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Klamath County, Oregon

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Pages 6 Fee: \$46.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

After Recording Return To:

Ticor Title
650 E. Pine Street, Suite 102A
Central Point, OR 97502

1. Name(s) of the Transaction(s):

Declaration of Conditions and Restrictive Covenants

2. Direct Party (Grantor):

JK Squared, LLC

3. Indirect Party (Grantee):

4. True and Actual Consideration Paid:

5. Legal Description:

See Attached

46.00

Declaration of Conditions and Restrictive Covenants
Eighth Addition, North Hills, Phase 2 / West View Dr. Subdivision

JK Squared, LLC, owners and developers of Lots 59 through 81 of Tract 1438, Eighth Addition to North Hills, Phase 2, a 23 lot subdivision on West View Drive in Klamath County, Oregon hereby declare the following conditions and restrictions governing the construction, development and use of said real property. These conditions and restrictions run with the land and shall be binding on all persons claiming an interest (ownership or leasehold) in the property:

1. Land Use and Building Codes

The lots shall be used for residential purposes only. All structures must be "stick-built" construction, no manufactured, modular or factory homes, and must conform to applicable building codes. All setback regulations shall be strictly adhered to. Structures are prohibited on utility easements.

2. Dwelling Size and Garages

All dwellings, exclusive of open porches and garages, shall not be less than 1800 square feet. Homes may be single story, split level or two stories. Each residence must have an attached garage large enough to accommodate two (2) passenger vehicles.

3. Building Materials / Design

Residential buildings shall be "**craftsman**" style (a well recognized architectural style), which often include features such as low-pitched roof, wide eaves, exposed rafter tails, decorative bracing, porches with columns, dormers, shutters, corbels or similar trim, etc. Building plans must be approved by the Architectural Control Committee, described below.

Minimum construction standards shall include horizontal lap siding on all building surfaces, architectural-grade composition roofing in dark brown, gray or black tones; exterior siding paint colors must be earth tones (no

white, yellow, pastels, etc.), contrasting trim color(s) (which can be cream or white); front porch with columns, and decorative trim.

4. Height Restrictions (Lots 59-66)

Lots 59 thru and including 66 shall have a building height restriction of 20 ft. above the level of the first floor **or** 20 ft. above the top of the curb at the public street, which ever is lower.

5. Landscaping / Fences

Within six (6) months of completion of residential construction, purchaser (or owner of the lot if the dwelling has not been sold) is required to complete the landscaping of the front yard of the property. Landscaping shall include grass, plants, shrubbery and at least one tree. No privacy fences are permitted in the front yard. Privacy fences are permitted between houses and around back yard areas. Fencing and landscaping plans must be approved by the Architectural Control Committee.

6. Parking / Storage

Parking and storage of boats, house trailers, motor homes, campers, motorcycles, trucks, utility trailers, like equipment, wood piles or accumulation of any materials is prohibited unless confined within a garage, storage port or behind a screening fence, and in no event shall project beyond the front walls of any dwelling or garage. No junked or wrecked vehicles will be permitted anywhere within the subdivision.

7. Commercial Uses

No commercial use is permitted on any lot within this subdivision. This prohibition specifically includes the parking of any tractor-trailer, semi-truck, heavy equipment, storage of materials used in a business, use of a residence as a daycare facility, or other business activity prohibited by the City of Klamath Falls.

8. **Sidewalks**

The Purchaser of any lot is required to construct sidewalks along the public roadway, typically the front of the property (and side in the case of lots 65 & 66) in conformity with the standards of the City of Klamath Falls. Sidewalk construction must be **completed** before the City will issue an occupancy permit for any dwelling. Regardless of dwelling construction, purchaser must complete the sidewalk construction no later than May 1, 2007. JK Squared, LLC, the developer of this subdivision has legal standing to enforce this provision, including all remedies referenced in Paragraph 11, below.

9. **Miscellaneous**

No noxious or offensive activity is permitted.

No temporary structures (i.e.-a tent, a portable vehicle garage, etc.) will be permitted on any lot.

No signs are permitted (exception: "for sale", political yard signs, or similar size, temporary signs).

No animals, livestock or poultry may be raised, bred or kept on any lot. Household pets are allowed, provided they are controlled and contained.

Trash, garbage, rubbish, unused equipment and materials shall not be allowed to accumulate and at all times must be contained within enclosures outside of public view.

No outdoor overhead wires, poles, towers, or similar structures are permitted.

No playground equipment (swing sets, portable pools, trampolines, basketball hoops/stands, etc.) shall be visible from the street.

10. Architectural Control Committee

The Architectural Control Committee (ACC) is responsible for reviewing and approving structure design, building materials, landscaping plans, and all other questions or disputes related to these CC&R's.

The ACC will be comprised of three (3) members. Initial members will include (1) a representative from the developer, JK Squared, LLC, (2) George Gardner, a property owner in the subdivision, and (3) a third person selected by agreement of the first two members. Members may resign or be removed by a majority vote of subdivision property owners (one vote per lot owned). Vacancies will be filled with individuals who are subdivision property owners, appointed by the remaining ACC members.

Procedure: Plans for proposed structures, swimming pools, landscaping, fences, etc., clearly showing the nature, height, shape, materials, colors, and site location must be submitted to the ACC at least 15 days prior to the commencement of construction. The ACC must review and formally (by at least a 2/3 vote indicated by placing their initials on the plan documents) approve such plans before construction begins. Disapproval by the ACC must be in writing with an explanation of the reasons for disapproval. Inaction (failure to approve or disapprove) by the ACC after 30 days following submission of plans shall be deemed to constitute approval.

ACC members are charged with acting in good faith for the benefit of the overall subdivision under the guidelines of these CC&R's. No ACC member shall be held personally liable for exercising judgment, providing they act in good faith.

11. Enforcement

Any violation of these conditions and restrictive covenants can result in

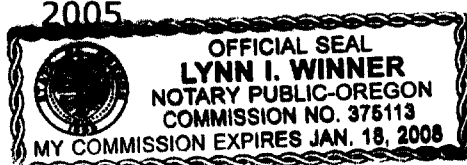
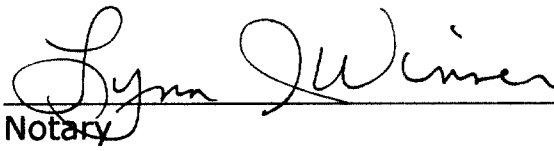
civil liability. The Developer, JK Squared, LLC **or** any real property owner within the subdivision shall have the full power and authority to prosecute a civil claim against anyone violating these CC&R's. The prevailing party shall be entitled to injunctive relief, money damages for diminished value to real estate, and all enforcement costs including and award of attorney's fees.

12. **Amendment**


These conditions and restrictive covenants may not be terminated, revoked or amended for a period of two (2) years (until May 1, 2007). Thereafter, these CC&R's may be amended by a majority vote of the owners of the platted lots.

 3/9/05
Jeffrey K. McCollum, Member/Manager (Date)
JK Squared, LLC

Notary – Subscribed and Sworn before me this 9th day of March, 2005

 
Notary

Reviewed and Approved:

 3/9/05
George Gardner (Date)
Diamond Key Builders, LLC