DECLARATION OF RESTRICTIONS

BEVERLY'S ADDITION TO THE CITY OF McMINTYRE
YAMHILL COUNTY, OREGON

WHEREAS, Declarant is the owner of real property in Beverley's Addition to the City of McMintyre, Yamhill County, Oregon, according to the plat thereof on record in the office of the Yamhill County Clerk, and Declarant desires to subject said property to conditions, restrictions and charges for the benefit of said property, and its present and subsequent owners, as hereinafter specified. Now, therefore, Declarant hereby conveys upon and subject to the conditions, covenants, restrictions, reservations and charges hereinafter set forth.

Article 1. Each of the lots in the above described subdivision shall be known, described and used for residential purposes only. Not more than one detached single-family dwelling not to exceed two stories in height and not more than one, one-car or two-car, garage or carport, and not more than two accessory buildings incidental to residential use shall be constructed or placed upon any one of said lots.

Article 2. A "lot", as referred to herein, is described and defined as any single lot, portion thereof, or combination of portions of lots, said whole lots being as subdivided by the plat for Beverley's Addition to the City of McMintyre, recorded in Volume 6 at Page 39 of the Town Plats of Yamhill County, Oregon.

Article 3. No foundation line of a residential building which is erected on any lot shall be nearer than twenty-five feet to the front lot line, nor nearer than twelve and one-half feet to any side street lot line, nor nearer than seven and one-half feet or 10% of the width of the lot, whichever is the greater, to any side lot line on interior lots. For the determination of such restrictions, eaves, steps, porches and patios shall not be considered as part of the building and lot lines are considered as building lots and are not necessarily coincident with platted lot lines.

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Article 4. No animals other than domestic household pets, shall be kept on any part of said property.

Article 5. No commercial or professional or noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

Article 6. No trailer, tent, shack, garage or other outbuilding erected in this tract, nor any basement excavated in this tract, shall at any time be used as a temporary residence. No building shall be in any manner occupied while in the course of original construction or until it complies with all requirements as to costs and with all other conditions and restrictions applicable thereto.

Article 7. No single-family residence shall be erected in this tract on any lot in the sub-division, the original size of which shall be less than one thousand square feet ground floor area, exclusive of porches and garages, or having a value of less than $10,000.00. Buildings shall be constructed in accordance with the building code adopted by the City of McMinnville, Yamhill County, Oregon.

Article 8. No structure of any kind shall be moved on to any lot except a small structure for use by a builder as his construction shack during the construction period.

Article 9. No more than one additional structure shall be erected or placed on any building lot of an area of less than six thousand (6,000) square feet.

Article 10. All buildings, structures, sheds, placed or constructed on any portion of the above described tract, excepting the portions of the whole that are to be used as streets or lanes, shall be painted or process painted on the outside and interior within 60 days of the date said building is erected.

Article 11. Within thirty (30) days of the completion of a dwelling house on any lot in the sub-division, the owner or contract purchaser, or sale of all lots, shall construct sidewalks not less than five feet in width along the street side of the lot, in compliance with and to the specifications of the applicable planning and

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zoning ordinances and orders of the City of McMinnville, Yamhill County, Oregon.

Article 12. No sign of any kind shall be displayed to the public on any lot except one sign of not more than five square feet advertising the property for sale or rent, or signs of similar size used by a builder to advertise the property during the construction period.

Article 13. No fence, wall or hedge in excess of thirty inches in height shall be permitted to extend from the minimum setback line of the house to the curb line of the street and no fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and one-half (2½) feet and six (6) feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting the same at points twenty (20) feet from the intersections of the street property lines. The same sight-line limitations shall apply on any lot within ten (10) feet from the intersections of a street property line with the edge of a driveway pavement. No tree shall be permitted to remain within such distance unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines. No fence or boundary wall located upon a building site shall have a height greater than four feet above the finished grade surface of the ground.

Article 14. These restrictions shall be deemed to be for the protection and benefit of each of the owners or occupants of any portion of the above described subdivision, and it is intended hereby that any such person shall have the right to prosecute such proceeding at law or in equity as may be appropriate to enforce the restrictions herein set forth, and any action or equitable proceedings by the Declarant or any owner of any portion of said property, or their legal representatives, heirs, successors and assigns, to enforce same or to restrain a violation of this declaration or any of the provisions hereof, the losing party shall

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pay to the prevailing party such attorney's fees as the court may deem reasonable in such suit or action.

Article 15. These restrictions shall run with the land and shall be binding on the owner or tenant of any or all of the said land and all persons claiming by, through or under them until January 1, 1985, at which time said covenants shall be automatically extended for successive periods of ten year, unless by vote or a majority of the then owners of the lots it is agreeable to change said covenants in whole or in part.

Article 16. Invalidation of any one of these foregoing covenants, restrictions or conditions or any portion thereof by court order, judgment or decree shall in no wise affect any of the other remaining provisions herein stated, in such case, continue to remain in full force and effect.

STATE OF OREGON

County of Yamhill

1964.

Personally appeared the above-named Frank H. Montandon and
Montandon, husband and wife, and acknowledged the foregoing instrument to be their voluntary act.

Notary Public for Oregon

By Commission expires: 11/11/55

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STATE OF OREGON

County of Yamhill

Personally appeared Byron L. Trufle and Geo. F. Trufle

who, being sworn, stated that he, the said Byron L. Trufle is the president, and he, the said Geo. F. Trufle is the secretary of grantor corporation, and that the seal attached hereto is its seal and that this instrument was voluntarily executed and signed in behalf of the corporation by authority of its board of directors. Before me:

[Signature]

Notary Public for State of Oregon

My Commission expires

5. DECLARATION OF RESTRICTIONS
AMENDMENT OF DECLARATION OF RESTRICTIONS
TO DEEDLY'S ADDITION TO THE CITY OF MEXICOVILLE
KAMATH COUNTY, OKLAH.

Section 2 of said restriction recorded June 3, 1954 in Book 78, Page 726, is amended as to the front line setback to read as follows:

No foundation line of a residential building shall be located on any lot shall be nearer than twenty feet to the front lot line.

This complies with the Mexicoville Zoning Ordinance of 1955, Ordinance No. 3580.

IN WITNESS WHEREOF, the parties hereto set their hand and seal the 3rd day of November, 1969.

John J. Roth
Mabel L. Roth
Larry J. Roth

County of Yavapai
November 9, 1969

The above-named John F. Voll, Mabel L. Roth, Larry J. Roth, and Joanne M. Roth, appeared in open court and in the presence of the officers of this court, voluntarily executed the instrument to be their voluntary conveyance.

They verified that the conveyance was executed freely and without duress and coercion by the undersigned.

The conveyance executed by the undersigned is in full force and effect and has been received and recorded.

By: Attorney for Undersigned

(Seal)