BERKEY ESTATES

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR BERKEY ESTATES
CITY OF McMinnville, Yamhill County, Oregon

Arlen and Vivian Berkey, hereafter referred to as the Declarants, hereby make the following covenants and conditions restrictions for Berkey Estates in the city of McMinnville, Yamhill County, Oregon, plat of which is recorded in the Yamhill County Book of Town Plats in Instrument #200726591, Yamhill County, Oregon. Said property is hereafter referred to as “Berkey Estates Subdivision”. Declarants are owners of Berkey Estates Subdivision and is developing the lots contained therein for single family development an use. The following covenants and restrictions are for the benefit of present and future owners of said lots.

NOW, THEREFORE, Declarants hereby declares that Berkey Estates Subdivision and each of the lots platted therein, with the exception of lot 1, shall be held, sold and conveyed subject to the following conditions, restrictions and easements, which shall run with such property and shall be binding upon all parties having or acquiring any right, title or interest in such property or any part thereof, and shall inure to the benefit of each owner thereof.

Articles
Development and Restrictions

1. No Modular , Mobile Homes or Duplexes are permitted.

2. All dwellings and garages must be sided with lap type siding, excepting that which is applied under roof gables where shingles, composd either of cedar wood or concrete fiber, are permitted. T-111 is not allowed on any siding applications on any constructed buildings. No metal roofs allowed on any buildings.

3. Privacy fences must be constructed on or near all property boundary lines of each lot with the exception of that area in front of dwelling at which point fencing is optional. Back and side fences are to be no less than 6 ft nor more than 7 ft high from ground surrounding lot and proceeding from the back lot line along side lines to the front of dwelling but no further at that height. Any side fencing proceeding further than the front of dwelling must not exceed the height of 4 ft. Optional fencing in front of dwelling may be constructed by design and materials of owner's choosing with the exception that no metal fencing is to be used and must comply with city ordinances. All Fences over 4 ft in height must be constructed with 4X6 or greater pressure treated posts anchored at a minimum depth of 2 feet in concrete, spaced no more than 8 feet apart. Cedar 1X6 boards are to be touching side by side and fastened vertically to at least three 2X6 boards attached horizontally to posts. All fences must be constructed in a good workmanship manner and blend in with surrounding properties. All Privacy Fences must be completed by owner of said lot within 6 months after construction of dwelling on that particular lot.

4. All lots with street frontage have a ten foot easement parallel to street dedicated to the City of McMinnville for general utility use. Greenway between sidewalk and street of lots must be maintained to city standards by present owner/s of said lot.

IN WITNESS, WHEREOF, the undersigned has caused this instrument to be signed by the owners of Berkey Estates Subdivision on this 1st day of November, 2007.

STATE OF OREGON
COUNTY OF YAMHILL

ARLEN BERKEY
VIVIAN L. BERKEY

On this 1st day of November, 2007, appeared before me Arlen and Vivian Berkey, owners of Berkey Estates Subdivision, who acknowledged and signed the forgoing instrument of Covenants, Restrictions and Easements contained herein as a voluntary act and deed.

_signed before me___
Notary Public for Oregon
My Commissions Expires: 3/13/10
BERKEY ESTATES
A SUBDIVISION LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN
PARCEL 3 AND A PORTION OF PARCEL 2 OF PARTITION PLAT 2000-27
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON
17TH OF OCTOBER 2007
CITY OF McMINNVILLE FILE NUMBER: S-11-06

DECLARATION
KNOW ALL MEN BY THESE PRESENTS: ARLEN BERKLEY and VIVIAN L. BERKLEY, as the owners of the lots represented on the attached map, and more particularly described in the Surveys Certificate, have agreed and bound themselves to survey and plat said lots, street rights of ways and easements as shown and noted on the attached map, to be dedicated as BERKEY ESTATES, and the undersigned do hereby dedicate for the public use forever all street right of ways and easements for the purposes shown and noted on the attached map.

ARLEN BERKLEY
ACKNOWLEDGMENT
STATE OF OREGON
COUNTY OF YAMHILL
On the 3rd day of Dec., 2007, personally appeared before me, a Notary Public for the State of Oregon, ARLEN BERKLEY, and that this Declaration was voluntarily signed and sealed by him.

VIVIAN L. BERKLEY
ACKNOWLEDGMENT
STATE OF OREGON
COUNTY OF YAMHILL
On the 3rd day of Dec., 2007, personally appeared before me, a Notary Public for the State of Oregon, VIVIAN L. BERKLEY, and that this Declaration was voluntarily signed and sealed by her.

SURVEYOR'S CERTIFICATE
I, Matt Dunkeld, do hereby certify that I have correctly surveyed and marked with proper monuments the land herein shown as BERKEY ESTATES, the exterior boundary of which is described as follows:
A tract of land in Southwest Quarter of the South East Quarter of Section 22, Township 4 South, Range 4 West, Willamette Meridian, Yamhill County, Oregon, being a portion of Parcel 2 and all of Parcel 3 of Yamhill County Partition Plat 2000-27, the perimeter of which is more particularly described as follows:
Beginning at the southwest corner of Parcel 2 of Partition Plat 2000-27, Yamhill County Survey Records, thence North 00°91'18" East 179.40 feet along the west line of NORTON ESTATES; thence South 89°49'51" East 25.60 feet along the south margin of NORTON ESTATES, thence North 00°91'18" East 229.40 feet along the west margin of Janet St; thence South 89°49'51" East 302.60 feet along the south margin of Destiny Drive; thence South 00°91'18" West 114.00 feet along the west line of NORTON CREST to the north margin of that tract of land granted to ARLEN BERKLEY and FARRIE PORTER-ROLLER in Instrument number 2007/19047 recorded in Yamhill County Deed Records; thence North 89°49'46" West 0.53 feet along the north line of said ROLLER tract to the Northwest corner thereof; thence South 00°91'18" West 124.00 feet along the west line of said ROLLER tract to the Southwest corner thereof; thence South 89°49'46" East along the south line of said ROLLER tract to the southeast corner thereof and the west line of said NORTON CREST; thence South 00°91'18" West 170.00 feet along the west line of said NORTON CREST and the extension thereof to the southeast corner of said PARCEL 2; thence North 89°49'46" West 327.00 feet along the south line of said PARCEL 2 to the point of beginning, containing 2.85 acres, more or less.

Matt Dunkeld
Matt Dunkeld & Assoc.
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This is an exact copy of the original plat of BERKEY ESTATES

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