

2006-024056

Klamath County, Oregon



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Fee: \$41.00

**AMENDED
DECLARATIONS OF RESTRICTIONS
OF
LATAKOMIE SHORES BEACH CLUB SUBDIVISION**

WHEREAS, the undersigned being the owners of record and the purchasers under contract of all of the land located in Klamath County, Oregon, and known as Latakomie Shores Subdivision, according to the official plat thereof on file with the Klamath County Clerk, and

WHEREAS, it is the intent of the undersigned to enhance and preserve the attractiveness of said area for themselves and future homebuilders in said area.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENT that the undersigned do hereby rescind those certain Declarations of Restrictions of Latakomie Shores Subdivision duly recorded in the County of Klamath, State of Oregon on September 11, 1967, in Volume Deeds at M-67, page 7040; and do hereby also rescind those certain amendments to April 22, 1968 in Volume M-68 of Deeds, page 3136; and declare that the following reservations, conditions, covenants, restrictions and agreements shall become and hereby are made a part of all conveyances, leases or rentals of all property within the confines of said Latakomie Shores Subdivision, and that all land therein contained is subject to the following:

1. **LAND USE** All land in said Latakomie Shores Subdivision, except lots in Block Two numbers 1, 2, 12, 13, 14, 15, 16, 17, 18 and 19; and Block Four numbers 1 and 2 which may be used for commercial purposes and Block Five, lot 16 to be used for recreational purposes only, and Block Three, lot 1-A to be used for water well site, shall be for residential use only and each lot shall contain only one residence and no premises or any buildings thereon shall be used or occupied for any purpose other than strictly residential purposes; provided, however, that one or more parcels or lots or one or more buildings may be used for church, school, community club, water reservoir, or recreational purposes for the benefit of the residents and their guests.

None but the usual family pets may be kept on the premises and such pets shall not be allowed to create a disturbance or become a nuisance. No other livestock, poultry, or fowls shall be kept or raised on any of the property.

No noxious or offensive activities shall be carried on upon any portion of Latakomie Shores Subdivision, nor shall anything be done upon any parcel thereof which may be or become an annoyance or nuisance to other owners and residents including but not limited to the discharge of fire arms.

No rubbish or garbage dumps shall be permitted on any property. No advertising signs except name plates of professional persons and "for sale" and "for rent" signs not exceeding eighteen (18) inches by twenty-four (24) inches shall be placed or maintained upon any of such property except for such other signs as the Latakomie Shores Subdivision, or its assigns may use in the promotion of the first sale of any lot in subdivision.

2. **SETBACKS AND EASEMENTS** There is hereby reserved within each lot an easement as described in the recorded subdivision plat map, and over and upon and under said easement for the installation and maintenance of utility systems including, but not limited to, electric lines, telephone lines, water sewer and gas mains, provided that said utilities with the exception of telephone and electric lines shall be underground.

No building on any lot shall be located closer than fifteen (15) feet from the boundary line of said lot. Any building on any lot shall be set back from the street right-of-way a minimum of twenty (20) feet. Sewage disposal system service Lot 1, Block 3, shall be located a minimum distance of one hundred (100) feet* from the North property line of said lot.

3. **BUILDINGS** No structure shall be erected, altered, placed, or permitted to remain on any residential lot other than one single family dwelling, a private garage and such other outbuildings as may become necessary and which may be approved by the architectural committee of Latakomie Shores Beach Club, Inc. No dwellings with a floor area of less than one thousand (1,000) square feet, exclusive of open porches and garages, shall be permitted on any lake front lots. The floor area of the main structure, exclusive of open porches and garages, shall be not less than eight hundred (800) square feet on the other residential lots.

Before any building construction is started, the owner or his agent shall submit completed building plans including a plot plan to the architectural committee, which consists of the Board of Directors, of Latakomie Shores Beach Club, Inc., and shall not proceed with such construction until a written permit therefore has been given by said architectural committee; provided, however, that if said committee fails to approve or disapprove the design or location of a building as so submitted to it within sixty (60) days after said submission, then full approval thereof shall deemed to have been given by said committee.

