

04 MAY 21 AM 11:02

WJC-1396-5971

**Declaration of Conditions and Restriction  
8th Addition of North Hills, Phase 1  
Tract 1417  
Klamath Falls, Oregon**

State of Oregon, County of Klamath  
Recorded 05/21/2004 11:02 AM  
Vol M04 Pg 32276-79  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

The undersigned, being the record owner of all of the property designated as the 8<sup>th</sup> Addition to North Hills Phase 1, located in Klamath County, Oregon, does hereby make the following declaration of conditions and restrictions, specifying that the declaration of conditions and restrictions shall be constitute covenants to run with all 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.

**General Provisions**

1. **Land use and building type:** All lots shall be used as single-family residential lots.
2. **Temporary structures:** No structures of temporary character including tents, shacks, plastic tarps, garages, sheds or other out buildings shall be used on any lot at anytime as a residence, either temporary or permanently.
3. **Fences:** No fence shall exceed six feet high on any portion of the lot and shall not exceed three feet on any side facing a street.
4. **Nuisances:** No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done there on which may be or may become an annoyance or nuisance to the neighborhood. The shooting of any firearm on the premises is prohibited.
5. **Building restrictions:** All homes must have a roof other than metal, shall be finished in wood or metal lap siding, shall be recessed into the ground and shall sit on a block or concrete foundation. No home shall be less than 1,500 square feet in size and shall have an attached garage. No manufactured homes allowed.
6. **Landscaping and maintenance of lots:** All lots shall be covered with grass, rock bed, shrubs or trees and no portion of any lot shall be left barren for more that sixty days. Each parcel, and its improvements shall be maintained in a clean and attractive condition, and in good repair.
7. **Animals:** Comply with county laws and regulations.
8. **Garbage and refuse disposal:** All garbage and other waste materials shall be kept in a sanitary container at all times. All equipment for the storage of such materials shall be kept in a clean and sanitary area. No parcel shall be used for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition or which will be unattractive to the eye, nor shall any substance, thing or material be kept upon any lot that will on site disturb the peace, comfort or serenity or occupants or surrounding property.

360 m

Return to: amt-klfalls

9. **Completion of construction:** All dwellings, or other structures shall be completed within 90 days after beginning of construction.
10. **Outbuildings:** All outbuildings plans must be submitted and approved prior to start of any construction and will be required to have the same roofing and siding as the residence.
11. **Site plans:** A site plan along with a complete set of house plans will be submitted to the Architectural committee for approval prior to the selling of a lot. The committee will make sure the plans and structures are in compliance with city and county codes.

Some criteria for approval

- A. Porches, decks and dormers.
  - B. Each home must have at least a two-car garage. Garage must be structurally and attractively attached.
  - C. Front door must face street. (City code)
  - D. Curb appeal. (Windows, shutters, siding, shape, etc.)
12. **Commercial:** No business shall be allowed to operate from residence.
  13. **Driveways and sidewalks:** Driveways are to be paved asphalt or concrete. Sidewalks are to be constructed of concrete.
  14. **R.V.'s:** No rv's shall be parked extending beyond the front of the house, on the sidewalks, or on the street.
  15. **Commercial trucks:** Commercial trucks will not be parked in the streets.
  16. **Lot purchases:** Lots may be purchased for future development with a written agreement that all CCR's will be complied with at the time of actual placement of a home.

Remedies and procedures

1. **Enforcement:** These declarations and covenants may be enforced by the undersigned or any owner 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 so do. Whether said suit be reduced or 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 any adjudge reasonable as attorneys 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 there under, however, they may be amended by two thirds of the property owners.
- 3. **The board:** The Architectural Committee shall be appointed by the property owners. The board shall consist of 5 owners, which shall include 2 members of the LLC until such time as the subdivision is completed and sold.
- 4. **Liabilities and compensation:** The property owners shall not receive compensation for their services. The property owners 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 second or their party on actions or activities of the property owners done within the scope of their authority, all property owners shall share in that responsibility.

