, that the amendments hereto shall remain in full force and effect as to each and every property so benefitted and burdened and that the amendments contained herein shall be of no force and effect as to the properties not so benefitted and burdened, save and except the same may be added to and become a part of these Second Amended Declarations of Conditions and Restrictions by execution of a subsequent signed and sealed covenant that the properties herein shall be subject to the terms and conditions of these covenants as fully as if set forth herein.

34. Signature and Counterparts. This Second Amended Declaration shall be valid if signed in counterpart by the parties hereto. The recording of duplicate originals of the signatures of any of the parties hereto shall not affect the validity of any of the provisions hereof, it being the intent of the parties that more than one copy hereof may constitute the full agreement of the signers whose names appear hereunder.

IN WITNESS WHEREOF, the following, being owners of the described real property have hereunto set their hands on the date opposite their respective signatures.

DATE: July 15, 1988

Alberta Heffron
ALBERTA HEFFRON ESQ. as attorney
in fact for S.R. Brazil & Elma
Brazil, husband and wife
Block 1, Lot 24

DATE: July 15, 1988

Alberta Heffron
ALBERTA HEFFRON ESQ. as attorney
in fact for King Seeds Inc.
Block 1, Lot 9

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for J. Glenn Julian &
 Evelyn Julian, husband and wife
 Block 1, Lot 18

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Alex Pittson & Audrey
 Pittson, husband and wife
 Block 1, Lot 23

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Walter Shold &
 Bernice Shold, husband and wife
 Block 1, Lot 13

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Warren Stoll and
 Bernadine Stoll, husband and wife
 Block 1, Lot 25

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for James Studer and
 Sudrey Studer, husband and wife
 Block 1, Lot 22

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Dorothy J. Wright
 Block 1, Lot 30

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Minnie Vasek
 Block 5, Lot 5

DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Helen Phillipi
 Block 5, Lot 4

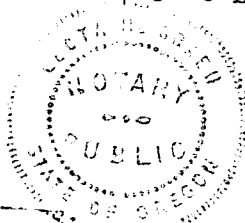
DATE: July 15, 1988

Alberta Heffron
 ALBERTA HEFFRON ESQ. as attorney
 in fact for Bert Walker
 Block 1, Lot 7

STATE OF OREGON)

County of Marion) ss.

Personally appeared before me, ALBERTA HEFFRON, attorney in fact for the above named individuals, and acknowledged the foregoing to be their voluntary act and deed.



Alberta M. Heffron
NOTARY PUBLIC FOR OREGON
My commission expires: Jan. 28, 1989

DATE: 7-21-88DATE: 7-21-88STATE OF OREGON)
County of Klamath) ss.

Donald J. Legget
DONALD J. LEGGET
Elida Legget
ELIDA LEGGET

Personally appeared before me the above named individuals, DONALD J. LEGGET and ELIDA LEGGET, husband and wife, and acknowledged the foregoing to be their voluntary act and deed.

Donald J. Legget
NOTARY PUBLIC FOR OREGON
My commission expires: 2/28/91

DATE: 7/21/88DATE: 7-21-88STATE OF OREGON)
County of Klamath) ss.

Matthew Hurley
MATTHEW HURLEY
Block 4, Lot 4

Robert Henderson
ROBERT HENDERSON
Block 4, Lot 4

Personally appeared before me the above named individuals, MATTHEW HURLEY and ROBERT HENDERSON, and acknowledged the foregoing to be their voluntary act and deed.

Matthew Hurley
NOTARY PUBLIC FOR OREGON
My commission expires: 2/28/91

SECOND AMENDED DECLARATION OF CONDITIONS & RESTRICTIONS
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DATE: July 19, 1988

Leona U. Lensman
 LEONA U. LENSMAN
 Block 1, Lot 8

STATE OF OREGON)
 : ss.
 County of Mason)

Personally appeared before me the above named individuals,
 LEONA U. LENSMAN, and acknowledged the foregoing to be her
 voluntary act and deed.

Deborah Wister
 NOTARY PUBLIC FOR OREGON
 My commission expires: 11-12-90

DATE: 8/10/88

W. K. O'Connell PRESIDENT
 E.C. COMPANY, an Oregon
 Corporation
 Block 4, Lot 7 & Block 5, Lot 3

STATE OF OREGON)
 : ss.
 County of _____)

Personally appeared before me WILLIAM K DESHLER,
 President and ROBERT S. BALL, Secretary of
 E.C. COMPANY, an Oregon Corporation, and that the seal affixed to
 the foregoing instrument is the corporate seal of said
 corporation and that the instrument was signed and sealed in
 behalf of said corporation by authority of its board of
 directors; and each of them acknowledged said instrument to be
 its voluntary act and deed.