No trailer, basement, tent, shack, garage, or other out-building erected in the tract shall be at any time used as either a temporary or permanent residence, unless by express permission of the architectural committee of Latakomie Shores Beach Club, Inc.

* changed by DEQ to 100 ft. between 1975 & 1978.

Boundary fences, walls and hedges must be kept in good condition and repair and kept down to a height which shall not unreasonably interfere with the light or view of other owners and residents.

4. CLUB MEMBERSHIP All owners of land and contract buyers of land in said area shall be members of the Latakomie Shores Beach Club, Inc., a non-profit corporation formed for the purpose of reserving and enhancing the aesthetic values of the area, providing recreational benefits for the land owners and generally carrying on any activity designed to improve the area or be of a benefit to the land owners and generally or of said Club's successor.

The Latakomie Shores Beach club, Inc. may levy assessments against its members to defray the expenses of Club, but said individual assessments shall not exceed One Hundred Dollars (\$100.00) plus four per cent (4%) of the previous year's allowable assessment in any calendar year.

For the purpose of determining membership in the Latakomie Shores Beach Club, Inc., a landowner shall be defined as a record owner of Land within the area except that in the case of the sale of land by contracts, the contract purchaser shall be a member in place of the record owner so long as his contract is enforceable. The spouse of an owner or a contract purchaser and all joint owners shall have the benefits of membership; however, only the owner of record of the contract purchase shall be liable for the assessments and only one assessment may be made against joint owners of property. Each ownership of land, whether solely held, or held in common, shall have but one vote in the Latakomie Shores Beach Club, Inc. In the event that a member is an owner or contract purchaser of more than one lot such member shall be liable for one assessment for each of such lots.

The name Latakomie Shores Beach Club, Inc., wherever used in these Declarations of Restrictions shall mean Latakomie Shores Beach Club, Inc. its successor any named club hereafter formed for the purpose herein set forth.

5. OWNERSHIP None of said land or any part thereof shall be sold to nor owned by any person who does not agree to membership in the Latakomie Shores Beach Club, Inc., and to abide by the rules and regulations of said Club as they shall from time to time be made.

6. ENFORCEMENT OF RESTRICTIONS AND COVENANTS It is the intent of the declarants and all of them that each of the restrictions herein contained is intended to apply to all of the land in Latakomie Shores Subdivision, as the same is particularly described in that subdivision plat of record with the Clerk of Klamath County, Oregon. Invalidity of any of the other restrictions, which the parties do hereby declare shall remain in full force and effect.

These restrictions shall be covenants running with the land and shall be binding upon all of such land and all parties and persons owning or having an interest in said land unless amended by the vote of the owners of two-thirds (2/3) of the lots, until January 1, 1990, except that the easements for utilities set forth in Section 2 shall be perpetual. Such restrictions shall be automatically continued in force and effect for successive ten (10) year periods thereafter, unless by a majority vote of the owners of all such land, it is agreed to change the said covenants in whole or in part.

The declarants further covenant and agree that any breach of shall give any person injured thereby, provided he is an owner or a contract buyer of land in said subdivision, and a member in good standing of the Latakomie Shores Beach Club, Inc., the right to compel performance of these covenants and restrictions and to abate and remove at the expense of the owner or owners of the offending property, any structures or erections in violation. For such purpose, any such person so injured shall have the right to enter upon the offending premises and to abate and remove at the expense of such offending owner or owners, and nuisance, thing or condition, which may be thereon contrary to the true intent and meaning of these restrictions, or any of them, and the person so entering shall not thereby be deemed guilty in any manner or trespass. For the purpose of enforcing the covenants, the Latakomie Shores Beach Club, Inc., may take legal action or do anything which could be done by an individual owner of land in this area.

LATAKOMIE SHORES BEACH CLUB, INC.

