

DECLARATION OF CONDITIONS AND RESTRICTIONS

OF

TRACT 1203 – COUNTRY VILLAGE

State of Oregon, County of Klamath
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Linda Smith, County Clerk
Fee \$ 416.00 # of Pgs 6

^{oc} The undersigned, being the record Board of Trustees of the property designated as Tract 1203 – Country Village, located in Klamath County, Oregon, does hereby make the following Declaration of Conditions and Restrictions, specifying that the Declaration of Conditions and Restrictions shall constitute covenants 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 a limitation upon all future owners of said real property.

A. GENERAL PROVISIONS:

1. LAND USE AND BUILDING TYPE: Comply with all County Zoning Laws and Restrictions.
2. TEMPORARY STRUCTURES: No structures of temporary character, basements, tents, shacks, garages, barns or other outbuildings shall be used on any lot at any time as a residence, either temporary or permanently.
3. FENCES: No fence shall exceed eight (8) feet high on any portion of the lot.
4. 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.
5. MOBILE HOME RESTRICTIONS: All mobile homes shall be finished in wood or other non-metallic exterior, except for metal lap siding, and shall be recessed into the ground. No mobile home will be less than 840 square feet. Nothing in this provision shall prevent the construction of a permanent dwelling house that is not less than 1000 square feet and all buildings shall comply with all of the other provisions of these conditions and restrictions and the zoning and building codes of Klamath County, Oregon.

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6. LANDSCAPING AND MAINTENANCE OF LOTS: Each parcel, 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.

7. LIVESTOCK AND POULTRY: Only animals allowed as set forth by County zoning and ordinances. All animals, livestock and poultry shall be kept in clean and sanitary condition and in a good husband like manner. No owner shall allow over grazing or over crowding on any lot.

8. COMPLETION OF CONSTRUCTION: All dwellings shall be completed within six (6) months after beginning of construction.

9. SIGNS: One sign of any type may be displayed to the public view on any lot. Size to be limited to not more than thirty-two (32) square feet.

B. REMEDIES AND PROCEDURES:

1. ENFORCEMENT: These Declarations and Covenants may be enforced by the undersigned, or any owners of any lot in the subdivision.

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 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 attorney's fees in said suit or action.

2. TERM: These covenants are to run with the land and shall be binding upon all parties and all persons claiming thereunder, however, they may be amended by majority vote of the property owners.

C. TRUSTEES OF COUNTRY VILLAGE:

1. THE BOARD: The Trustees of Country Village shall consist of a Board of not less than three (3) or more than five (5) Trustees who shall be property owners.

Any Trustee may be removed from the Board for any reason by a majority vote of the property owners. Trustees who are removed, die or resign, shall be replaced by a majority vote of the remaining Trustees. Trustees shall serve for a two (2) year term. Successor Trustees shall be designated from time to time by recording a document indicating their replacement in records of the Klamath County Clerk in the same manner as this document is recorded.

2. DUTIES: The Trustees shall submit an annual maintenance plan to be approved by a majority vote of the property owners each year, to maintain and improve the roadways within Tract 1203 – Country Village.

3. ASSESSMENTS: The Board of Trustees shall annually prepare a budget setting forth the necessary expenses to be needed. This budget shall be mailed to each of the property owners for their written approval within thirty (30) days of the mailing. Based upon the property owners majority approval of the budget, the Board of Trustees will make an assessment divided by all lots in the tract. The Notice of Assessment shall be mailed to each property owner and will be due and payable in two (2) installments on July 1 and January 1. In the event a property owner fails to pay the assessment within said period, the Trustees shall file a Notice of Lien for Assessment in records of the Klamath County Clerk's office. Said Notice of Lien for Assessment may be foreclosed in the same manner as a construction lien, including the awarding of attorney fees.

4. LIABILITIES AND COMPENSATION: The Board of Trustees shall not receive compensation for their services. The Trustees will not be individually liable for the acts done within the scope of their authority and in the event a claim is made by a third party on the actions or activities of the Trustees done within of their authority, all property owners shall share in that responsibility.

Notarization of Signatures

**ARTICLE 51.5
SUBURBAN RESIDENTIAL (RS)**

51.510 - PURPOSE

The purpose of this zone is to establish and maintain suburban areas for residential use. This zone serves to implement the Comprehensive Plan calling for use of 1 to 4 dwellings units per acre. Typically, this zone is appropriate for neighborhoods where the majority of the lots are large enough to maintain domesticated animals.

51.520 - PERMITTED USES

The following uses shall be permitted subject to site plan review of Article 41, and all other applicable standards, criteria, rules and statutes governing such uses:

- A. Single-family dwelling
- B. Manufactured Home
- C. Essential Service
- D. Home Day Care
- E. Residential Care Home
- F. Residential Care Facility
- G. Small Animals - not to exceed 24 animals per acre
- H. Large animals if lot is over 20,000 square feet; not more than 2 animals per acre
- I. Accessory Buildings and Uses
- J. Community Park

51.530 - CONDITIONAL USES

The following uses may be permitted subject to standards listed in this article and if the provisions of Article 44 are satisfied:

- A. Additional dwelling if lot or parcel 20,000 square feet or greater.
- B. Manufactured Home Park
- C. Extensive Impact Services and Utilities
- D. Cemeteries
- E. Schools
- F. Community Assembly
- G. Churches
- H. Kennel
- I. Emergency Services

51.540 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Size - 10,000 square feet
- B. Residential Density - 1 dwelling per lot or parcel, or one dwelling per 10,000 square feet
- C. Lot Size and Shape - See Article 61
- D. Building Heights and Setbacks - See Article 62
- E. Fences, Walls and Screening - See Article 64
- F. Landscaping - See Article 65
- G. Signs - See Article 66
- H. Parking - See Article 68
- I. Access - See Article 71