Joe A. Scroggs
 NOTARY PUBLIC FOR OREGON
 My commission expires: 4/4/90

DATE: July 15, 1988Martha D. Hecht
MARTHA D. HECHT
Block 5, Lot 6STATE OF OREGON)
NOTARY)
County of Marion) : ss.Personally appeared before me the above named individuals,
MARTHA D. HECHT, and acknowledged the foregoing to be her
voluntary act and deed.[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: 12-9-91DATE: 7/1/88[Signature]
SANTIAM VALLEY BANK
Block 1, Lot 5, Lot 20, Lot 21STATE OF OREGON)
County of MARION) : ss.Personally appeared before me R.G. Woolley,
President and [Signature], Secretary of
SANTIAM VALLEY BANK, and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation and that the
instrument was signed and sealed in behalf of said corporation by
authority of its board of directors; and each of them
acknowledged said instrument to be its voluntary act and deed.[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: 10/18/91

DATE: JULY 14, 1988WESTERN BANK
Block 5, Lot 1 & Lot 2STATE OF OREGON)
County of Clatsop : ss.

I, Frederick R. McKinnon,
President and Secretary of
WESTERN BANK, and that the seal affixed to the foregoing
instrument is the corporate seal of said corporation and that the
instrument was signed and sealed in behalf of said corporation by
authority of its board of directors; and each of them he
acknowledged said instrument to be its voluntary act and deed.

Margaret Menten
NOTARY PUBLIC FOR OREGON
My commission expires: 12-20-90

DATE: July 19, 1988

Marionette E. Wood
RIVERSIDE ENGINEERING COMPANY
Block 6, Lots 1-7

STATE OF OREGON)
County of Washington : ss.

Personally appeared before me Robert E. Wood,
President and Marionette E. Wood, Secretary of
RIVERSIDE ENGINEERING COMPANY, and that the seal affixed to the
foregoing instrument is the corporate seal of said corporation
and that the instrument was signed and sealed in behalf of said
corporation by authority of its board of directors; and each of
them acknowledged said instrument to be its voluntary act and
deed.

Ronald R. Belp
NOTARY PUBLIC FOR OREGON
My commission expires: 11-11-91

DATE: 7-15-88Walden C. Davis
WALDEN C. DAVIS
Block 1, Lot 17DATE: 7-15-88Ellen Davis
ELLEN DAVIS
Block 1, Lot 17STATE OF OREGON)
County of Douglas) ss.

Personally appeared before me the above named individuals, WALDEN C. DAVIS and ELLEN DAVIS, husband and wife, and acknowledged the foregoing to be their voluntary act and deed.

Carolyn C. Roberts
NOTARY PUBLIC FOR OREGONMy commission expires: 3-25-90DATE: 7/13/88James Paul Rathbun
M & D INC.
Block 5, Lots 7STATE OF OREGON)
County of Clatsop) ss.

Personally appeared before me MICHAEL RATHBUN President and Del Rathbun, Secretary of M & D INC., and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that the instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

DATE: Aug 9, 1988Debra L. Varga
NOTARY PUBLIC FOR OREGONMy commission expires: 3-3-92DATE: Aug 9, 1988Bradford J. Aspell
BRADFORD J. ASPELL
Block 1, Lots 26, 27, 28Susan E. Aspell
SUSAN E. ASPELL
Block 1, Lot 26, 27, 28

STATE OF OREGON)
 : SS.
 County of Klamath)

Personally appeared before me the above named individuals,
 BRADFORD J. ASPELL and SUSAN E. ASPELL, husband and wife, and
 acknowledged the foregoing to be their voluntary act and deed.

DATED: Aug 9 1988

Diana R Swafford
 NOTARY PUBLIC FOR OREGON
 My commission expires: 8/20/90

Bradford J. Aspell
 BRADFORD J. ASPELL, TRUSTEE
 Block 3, Lot 1;
 Block 4, Lots 1, 2, 3

STATE OF OREGON)
 : SS.
 County of Klamath)

Personally appeared before me the above named individual,
 BRADFORD J. ASPELL, and acknowledged the foregoing to be their
 voluntary act and deed.

Diana R Swafford
 NOTARY PUBLIC FOR OREGON
 My commission expires: 8/20/90

13402

Date: 7-25-1988James S. Studer
JAMES STUDER
Block B, Lot 22Date: July-25-1988Audrey S. Studer
AUDREY STUDER
Block B, Lot 22

STATE OF OREGON

County of Lane

Personally appeared before me the above named individuals,
JAMES STUDER AND AUDREY STUDER, husband and wife, and
acknowledged the foregoing to be their voluntary act and
deed.

NOTARY PUBLIC FOR OREGON
My Commission Expires

Peggy L. Ross
PEGGY L. ROSS
NOTARY PUBLIC OREGON
My Commission Expires 5-22-89

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 18th day
of Aug. A.D., 19 88 at 3:30 o'clock P.M., and duly recorded in Vol. M88
of Deeds on Page 13393
By Evelyn Biehn County Clerk
Randee Meadows

FEE \$53.00

Return: A.T.C.

RECORD AMENDED DECLARATION OF CONDITIONS AND RESTRICTIONS

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