

DECLARATION OF CONDITIONS AND RESTRICTIONS

FOR

MONTE VISTA RANCH SUBDIVISION

TRACT 1260 KLAMATH COUNTY, OREGON

WHEREAS, the developer of MONTE VISTA RANCH desires to preserve its natural qualities for the benefit of this community, it herewith sets forth the following conditions and restrictions:

Turnstone Inc. as developer and grantor hereby dedicates the conditions and restrictions designated below as covenants running with the land included within the following described real property situated in Klamath County, Oregon particularly described as:

Government Lot 13, EXCEPTING THEREFROM the West 198 feet and Government Lot 18, Section 7, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

1. GRADING AND FILL RESTRICTION: Grading, fill and other earth work shall be only that required for foundations, driveways and walkways and shall be under and immediately adjacent to structures. Natural topography shall be retained except to the extent necessary for the construction of permitted improvements described below. All of the construction disturbance shall be corrected so as to restore the ground terrain to the original natural appearance within 90 days following occupancy of the structures built on the site.

2. SERVICE DRAINAGE: Site service drainage shall not be so altered, constructed, accelerated or dammed on the subject property or adjacent thereto so as to adversely affect any neighboring property.

3. MOBILE HOMES: No mobile homes will be permitted on the premises. Also not permitted for use as a residence are tents, trailers, garages, out-building nor any buildings of a temporary nature. The construction and installation of a manufactured home shall be subject to the approval of the Architectural Control Committee.

4. SET BACK LINES: No dwelling or other building shall be erected within 45 feet of a front property line and, when the lot is a corner lot said set back requirements shall likewise apply to the side abutting the street. Excepted from this provision are Lot 8 Block 3 and Lot 14 Block 3 due to their narrow depths. For these two lots the minimum shall be 25 feet. For all lots, except Lot 14, Block 3, the side and rear set back lines shall be a minimum of 20 feet from the property line. For Lot 14, Block 3 the rear (west) set back line shall be a minimum of 10 feet from the rear (west) property line.

5. RESIDENCE BUILDINGS: No residence buildings shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling not to exceed two stories in height and a private garage for not more than three automobiles. No residential building, garage or accessory buildings shall exceed 28 feet in height. Excepted from the provisions of this paragraph are Lots 1,2,3 and 4 of Block 1 where all constructed buildings shall be limited to 18 feet in height as measured from the elevation of David Street.

6. ACCESSORY BUILDINGS: In addition to the single family residence and garage described above no more than one accessory building shall be permitted on the lot. It shall be constructed in compliance with the set back requirements above and the approved material and finishes described below. In addition thereto, said accessory building may not exceed the total square footage size of the primary residence. The height of the accessory building may not exceed the height of the residential building.

7. SIZE OF DWELLINGS: No single family dwelling shall be less than 1500 square feet for the main structure exclusive of porches and garages.

8. MATERIAL AND FINISHES: All residences, garages and accessory buildings must be finished with the same or complimentary exterior materials. Galvanized, sheet metal, tar paper or composition siding will not be permitted on any building or structure. No galvanized metal or other reflective roof surfaces shall be permitted. Tar and aggregate roof surfaces will be permitted only when the aggregate used is of sufficient size and thickness to insure full coverage of all asphaltic base coats. Asphaltic tile roofs will be permitted but only in subdued tones as approved by the Architectural Control Committee. Tile roofs of all types will be considered for approval by the committee. All metal surfaces including flues, exposed flashing vents, pipes, trim etc. shall be anodized or painted to blend with the exterior colors of the dwelling and shall be non-reflective.

9. SEWAGE: Individual sewage disposal systems shall be by septic tank or other permitted subsurface disposal system. Installation of and construction of sewage systems shall be pursuant to rules, regulations and permit authority of the State of Oregon Department of Environmental Quality and its delegated authority, The Klamath County Department of Environmental Health.

10. ANIMALS: No livestock, poultry, horses or other animals, excepting dogs, cats and birds shall be raised, bred or kept on any lots. Household pets shall be limited by number and type so as to constitute no nuisance to adjoining neighbors or the general public.

