

2006-019971

Klamath County, Oregon

AFTER RECORDING RETURN TO:  
Robert M. and Lisa M. Douglas  
2465 Vale Road  
Klamath Falls, OR 97603

Robert M. and Lisa  
2465 Vale Rd.  
Klamath Falls, OR



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10/04/2006 10:16:18 AM

Fee: \$36.00

## KLAMATH COUNTY LAND PARTITION NO. 36-06

### COVENANTS, CONDITIONS AND RESTRICTIONS

Robert M. and Lisa M. Douglas, owners of all parcels of Klamath County Land Partition No. 36-06, adopt the following Covenants, Conditions and Restriction to apply to all parcels of Klamath County Land Partition No. 36-06, for the purposes of preservation of property values, and enhancement of the desirability and attractiveness of each parcel.

1. LAND USE AND BUILDING TYPE. Each parcel shall be used for residential purposes only. Improvements on each parcel shall be one detached single-family dwelling, and associated accessory buildings. All such dwellings must be not less than 2,000 square feet in size, exclusive of garages, porches, and accessory buildings. All accessory buildings and exterior finish must conform generally in exterior finish, color, siding, style and appearance to the dwelling to which they are appurtenant. No metal buildings of any type are allowed. No metal roofs of any type are allowed. Each dwelling unit must include an enclosed garage with space for not fewer than two automobiles. No mobile homes, trailers, or manufactured homes may be erected or placed on any parcel. All dwellings must be substantially completed within twelve (12) months after the beginning of construction.

2. SANITATION. No part of any parcel shall be used or maintained as dumping ground for rubbish, trash, garbage or other waste. No rubbish, garbage, trash or other waste shall be kept or maintained on any part of any parcel except in a sanitary container which shall be maintained in a clean and sanitary condition.

3. NUISANCE. No noxious or offensive activities or conditions shall be permitted upon any part of any parcel, nor shall anything be done thereon which may become a nuisance to other parcels. No animals, livestock or poultry of any kind shall be raised, bred, or kept on any parcel except that dogs, cats, and other pets may be kept provided that they are not kept, bred, or maintained for any commercial purposes or in unreasonable numbers, provided however that animals may be raised and kept. For purposes of this agreement large animals means horses, pigs, goats, llamas, alpacas,

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cattle, and other similarly sized animals. The term "Nuisance" as used in this Sections includes (1) loud and offensive noise, (2) barking dogs, (3) storage of junked, wrecked or inoperative vehicles and (4) littering, waste materials, offensive odors, or other conditions deemed a nuisance as defined in Oregon law.

4. VEHICLE STORAGE. Parking of boats, trailers, motorcycles, campers, recreational vehicles, vehicles under repair, semi-trucks/trailers, and like equipment shall not be allowed on any parcel or on any private or public ways adjacent thereto, with the exception of temporary parking for the purposes of loading and unloading, and excepting parking within the confines of a enclosed garage. Automobile washing and waxing are exempt from this requirement. Boats, trailers, motorcycles, campers, and recreational vehicles are also exempt from this requirement for seasonal use.

5. EXTERIOR MAINTENANCE. The exterior of each structure must be maintained in a clean, attractive, and neat matter. Exterior maintenance shall include, but is not limited to sweeping, window cleaning, cobweb removal, maintenance of exterior lighting, maintenance of window screens and screen doors, painting and landscape maintenance.

6. LANDSCAPING. Each parcel shall be landscaped by its owner within twelve (12) months of the substantial completion of a residence on the parcel. All landscaping shall be maintained on a regular basis including reasonable control of noxious weeds and grass.

7. TEMPORARY RESIDENCE. No camper, recreational vehicle, trailer, tent, or other vehicle or structure shall be used at any time for a temporary residence on any parcel.

8. FENCES. Each parcel must be enclosed by a three rail white vinyl fence. Each such fence must be well maintained and repaired in a clean condition.

9. CONVERSION OF GARAGES. No conversion, modification, alteration or change shall be made to any dwelling which would reduce the minimum enclosed garage requirement.

10. COMMERCIAL ACTIVITY. No trade, business pursuit, or commercial activity of any kind shall be conducted on any parcel except for one office per dwelling. No commercial activity of any kind shall be advertised from any part of any parcel.

11. ENFORCEMENT. These covenants, conditions and restrictions apply to each parcel of Klamath County Land Partition No. 36-06 and shall run with the land, and shall be binding on all persons and entities having or acquiring any right, title or interest in any of said parcels or any part thereof, and shall inure to the benefit of each of them. Any person or entity having an interest in any parcel of Klamath County Land Partition No. 36-06 shall be entitled to enforce these conditions, covenants and restrictions.

