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Declaration of Conditions and  
Restrictions for Tract 1270,  
5th Addition to North Hills,  
Klamath County, Oregon  
Dated April 7, 1993  
Recorded: April 13, 1993  
Volume: m93, page 7653  
Microfilm records of Klamath  
County, Oregon

This is the Declaration of Conditions and Restrictions for Tract 1270, 5th Addition to North Hills, Klamath County, Oregon, more fully described in attached "Exhibit A" (and hereinafter called "Tract 1270").

The undersigned, being the registered owners and parties of interest in Tract 1270 do hereby make the following declaration of conditions and restrictions covering the above-described real property, specifying that the declaration shall constitute covenants to run with all of the land, and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the benefit of and the limitations upon all future owners of said real property. These restrictions shall apply only to single family dwellings.

There shall be formed a "Design Review Committee" for the purpose of controlling and enforcing the conditions of this declaration and also to assist builders in constructing and maintaining a beautiful residential area. The Committee shall be organized as follows.

Design Review Committee: The Design Review Committee shall consist of three registered owners of Tract 1270 who have been elected by the registered owners of Tract 1270. The present owner of Tract 1270 is RMC-93, a general partnership. The following have been elected as the first Design Review Committee:

Glenn J. McGuire, general partner of RMC-93  
Donald E. Rowlett, general partner of RMC-93  
John T. Bowers, general partner of RMC-93

Which constitutes a quorum of the general partners.

A quorum of the committee shall be two members. All elections of committee members hereafter shall be conducted by the Design Review Committee. Committee members shall serve unlimited terms. Whenever any vacancy shall occur in the committee by death, resignation or any other cause, the vacancy shall be filled in the manner described herein. The remaining committee members shall elect a replacement member who shall be a property owner in Tract 1270. All Design Review Committee members shall be property owners in Tract 1270; should a member not be a property owner through sale, transfer, etc., of their property, a replacement member shall be selected by the Committee who is a property owner in Tract 1270.

Any deviations from the conditions and restrictions of this agreement shall be allowed by a majority vote of the Committee.

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Invalidation of any of these covenants shall in no way affect any of the other provisions, which shall remain in full force and effect.

The following conditions and restrictions shall bind and enure to the benefit of, and be enforceable by suit for injunction or for damages, by the owner or owners of any of the above described lands, each of their legal representatives, heirs, successors, or assigns. Failure to enforce any of such conditions or restrictions shall in no event be deemed a waiver of the right to do so thereafter.

Should suit or action be instituted to enforce any of the following restrictions or covenants 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 violation 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 an attorney fee in such suit or action.

1. Mass Grading of A Site Will Not be Permitted. Earth work shall be only that required for foundations and driveways and be under and immediately adjacent to structures. This shall mean that construction disturbance shall be corrected so as to restore the ground to its original appearance.

2. Temporary Structure. No structure of a temporary nature, basement, tent, shack garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, and no old structure shall be moved or placed onto any of said lots.

3. Surface Drainage. Special attention shall be given to site surface drainage so that surface waters will not adversely affect neighboring properties.

4. Set-Back lines. No dwelling or other building shall be erected within twenty feet of a front property line, except a corner or unusually shaped lot which may have a twenty-foot set-back line on the side abutting the street; however, a building may be placed further back from the set-back line, if desired. Side yard set-back lines shall be not less than 10% of the lot width. Variations in set-backs are encouraged and exceptions to the preceding rule will enhance the subdivision and may be approved by the Committee within applicable building codes.

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5. Buildings. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than three automobiles. In no event shall the residential building exceed 30 feet in height nor shall any building unnecessarily obstruct the view of any neighboring properties.

The Design Review Committee may limit a building to a single story if it blocks the view of other buildings.

6. Mobile Homes. No mobile homes will be permitted.

7. Size of Dwellings. No single family dwelling shall be less than 1200 square feet for the main structure, exclusive of porches and garages. A basement does not count in this calculation.

8. Material and Finishes. All garages or car ports must be finished with the same or complimentary material as the exterior of the home. All exterior rough hardware shall be galvanized or otherwise rust resistant. All siding material must be cleared by the Design Review Committee. Aluminum, reflective or metal roof surfaces shall not be permitted. Tar and gravel roof surfaces will be permitted only when aggregate is used in sufficient size and thickness to insure full coverage of base coats. All metal surfaces including flues, exposed flashings, vents, pipes, trim, etc., shall be anodized or painted to blend with the exterior colors and be non-reflective.

9. Public Utilities. All utility services shall be brought underground from the point of the utility company connection to the structure.

10. Sewerage. No individual sewerage disposal system nor any drainage field shall be permitted on any lot and all lots shall be hooked to the sanitary sewerage located in Upland Street.

11. Fences and Walls. No fences, or walls used as fences shall be erected or maintained on any lot or property line within the front set-back areas, except around outdoor storage areas or carports. No fence or wall used as a fence on any other portion of the property shall exceed a maximum height of six feet at any point. All fencing must match or be compatible with the exterior finish of the house. Barbed wire fences are not permitted.

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12. Storage Areas. All outdoor storage areas, garbage cans, utility boxes, meters and trash areas shall be fenced or screened with material which matches or is compatible with the exterior finish of the house. All recreational vehicles, including boats, snowmobiles, camper trailers and pickup campers shall be stored in a manner to be out of view to the general public.

