M05-53718

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LAND USE RESTRICTIONS OF PROTECTIVE CONVENANTS, CONDITIONS AND RESTRICTIONS FOR TRACT 1431 BEING A REPLAT OF LAND PARCEL 3 OF PARTITION 45-91

TO THE PUBLIC

WHEREAS, Declarant desires to subject said property to certain protective covenants, conditions, restrictions, easements, liens and charges for the benefit of Tract 1431, and it's present and subsequent owners as hereinafter specified, and will convey in the Tract 1431 subject thereto. It further being understood that all Tract 1431 fall within R-2 zone and any development shall conform to those requirements even if not specifically set out below.

NOW THEREFORE, Declarant hereby declares that all of the lots in Tract 1431 are and must be held and conveyed upon and subject to the easements, conditions, covenants, restrictions, and reservations hereinafter set forth, all of which are for the purpose of enhancing and protecting the value, use desirability and attractiveness of said property; that these easements, covenants, restrictions, conditions and reservations constitute covenants and servitudes to run with the land and are binding on all persons claiming under them and the land: and also that these conditions, covenants, restrictions, easements and reservations inure to the benefit of and are burdens upon all future owners and occupants of Tract 1431, and interest therein.

ARTICLE I

DEFINITIONS

- 1. "DECLARANT" means the undersigned, and the successors, heirs and assigns of Declarant's interest as developer of Tract 1431.
- 2. "LOT" means as numbered plot of land shown on the last recorded plat of Tract 1431.
 - 3. "OWNER" shall mean and refer to the record owner.
- 4. "PROPERTIES" means the real property herein described and such additional property thereto as may hereafter be brought within the jurisdiction of the protective covenants, conditions and restrictions.

Overthe Counter: Melissa Peterson

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ARTICLE II

LAND USE RESTRICTIONS

- 1. DWELLING: Only one single family residence is allowed per lot. The minimum footage for each single family dwelling shall be 2400 square feet of floor space, exclusive of garage, porch, patio, or decking. No building shall exceed two (2) levels. Only single story homes shall be allowed on southernmost lots. Below ground level basements will not be considered as a level. No modular or trailer house(s) will be allowed. The maximum height of any structure is to be no higher than six feet above the residence. All dwellings shall be constructed by Don Purio Development Co., LLC unless alternative arrangements are made prior to sale of lot of Tract 1431.
- 2. SUBDIVIDING: No further subdivision or partitioning of Tract 1431 is allowed.
- 3. RECREATIONAL VEHICLES: All recreational vehicles and boats shall be stored and otherwise parked only on the owner's property.
- 4. OUTBUILDINGS: No outbuildings, tent, shack, garage, trailer, motor home, or temporary building of any kind shall be used as a residence, either temporary or permanent.
 - 5. UTILITIES: No above ground utilities shall be used on Tract 1431.
- 6. FIRE SUPPRESSION: Each dwelling of Tract 1431 shall be outfitted with an approved Type 13D Sprinkler System.
- 7. TRASH: No part of Tract 1431 may be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. No garbage, trash or other waste may be kept or maintained on Tract 1431 except in a sanitary container. No car parts, appliances, immobilized or immobile vehicles shall be placed or stored upon any lot within Tract 1431 or any public or private streets or ways. Any such property so described will be removed after 72 hours at the owners expense.
- 8. BUSINESS: No business or any kind shall be conducted on Tract 1431 with the exception of the business of the Declarant and the transferences of Declarant in developing all of the Tract 1431 provided herein.
- 9. SIGNS: No sign of any kind shall be displayed to public view on Tract 1431, except customary name and address signs and lawn signs of not more than five (5) square feet in size advertising a property for sale.

- 10. ANIMALS: Household pets are allowed provided that they are not kept, bred or maintained for commercial purpose. A maximum of two (2) farm animals are permitted. Any and all animals are to be confined to the perimeter of the owners property and not be allowed to run free.
 - 11. WELL: There shall be no more than one single well per lot of Tract 1431.

ARTICLE III

MANUFACTURED HOMES

"MANUFACTURED HOMES" means a structure constructed off-site, designed for movement on the public highway on it's own wheels and axles, to be placed on real property permanently having sleeping, cooking, electrical and plumbing facilities, and intended for human occupancy and being used for residential purposes.

1. Manufactured homes shall not be allowed within Tract 1431.

OFFICIAL SEAL
KRISTI L REDD
NOTARY PUBLIC- OREGON
COMMISSION NO. 373294
MY COMMISSION EXPIRES NOV 16, 2007

I am the declarant(s) as referred to in Article I of the Declaration of Protective Covenants, Conditions, and Restrictions for the Tract 1431 being a replat of parcel 3 of land partition 45-91. I agree to all the above protective covenants, conditions, and restrictions for Tract 1431.

Dated this 74 day of septe	mber 20	05.				
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Don L Purio, Declarant						
Doi: 21 a.io, Doi: a.io						
STATE OF OREGON)					
C CYCLAN AND THE) ss.					
County of KLAMATH)		. 1	0.	,	
SUBSCRIBED AND SWORN	TO BEFOR	E ME THIS _	74h DAY	OF <u>Septem</u>	<u>ker, a</u>	<u>2005</u>
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