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12. PARTITIONING. Parcels 2 and 3 shall not be partitioned in order to create more than one parcel out of each existing parcel.

13. DRIVEWAYS. All driveways must be composed of asphalt or concrete and must be defined by borders or boundaries.

14. ATTORNEY'S FEES. In the event of suit, action, or arbitration relating to or arising out of the covenants, conditions, and restrictions set forth herein, including appeals to any appellate court, including any action in bankruptcy court, prevailing party in such suit, action, or arbitration shall recover from the other part, in addition to costs and disbursements, such further sums as the court or arbitrator may be deemed reasonable as attorney's fees at trial, on appeal, in arbitration, or in bankruptcy proceedings.

15. UTILITIES. No above ground utilities, pipes, or wires are allowed on any parcel.

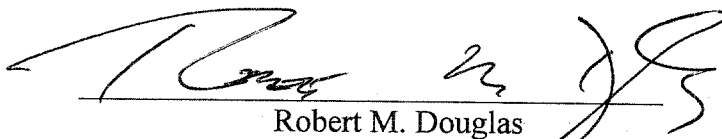
16. SETBACK. No structure shall be located on any parcel in a manner which violates Klamath County zoning ordinances.

17. REPAIR AND REPLACEMENT. Any structure partially damaged by fire or other hazard must be repaired, replaced, or removed within six (6) months after the damage.

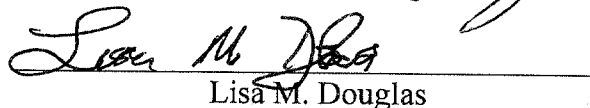
18. AMENDMENT. This document may be revoked or amended only by a writing executed by all persons or entities having any right, title or interest to any parcel of Klamath County Land Partition 36-06.

19. EXCEPTIONS. Parcel 1 of Klamath County Land Partition No. 36-06 contains improvements including a dwelling of approximately 900 square feet constructed in approximately 1928, and a single car garage. The provisions of this document set forth in paragraphs 1, 16, and 17 do not apply to the house and garage now located on Parcel 1. However, if the house now located on Parcel 1 is destroyed, or damaged such that the cost of repair exceeds 25 percent of the value of the structure before damage, then the remaining portion of such structure, and the garage, shall be removed within 180 days of the damage and all provisions of this agreement shall thereafter apply to Parcel 1.

Dated: 3 day of 10, 2006

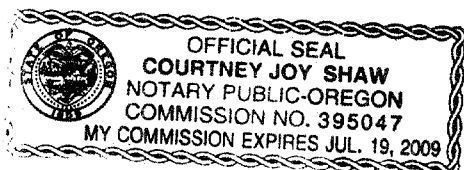
  
Robert M. Douglas

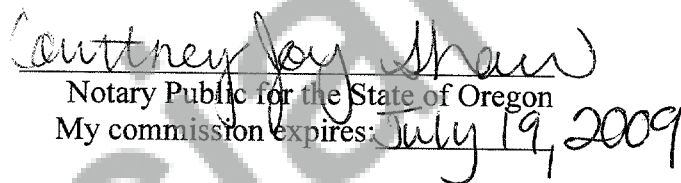
Dated: 3 day of 10, 2006

  
Lisa M. Douglas

STATE OF OREGON           }  
  } ss.  
County of Klamath         }

On this 3<sup>rd</sup> day of October, 2006, before me personally appeared ROBERT M. DOUGLAS and acknowledged to me that he executed this instrument freely and voluntarily.

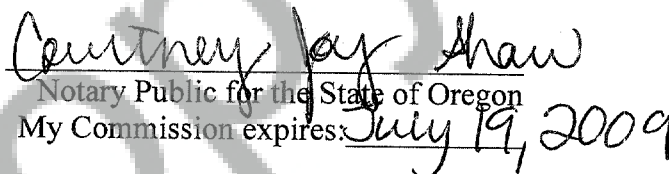


  
Notary Public for the State of Oregon  
My commission expires: July 19, 2009

STATE OF OREGON           }  
  } ss.  
County of Klamath         }

On this 3<sup>rd</sup> day of October, 2006, before me personally appeared LISA M. DOUGLAS and acknowledged to me that she executed this instrument freely and voluntarily.



  
Notary Public for the State of Oregon  
My Commission expires: July 19, 2009

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