13. Television and Other Antennas. No T.V. antennas or Ham Radio antennas will be allowed.

14. Animals. No livestock, poultry, horses, or other animals shall be raised, bred, or kept on any lot except household pets.


15. Commercial Venture. No commercial venture shall be allowed on any of the property herein.

16. Signs. No sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent or signs used by a builder to advertise the property during the construction and sale period.

17. Condition of Lots. Each lot shall be maintained in a good and clean condition and free of hazards to the adjacent property and to the occupants thereof. No lots shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in sanitary containers. No outside clothes lines shall be permitted.

18. Landscaping. All properties shall have, at minimum, front and side yard landscaping. Landscaping shall be accomplished within 60 days of completion of construction, weather permitting. If cold and inclement weather prohibits landscaping in the Fall, it shall be accomplished by June 1st of the following year. Landscaping shall be in good taste, compatible with other properties in the Tract and maintained by the owner.

19. Plans. No single family dwelling shall be built upon any of the lots in the Tract without first submitting the plot plan and the proposed house plans to the Design Review Committee for approval prior to beginning work. No two homes with the same floor plan may be built next to each other. Any deviation from the original approved plans will not be allowed and the Design Review Committee shall have the authority to request a court injunction. The approval of the Design Review Committee shall be mandatory on the construction of any new home or for a change of any landscaping plan. The decision of the Design Review Committee shall be final.



7657

RMC-93, a partnership

by:

Donald E. Rowlett

by:

John B. Owens

by:

Blair M. Quire

STATE OF OREGON )

) SS.

COUNTY OF KLAMATH )

On this 19th day of April, 1993

7658

Before me appeared GLEN J. MC GUIRE

personally known, who being duly sworn did say that he, the said GLEN J. MC GUIRE

is the General Partner of RMC-93, a partnership  
and that said instrument was signed on behalf of said partnership by authority  
of its General Partners and acknowledged said instrument to be the free act and deed of  
said partnership.

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



Kristi L. Redd  
Notary Public for Oregon  
My commission expires: 11/16/95

STATE OF OREGON )

) SS.

COUNTY OF KLAMATH )

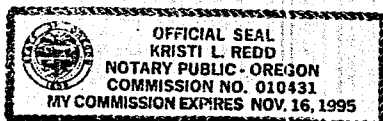
On this 9th day of April, 1993

Before me appeared JOHN T. BOWERS

personally known, who being duly sworn did say that he, the said JOHN T. BOWERS

is the General Partner of RMC-93, a partnership  
and that said instrument was signed on behalf of said partnership by authority  
of its General Partners and acknowledged said instrument to be the free act and deed of  
said partnership.

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



Kristi L. Redd  
Notary Public for Oregon  
My commission expires: 11/16/95

STATE OF OREGON )

) SS.

COUNTY OF KLAMATH )

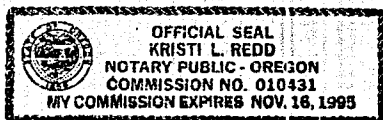
On this 9th day of April, 1993

Before me appeared DONALD E. ROWLETT

personally known, who being duly sworn did say that he, the said DONALD E. ROWLETT

is the General Partner of RMC-93, a partnership  
and that said instrument was signed on behalf of said partnership by authority  
of its General Partners and acknowledged said instrument to be the free act and deed of  
said partnership.

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



Kristi L. Redd  
Notary Public for Oregon  
My commission expires: 11/16/95

## EXHIBIT "A"

MTC Number: 29383

## LEGAL DESCRIPTION

A tract of land situated in the NE1/4 NE1/4 of Section 35 and the NW1/4 NW1/4 of Section 36, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of Lot 1, Block 9 of Tract 1152 NORTH HILLS, from which the Northeast corner of said Section 35 bears North 51 degrees 02' 29" East 551.75 feet, thence along the boundary of said Tract 1152 North 88 degrees 49' 11" West 52.40 feet, South 01 degrees 10' 49" West 173.42 feet, along the arc of a curve to the right (radius point bears North 01 degrees 10' 49" East 230.00 feet and central angle equals 01 degrees 36' 02") 6.43 feet, South 02 degrees 46' 51" West 120.14 feet; South 88 degrees 49' 11" East 229.78 feet, South 71 degrees 42' 07" East 93.23 feet and South 21 degrees 51' 38" East 179.94 feet to the initial point of Tract 1207, Second Addition to North Hills, thence along the boundary of said Tract 1207, North 68 degrees 08' 22" East 180.00 feet, North 21 degrees 51' 38" West 53.70 feet and North 68 degrees 08' 22" East 82.43 feet to the Northeast corner of Lot 3, Block 9 of said Tract 1207, thence North 46 degrees 25' 51" East 40.44 feet; thence North 21 degrees 51' 39" West 229.35 feet; thence North 62 degrees 16' 05" West 192.57 feet; thence North 83 degrees 57' 11" West 102.71 feet and North 88 degrees 49' 11" West 211.94 feet to the point of beginning, with bearings based on said Tract 1152, North Hills.

Also described as Lots 13 through 20, inclusive, Block 9 and Lots 28-34 inclusive, Block 10, TRACT 1270 - FIFTH ADDITION to NORTH HILLS, as disclosed by preliminary plat surveyed by Tru-Line Surveying.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 13<sup>th</sup> day  
of April A.D., 19 93 at 3:30 o'clock P M., and duly recorded in Vol. M93  
of Deeds on Page 7653

FEE \$40.00

Evelyn Blehn County Clerk

By James M. Anderson