By:

President

STATE OF OREGON, County of Klamath

This instrument was acknowledged before me on

11/22/06

By

Title PRESIDENT, Latakomie Shores Beach Club, Inc.

on

11/22/06

2006

date



Kathryn G. Bintz

Notary Public for Oregon

My Commission expires

11-04-2010

LATAKOMIE SHORES BEACH CLUB, INC.

By:

Secretary/Treasurer

STATE OF OREGON, County of Klamath

This instrument was acknowledged before me on

November 16, 2006

By

Sandra Gardner

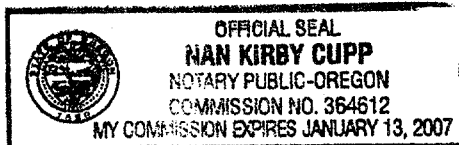
Title SECRETARY/TREASURER, Latakomie Shores Beach Club, Inc.

on

November 16

2006

date



Nan Kirby Cupp

Notary Public for Oregon

My Commission expires

Jan. 13, 2007

**BUILDING RESTRICTIONS AS ESTABLISHED
BY THE ARCHITECTURAL CONTROL COMMITTEE
LATAKOMIE SHORES BEACH CLUB, INC.**

Re-typed and re-recorded from previous ACC Building Restrictions recorded in the County of Klamath, State of Oregon on August 7, 1998 in Volume Deeds at M-98, Pages 29045 through 29049.

The Architectural Control Committee (ACC) of Latakomie Shores Beach Club, Inc. is composed of the Board of Directors. It has been established in accordance with Article 3 of the covenants, conditions and restrictions (CC&R's) recorded for each tract in the Latakomie Shores Beach Club subdivision. The purpose of the ACC is to help insure property owners that (1) the general plan of the development is followed, and all property is protected against construction which may impair its value, (2) in order to accomplish this purpose the ACC shall approve all construction plans as specified in the CC&R's and the Rules and Regulations of Latakomie Shores Beach Club, Inc.

1. All plans and specifications for any structure or improvement whatsoever to be erected on or moved upon or to any lot, and the proposed location thereof on any lot or lots, the construction material, the roofs and exterior color schemes, any later changes or additions after initial approval thereof, and any remodeling, reconstruction, alterations, or additions thereto on any lot shall be subject to and shall require the approval in writing of the Architectural Control Committee prior to commencement of any such work of improvement.

As a means of defraying its expenses, the ACC may institute and require a reasonable filing fee to accompany the submission of plans to it. No additional fee shall be required for resubmission of plans revised in accordance with ACC recommendations.

The ACC shall approve or disapprove plans, specifications, and details within 60 days from the receipt thereof or shall notify the person submitting them that an additional period of time, not to exceed 30 days, is required for such approval or disapproval. Plans, specifications, and details not approved or disapproved within the time limits provided herein shall be deemed approved as submitted. Plans, specification and details with the approval or disapproval, endorsed thereon, shall be returned to the person submitting them. A second copy may or may not be required for Latakomie Shores' files.

The ACC shall have the right to disapprove any plans, specification, or details submitted to it in the event the same are not in accordance with all of the provisions of this declaration; if the design or color scheme of the proposed building or other structure is not in harmony with the general surroundings of such lot or with the adjacent buildings or structures; if the plans and specifications submitted are incomplete; or in the event the ACC deems the plans, specifications, or details, or any part thereof, to be contrary to the interest, welfare, or rights of all or any part of the real property subject hereto or the owners thereof. The decisions of the ACC shall be final.

Neither the ACC nor any officer, agent, or employee of the ACC shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing provisions, nor for any structural or other defects in any work done according to such plans and specifications.

Plans for boat docks, shelters, etc., on lakefront lots shall be submitted to the ACC for approval.

