

K-42798

THE QUAIL RIDGE SUBDIVISION - TRACT #1263

Located within the City of Klamath Falls,
Klamath County, Oregon

DEVELOPERS: TIM M. and CECILIA M. AMUCHASTEGUI

CONDITIONS AND RESTRICTIONS

1. 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 developers of the subdivision, and any other members appointed by the developers.

2. 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) has been approved by the Architectural Control Committee as to quality of workmanship and material, harmony of external design with existing structures and as to location with respect to topography and finish grade elevations.

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 2000 square feet, excluding the garage and porches.

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 the request, shall be deemed to be a denial of the request. However, the committee must approve or disapprove in writing within twenty-one (21) days.

The Architectural Control Committee members shall be Tim and Cecilia Amuchastegui. At their option, they may appoint other members to the committee. The maximum number serving on the committee shall not exceed five (5) people. Any member wishing to resign from the committee may do so. A member of the committee may be removed from the committee by a majority vote of the committee. In the event all members of the committee are unable to perform their duties, new committee members (5 maximum) may be established by a vote of the Quail Ridge Subdivision property owners. Each lot has one vote. Minimum quorum is two (2) people. A fifty-one percent (51%) majority vote of the committee is required in order to obtain approval of plans.

3. RESTRICTION, USE AND MAINTENANCE OF LOTS: The following is a Statement of Restrictions, Uses and Maintenance of lots in the Quail Ridge Subdivision and the means of enforcing the terms of this provision:

- A. UTILITY CONNECTIONS: On each of the lots, no above-ground utilities, pipes, or wires, shall be used to connect a telephone system, power system, or other improvements with supplying facilities. (Exposed antennas and reception 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 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 property 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 subdivision. Such boundary fences shall be constructed of good materials and, at all times, be well maintained.)
- 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.
- 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.
No animals are to be allowed to roam outside owner's premises without being controlled by owner and on leash.
- F. MAINTENANCE OF LOTS: Each lot and its improvements shall be maintained in a clean and attractive condition, 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 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. GARBAGE AND REFUSE DISPOSAL: No lot 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 the subdivision except controlled weed, grass, and yard trimmings, nor shall

3. RESTRICTION, USE AND MAINTENANCE OF LOTS: (Continued)

H. GARBAGE AND REFUSE DISPOSAL: (Continued)

any lot be used for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition, including firewood which must be stored in an orderly manner and not be covered with colored coverings, 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 fires upon the property.

All garbage containers, cuttings, refuse, and other service facilities must be screened from view of neighboring lots.

- 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 of 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 three square feet advertising the property for sale or rent.
- K. BUILDING LOCATION: No structure shall be located on any lot nearer than twenty (20) feet to the street front property line or nearer than fifteen (15) 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 (20) feet from a rear lot line.
- L. LANDSCAPING: Front yards shall be fully landscaped within one year, and rear yards finished within two years, after the exterior of the main building is finished. The use of fast growing tall trees is discouraged. Trees must not exceed twenty-five (25) feet in height, and should be planted in location to minimize impact of neighboring views. Areas subject to erosion must be landscaped for purposes of erosion control not later than six (6) months after substantial completion of the home.
- M. DRIVEWAYS: All driveways need to be of asphalt, concrete, or other approved hard surface. Dirt or gravel driveways are not allowed.
- N. SURFACE DRAINAGE: Special attention shall be given to site surface drainage so that surface waters will not adversely affect neighboring properties.

3. RESTRICTION, USE AND MAINTENANCE OF LOTS: (Continued)

- O. COMPLETION OF CONSTRUCTION: All dwellings shall be completed within one (1) year from the beginning of 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 Committee is final.
- P. 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. No parking or storage of motorhomes, trailers, campers, boats, boat trailers, snowmobiles, or other off-road vehicles shall be permitted unless they are garaged, screened, or concealed from the view of any neighbor.
- Q. ENFORCEMENT: These Conditions and Restrictions may be enforced by the undersigned, any owners of any lot in the subdivision, or any member of the Architectural Control Committee. Should suit or action be instituted to enforce any of the foregoing conditions or restrictions, after written demand for the discontinuance of a violation thereof, and any failure to do so, then whether said suit be reduced to decree or not, the 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 suits or action.
- R. AMENDMENT OF DECLARATION: This Declaration, or any portion thereof, may be amended by an affirmative vote of two-thirds (2/3) of the lot owners favoring the amendment.
- S. EASEMENTS: No building, fences, walls, wood piles, debris, fill material or any other obstruction shall be constructed or placed within the slope or utility easement without prior written approval of the City and/or the utility companies which occupy said easement.

A CONDITION OF THIS SUBDIVISION: THE PROPERTY ADJOINING THE QUAIL RIDGE SUBDIVISION IS ZONED FOR FURTHER DEVELOPMENT AND MAY BE DEVELOPED IN THE IMMINENT FUTURE.

Tim M. Amuchastegui
Developer: Tim M. Amuchastegui

Cecelia M. Amuchastegui
Developer: Cecelia M. Amuchastegui

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Return: HCTC

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 30th day of Nov. A.D., 19 90 at 2:54 o'clock PM., and duly recorded in Vol. m90, of Deeds on Page 23808.

Evelyn Biehn, County Clerk

By Danise Muelens

FEE \$23.00