Dated this 21<sup>st</sup> day of May, 2004

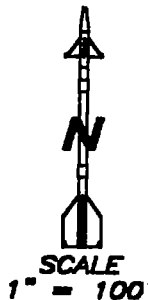
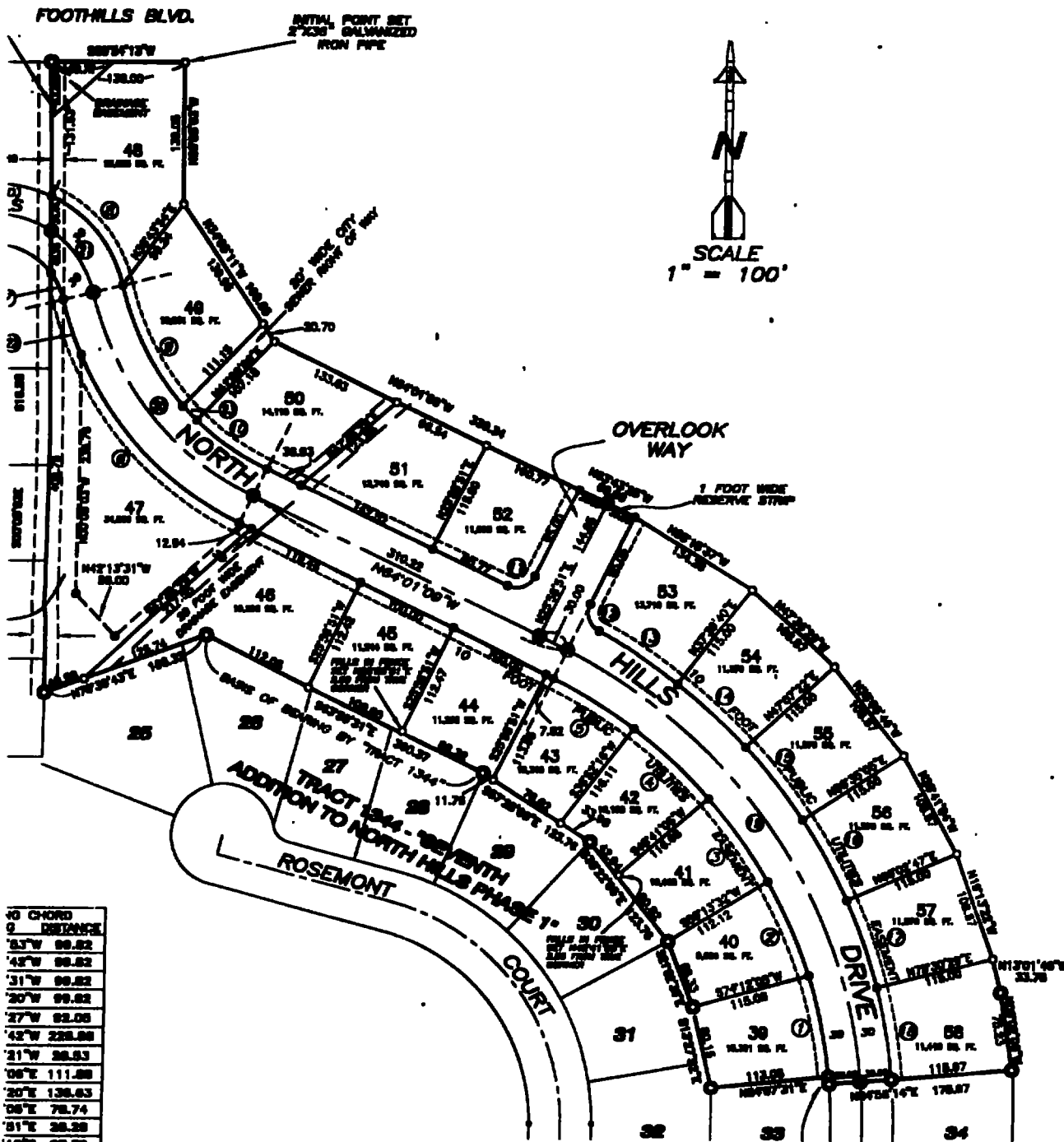
Foothills Pinnacle, LLC, an Oregon limited liability company

By: Melvin Stewart, Member

By: \_\_\_\_\_, Member

# TRACT 1417 - EIGHTH ADDITION TO NORTH HILLS - PHASE 1

BEING A PORTION OF PARCEL 3 OF "MAJOR LAND PARTITION 22-91",  
SITUATED IN THE SW1/4 NW1/4 OF SECTION 36, T38S,  
R9EWM, KLAMATH COUNTY, OREGON  
APRIL, 2004



THE PURPOSE OF THE NORTH HILLS PHASE - 1<sup>ST</sup> TO NORTH HILLS, TRACT 1344 - SEVENTH CONTROL TO SURVEY AS ON THE ANNEXED MAP.

I HEREBY CERTIFY TO PLAT OF TRACT 1417 - E WITH THIS OFFICE.

Linda Smit  
KLAMATH COUNTY

I HEREBY CERTIFY TO PLAT OF TRACT 1417 - EX SUBDIVIDED AND PLATTED.

- FOUND PLAST.
- SET 5/ SURVE
- 5/8" A SURVEY CASE 1
- 5/8" A SURVEY ON OR

INTERIOR MONUMENTS HA 20

### POST MONL

I, DENNIS A. ENSOR, SURVY SHOWN FOR POST MONUMENT WITH GNS 92.080 AS REFER

INTERIOR MONUMENTA) PAGE 20, 182.

| CHORD | DISTANCE |
|-------|----------|
| 23°W  | 89.82    |
| 43°W  | 89.82    |
| 31°W  | 89.82    |
| 20°W  | 89.82    |
| 27°W  | 82.08    |
| 42°W  | 228.88   |
| 21°W  | 28.83    |
| 18°E  | 111.88   |
| 20°E  | 138.83   |
| 08°E  | 78.74    |
| 81°E  | 28.28    |
| 18°E  | 27.78    |
| 83°E  | 81.70    |
| 28°E  | 88.80    |
| 45°E  | 88.80    |
| 04°E  | 88.80    |
| 22°E  | 88.80    |
| 40°E  | 88.80    |
| 28°W  | 887.11   |
| 03°W  | 288.17   |
| 09°W  | 78.44    |
| 38°E  | 88.12    |
| 21°E  | 20.08    |

L = 7.18  
A = 0950'45"  
R = 485.00  
LG = 88827'12"  
7.18