2. The ACC has broad discretion in approving or disapproving submitted plans, but general compliance with the following guidelines will aid an applicant in obtaining approval:

- A. No Mobile homes, Manufactured Dwellings or Modular homes are allowed.
- B. Dwellings, exclusive of porches and garages should be not less than 1200 sq. ft.
- C. Exterior colors of dwellings and structures should be painted in muted colors so as to blend in with the landscape and character of the community.
- D. Roofs may be clay or cement tile, or asphalt shingle. If asphalt shingles are used they must be a 25 year architecturally designed type, and a sample of the material must be provided to the ACC for approval. Wood shingles and wood shake roofs may also be approved but are discouraged due to the increased fire risk they present.
- E. Vent pipes should be placed on the rear of buildings and not be visible from the street, and must be painted to blend with roof.
- F. Chimney flues (metal) must be boxed up to 6 inches from the top. Spark arrestors are required.
- G. Construction materials should be new. However, a limited amount of old material may be used.
- H. Tanks for storage of fuel shall be below ground or otherwise screened.
- I. Garages are required. Carports are not permitted.
- J. All trash receptacles must be kept contained out of sight or screened from view.

3. The builder/contractor has the duty and obligation to:

- A. Arrange with the ACC for its inspection of the foundation forms prior to pouring of any concrete and again after a final inspections of the work of improvement has been obtained from Klamath County.

- B. Furnish a sanitary facility on the property during construction.
- C. Keep grounds clear of trash by providing a dumpster or removing trash daily. No burning of trash is permitted unless a burning permit is obtained from the Forestry Service.
- D. Check the recorded plot map of the lot to determine the existence and location of any easements for utilities, drainage, slope, etc., which may limit development of the lot.
- E. Comply with the Klamath County Building Department to obtain a building permit and to otherwise comply with the rules and regulations of the County of Klamath relating to construction.
- F. Obtain prior written approval for any changes or alterations to the approved plans and specifications including but not limited to the changes of exterior colors on any existing buildings.

4. The Committee may allow reasonable variances and adjustments from or to the recorded CC&R's and Rules and Regulations of Latakomie Shores in order to overcome practical difficulties and prevent unnecessary hardships in the application of the provisions contained herein provided, however, that such is done in conformity with the intent and purposes hereof and provided also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements in the neighborhood.

5. Every building, dwelling or other improvement shall be completed within six (6) months after the beginning of such construction.

6. Landscaping of the tract of land as viewed from the frontage street must be completed within one year after construction is completed. This landscaping can include a utilization or changing or placing or introduction of cultivated, man-made, or natural elements. These natural elements might include, but not limited to, volcanic rocks, ground bark, or gravel, but in no way does "natural elements" as it is used here include only or merely rearranging or leveling or removing the natural elements existing on the lot prior to construction. The yard will be landscaped or organized in accordance with prevailing ideas of beauty and it could include such topographical features as hills and valleys or flat grading, and the planting of such growing things as trees, shrubs, grass, and flowers, and the placements of fences. All buildings, fences, walls, etc. will be maintained whether the dwelling is occupied or unoccupied, and kept in good condition and repair and not allowed to become unsightly by reason of unattractive growth, or the dying off plantings, or the accumulation of rubbish or debris on the landscaped lot.

ADDENDUM #1

To preserve our trees in Latakomie Shores Beach Club, Inc. from commercial or private use, no trees may be cut down, damaged, destroyed or disposed of on any lot without the permission of the Architectural Control Committee. This includes all dead, diseased or fallen trees.

The Architectural Control Committee will meet with the lot owner to discuss which trees should be cut down after house plans have been submitted for approval to the ACC.

ADDENDUM #2

Permission to remove any trees from lots within Latakomie Shores Beach Club Subdivision shall not be granted until building permit has been obtained, and a copy submitted with house plans to Architectural Control Committee for review.

RE-APPROVED ON

11/22/06

11/30/06

BY THE OFFICERS OF THE BOARD OF DIRECTORS

SIGNATURE

PRESIDENT, JERROLD MERCHANT

SIGNATURE

SEC/TREAS, SANDRA GIRDNER