COVENANTS, CONDITIONS AND RESTRICTIONS

CYPRESS POINT FIRST ADDITION

These covenants and restrictions apply to lots located in Cypress Point First Addition, McMinnville, Yamhill County, Oregon ("the land"). They are enforceable by owners of the "benefitted properties," which are defined as lots affected, together with other adjacent real properties presently owned by declarant (excepting those, if any, located in Blocks 1, 2, 3, and 4, Phase 1, Cypress Point Subdivision).

The undersigned, owners of all the real property included in Cypress Point First Addition, a Plat duly recorded ODA 5, 1993, in Vol 3, p. 463-464, Plat Records of Yamhill County, Oregon, adopt the following Covenants, Conditions and Restrictions for the purpose of enhancing and protecting the value, desirability and attractiveness of the benefitted property described above.

These Covenants, Conditions and Restrictions shall constitute the Covenants to run with the land and shall be binding upon all persons having or acquiring a right, title and interest in the land or any part of the land, and shall inure to each owner of benefitted property area and that owner's heirs, successors and assigns.

1. GENERAL RESTRICTIONS

A. All mobile homes ("mobile home" as used throughout this document includes, but is not limited to, both mobile homes and manufactured homes as presently defined in ORS 446.003, subject to further restrictions as set forth below) shall be at least double-wide units and shall comply with the definition of a "class A mobile home" under City of McMinnville Ordinance No. 4420, subsection 03.010 as of the date of the covenants (or a more restrictive definition if adopted later). Roofs must be non-reflective, pitched, with eaves. At the time a mobile home is placed on the property it must be no more than five years old, measured from the date of manufacture, if available, otherwise from the model year designated on the certificate of title.

B. All mobile homes shall be maintained in good condition and repair and shall be kept painted to remain aesthetically compatible with other mobile homes in the subdivision. Hitches and wheels must be removed.

C. Every lot shall be landscaped and an enclosed garage

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CITY OF McMinnville
PLANNING DIRECTOR
9-20-95

APPROVED
shall be erected on the property within six (6) months after the mobile home is moved onto the site.

D. All zoning, set back and building requirements of the City of McMinnville shall pertain to all sites.

E. All sites shall be equipped with closed containers for storage of garbage and other refuse between regular pickup dates. All containers shall be maintained in a clean, sanitary and rodent-proof condition. No lot shall be used or maintained as a dumping ground for rubbish, trash or garbage. All waste, rubbish, trash or garbage shall only be kept in the closed containers for storage of garbage.

F. No storage or accessory buildings shall be placed in the front yard or an exterior side yard. In addition, no storage or accessory building may be placed or constructed within a required setback area except that such building may be located within an interior side or rear setback behind the back building line provided said building is 10 feet or less in height and 100 square feet or less in floor area.

G. No tent, shack, garage or other outbuilding constructed or placed upon any lot or shall at any time be used as a temporary or permanent residence.

H. There shall not be stored, parked, or kept upon any lot in open and plain view any motor vehicle which is in a rusted, junked, partially dismantled, inoperative or abandoned condition. The owner of the vehicle shall remove it or to have it stored in a building where it will not be visible from the street or other property.

I. No noxious or offensive activity shall be conducted or permitted which is or may become an annoyance or nuisance to the neighborhood or detract from its value as a quality residential district.

J. No animals or fowl shall be permitted except the following kept as pets, only: dogs, cats, birds and caged small animals traditionally kept as pets such as gerbils, hamsters and guinea pigs. Property owners shall conform to all applicable laws and ordinances concerning pets including but not limited to "leash laws" and noise abatement laws. No property owner shall keep a dog on the property whose barking or other behavior constitutes a nuisance.

K. The following fencing requirements apply:

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(1) Maximum fence height for front yard and side yards forward of the building and corner lots on side abutting the street is 2 1/2 feet.

(2) Other fences shall not exceed six feet.

(3) Fences must be wood, stone, brick, stuccoed block wall or concrete finished to simulate one of the previously specified materials.

L. Lot owners shall keep vacant lots free from weeds, briars and other vegetation which could infiltrate lawns of other lot owners.

M. Signs shall be limited to one sign of not more than three feet by two feet which advertises the property for sale or rent. In addition, political signs of the same dimension are allowed and must be removed one week following the election.

2. BUILDING RESTRICTIONS

A. All mobile homes shall be placed on solid concrete strip footings not less than 6" thick and 16" wide. All pier block spacing to be according to code. All homes shall be skirted within 90 days of being set.

B. All mobile homes when installed shall be "pitted" for aesthetic looks. All units shall be set with a minimum clearance of 18 inches between excavated ground (not grade) and the lowest point on the floor joists of the unit.

C. No dwelling other than a mobile home may be placed on this property.

D. Each lot owner shall submit to the McMinnville Building Department for its approval prior to the setting of a home, site plans showing the location of the home and proposed building in relation to all property lines.

E. All accessory buildings shall have a minimum of 70 square feet of floor area and be less than 10 feet in height to the tallest point above grade, except that garages may exceed 10 feet in height.

F. No add-ons will be permitted to the mobile home except garages.

G. All buildings placed or constructed on any lot, excepting
portions of buildings constructed of brick, metal or stone, shall be painted to match the mobile home's exterior within six (6) months of completion.

H. All driveways shall be concrete.

I. All mobile homes shall meet structural heating, plumbing, electrical and other codes and applicable regulations at time of construction.

J. All building and installation activities on the property shall comply with all applicable laws, rules, regulations and codes in effect at the time of installation.

K. All plumbing lines above ground shall be protected against freezing.

L. All sewer lines outside of skirting shall be underground.

3. ENFORCEMENT

A. These restrictions shall be for the protection and benefit of each of the property owners or occupants of any portion of the benefited property. Any such person shall have the right to at law or in equity to enforce the restrictions. It is not implied nor at any time will the City of McMinnville be responsible for the enforcement of these restrictions.

B. These restrictions shall run with the land and shall be binding on the owner or tenant of any or all of the land and all persons claiming by, through or under them until ten years from the recording of this document at which time these covenants shall be automatically extended for successive periods of ten years unless the then owners of a majority of the benefitted properties subsequently agree in writing to change these covenants in whole or part, and such agreement is duly recorded in the Yamhill County real property records. Each legally subdivided or partitioned portion of the benefitted property shall entitle its owners to one vote.

C. Invalidation of any of these covenants, restrictions, or conditions by court order, judgment or decree shall in no way affect any of the remaining provisions which shall continue to remain in full force and effect.

DATED this 24TH day of Sept., 1993.

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DAIRHON AND TANKESSLY
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(503) 432-6364

9-5-93
Howard Aster

Margaret E.B. Aster

SUBSCRIBED AND SWORN to before me this 24TH day of
Sept. __________, 1993.

(SEAL)

SHEERY SMITH

NOTARY PUBLIC FOR OREGON
My Commission Expires: May 2, 1997

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