11. TELEVISION ANTENNAS: No television antennas nor satellite receiver discs shall be placed on the premises in front of any residence, garage or accessory building.
12. STORAGE AREAS: All outdoor storage areas, garbage cans, utility boxes, trash areas shall be fenced or screened with material which matches or is compatible with the exterior finish of the residence. No damaged, disabled or other vehicle not readily in driving condition shall be stored on the subject property except if enclosed in a closed garage or accessory building.
13. COMMERCIAL VENTURE: No commercial venture shall be allowed on any of the property herein nor shall any home occupation be permitted which results in the maintenance, repair, storage, fabrication or salvage of vehicles, equipment or chemicals on the premises. No signs advertising any business venture shall be allowed.
14. SIGNS: No sign of any kind shall be displayed to the public view on any lot except one sign not more than 5 square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during construction and sales period, or one sign of not more than 2 square feet providing the names of the residents of the property.
15. CONDITION OF LOTS: Each lot shall be maintained in good and clean condition and free of hazards to the adjacent property and to residents thereof. No lots shall be used or maintained as storage or dumping ground for equipment, vehicles, rubbish, trash, garbage or debris. All waste shall be kept in sanitary containers and shall be protected from animals and out of view. No clothes lines shall be permitted.
16. LANDSCAPING: No tree measuring more than 6 inches in diameter at a point 3 feet above the ground shall be cut without the approval of the Architectural Control Committee. Excepted from this requirement are trees located in the area of the planned structures.
17. CONFORMANCE WITH PLANS, SPECIFICATIONS, AND REQUIREMENTS OF THE KLAMATH COUNTY BUILDING DEPARTMENT: No excavation shall commence nor foundations be marked or set without the prior submission of plans and specifications, and the approval thereof by the Architectural Control Committee, the Klamath County Building Department and the Klamath County Department of Environmental Health. No two homes with identical floor plans may be built adjacent to each other.
18. PAINTING AND EXTERIOR COLORS: All structures located upon the property shall be painted or stained promptly upon completion. No bright and highly reflective colors shall be approved.

19. DRIVEWAY SURFACES: All arens utilized for parking of vehicles on the subject property shall have a paved, concrete or suitable gravel surface.

20. RESTRICTIONS AS TO SINGLE DWELLINGS: No building shall be erected or altered or used on any lot whatsoever in said subdivision except as herein stated for any purpose other than:

A. One single detached dwelling occupied by the purchaser, his lessee or guests and for residence purpose only.

B. Other buildings incident and accessory to a country home the use of which is restricted and defined as follows:

- 1) Garage. To be used to house automobiles of the purchaser, lessee or guests for the use of which no charge is made.
- 2) Dwelling. For the use of servants of the purchaser or lessee or guests.
- 3.) Greenhouse. Permitted for private use only.

The purpose of these restrictions is to limit the use and occupancy of any one single lot to any one single family with their necessary servants and appurtenances. In case the purchaser of any lot leases his premises, the premises must be leased as a whole; the leasing or sub-leasing of any part thereof is expressly forbidden.

21. ARCHITECTURAL CONTROL COMMITTEE: When fully constituted, this committee shall consist of three homeowner residents of Monte Vista Ranch. Initially, however it will consist of the officers of Turnstone Inc, the developer. The developer will appoint three residents to serve on the committee as soon as that becomes feasible. Once committee positions are filled by three owner residents, succeeding representatives shall be designated by a majority of the members of said committee. No building shall be erected, placed or altered on any building lot in this subdivision until the building plans, specifications and plot plan showing the location of such building have been approved in writing as to conformity with this DECLARATION OF CONDITIONS AND RESTRICTIONS. The membership of the Architectural Control Committee shall remain on file with the Klamath County Building Department and shall be updated as membership changes. In the event of the death or resignation of a member or members of said committee, the remaining member or members shall have full authority to approve or disapprove such design or location or to designate a representative with like authority. In the event that said committee fails to approve or disapprove such design or location within 30 days after said plans and specifications have been submitted to it such written approval will not be required and this covenant will be deemed to have been fully complied with. This provision shall not, however waive the rights of enforcement of other than the design review and approval functions. Neither the members of such committee nor the designated representative shall be entitled to any compensation for services performed pursuant to this covenant.

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After December 31, 2001 the owners of a majority of the real property within the subject subdivision may, by a sealed document amend these deed covenants and restrictions which amendments shall remain in force and effect thereafter or until by their terms they shall expire or be amended by subsequent act.

22. COVENANT RUNNING WITH THE LAND: The terms, conditions, covenants and restrictions contained herein shall run with the land and be binding upon grantors, grantees, their heirs, successors and assigns. All persons to this agreement, either benefited or burdened thereby, shall have power and standing to enforce any terms or conditions of the covenants herein through use of such legal and equitable remedies as may exist.

IN WITNESS WHEREOF the parties have hereunto set their hand this 26th day of September, 1991.

TURNSTONE INC.

By: Robert J. Mullen
Robert J. Mullen, President

By: Donald J. Legget
Donald J. Legget, Secretary



ATTEST:

STATE OF OREGON, County of Klamath)ss.

September 26, 1991

Personally appeared Robert J. Mullen and Donald J. Legget who, being duly sworn, each for himself and not one for the other, did say that the former is the president and the latter is the secretary of Turnstone Inc., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said 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.

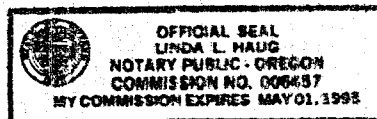
Before me:

Linda L. Haug

Notary Public for Oregon
My commission expires: 5-1-95

(OFFICIAL
SEAL)

Return - Turnstone Inc
411 Pine Street
City 97601



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 27th day
of Sept. A.D. 19 91 at 10:48 o'clock AM. and duly recorded in Vol. M91
of Deeds on Page 19640

FEE \$28.00

Evelyn Biehn County Clerk

By Robert J. Mullen