17519

Lots 1-18 Elisabeth Addition

DECLARATION OF PROTECTIVE COVENANTS

FOR ELISABETH ADDITION

This Declaration of Protective Covenants is applicable to Lots 1 through 18.

WHEREAS, ROBERT M. JOHNSTONE and JULIANNE JOHNSTONE, herein referred to as Declarants, are the owners of certain real property located in the City of McMinnville, County of Yamhill, and State of Oregon, known as the ELISABETH ADDITION, a duly recorded plat.

WHEREAS, the Declarants desire to declare of public record their intentions to create certain restrictive conditions and covenants to the ownership of said property.

THEREFORE, the Declarants do hereby certify that the following restrictions, conditions and covenants shall become and are hereby made a part of the conveyances of Lots 1 through 18 inclusive, within the plat of ELISABETH ADDITION, record on the 29th day of December, 1995, in V 4 P 203, 204 of the Plat Records of Yamhill County, Oregon, and the following reservations and covenants shall by reference became a part of any such conveyances and shall apply thereto as fully and with the same effect as if set forth at large therein.

Instrument No. 1995 17518

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK
50.00
199517519 10:40am 12/29/95
004 023311 10 04 000282
1 P02 10 0 50.00 0.00 0.00 0.00 0.00 0.00

10510

12-29-95

ARTICLE I

Property Subject to these covenants and Building Plan Review

A. Initial Development.

Declarants hereby declare that all of the real property described above is held and shall be held, conveyed, hypothecated, encumbered, used, occupied, and improved subject to these covenants. The above property, together with other real property, from time to time annexed thereto and made subject to these covenants shall constitute ELISABETH ADDITION.

B. Review of Plans.

No construction will be permitted nor a building permit obtained without prior approval in writing of the Declarants. Lot owners shall submit to the Declarants the following:

1. Plans. The following plans must be furnished:

   (a) Plot plan;

   (b) Foundation plan;

   (c) General floor plan;

   (d) Plan elevation;

   (e) Roof layout and materials specifications, including peak height above curb;

   (f) Landscape plan, including fence plans, if any, disclosing landscaping of the entire lot; and

   (g) Exterior color swatch(es).

2. Specifications. A description of building materials and supplies to be used in construction equivalent in detail to the Uniform Building Code.

3. Standard of Review. The Declarants shall, before giving their approval, verify that the proposed residence complies with the general characteristics outlined below in ARTICLE II and is, in the judgment of Declarants, compatible with other homes in the ELISABETH ADDITION, either existing or proposed. The Declarants shall interpret the improvement and design standards set forth in

12-29-95

ARTICLE II and in the event any section or portion is found invalid, the remaining sections shall remain in full force and effect.

4. Compliance with Governmental Regulations. Approval by the Declarants shall not excuse compliance with any other governmental rule, ordinance, code or regulations applicable to any lot or other property within ELISABETH ADDITION.

5. Scope of Review; Declarants Discretion. The Declarants may withhold approval of plans and specifications because of their noncompliance with any of the specific covenants, conditions and restrictions contained in this Declaration, but also because of the dissatisfaction of the Declarants with any or all other matters or things which, in the judgment of the Declarants, would render the proposed structure inharmonious with the general plan of improvement of ELISABETH ADDITION or with the structures erected or proposed to be erected on other lots in ELISABETH ADDITION. The Declarants may place reasonable conditions upon its approval, including, but not limited to, time allowed for completion.

6. Deadline for Opinion. The Declarants shall issue their opinion or notify the lot owner of their objections within twenty-one (21) days from the date of a complete submission of all plans and specifications by the lot owner. If the Declarants fail to issue an opinion or notify the lot owner of their objections within the required time, the plans and specifications as submitted shall be deemed to be approved by the Declarants.

7. Entry for Inspection. The Declarants may at any reasonable hour or hours, after reasonable notice, enter in and inspect any lot and improvement thereon for the purpose of determining compliance with the approved plans and specifications or compliance with other covenants, conditions and restrictions provided herein, and such member(s) shall not thereby be deemed guilty of any manner of trespass for such entry or inspection. The Declarants may issue a certificate of completion and compliance as to any property so inspected.

8. Design Review Committee. Upon the sale of all lots and completion of all improvements thereon, a Design Review committee (Committee) shall be formed and shall have all powers and authority relating to review of plans for further improvements as herein provided for and reserved by Declarants. The Committee shall consist of three (3) members who are lot owners in the development along with the Declarants or their designee. Committee members, except Declarants or Declarants' designee, shall be elected by a majority vote of lot owners for a two-year term. An election shall be held in the second week of March of each year provided a quorum of a majority of lot owners are present. Declarants may, after the formation of the Committee, designate any person who is also a lot owner to serve as a member of the Committee in lieu of Declarants for such

12-29-95

period. Notice of the time and place of the said annual meeting shall be given by first class mail to the lot owner's address as contained in the Yamhill County Tax Assessment Rolls. Decisions of the Committee shall relate to plan review as set forth under ARTICLE I, SECTION B, and approval of submitted plans shall require a majority vote of Committee members.

9. Communications to Declarants and Committee. All communications including plans for review as specified under ARTICLE I, SECTION B, to Declarants and/or the Design Review Committee shall be delivered to the Developers, Robert M. Johnstone and Julianne Johnstone, at 1215 N. Adams, McMinnville, Oregon, or such other office as later designated.

ARTICLE II

Residential Covenants

A. Land Use and Building Type.

No lot shall be used except for single family residence, except Lots 1 and 15 may be used for duplexes. The lots shall not be partitioned. Lot 19 is exempt from these covenants and restrictions as hereinafter provided.

B. Dwelling Size.

All houses will be single family dwellings, except as stated above, and shall have a minimum area of 1,500 square feet exclusive of open porches and garages, except on Lot 18 where the house shall have a minimum area of 1,200 square feet exclusive of open porches and garages. No dwelling shall be of a height in excess of thirty-five (35) feet.

C. Restrictions on Carports.

No carport shall be allowed. Parking shall be provided by means of entirely-closed parking facilities or garage. There is a two-car minimum requirement for any such parking facility or garage.

D. Completion of Construction.

All construction on any lot must be completed and the occupancy permit issued within 365 days from the date of the issuance of the building permit.

12-29-95

E. Roofs.

Roofing shall be constructed using Architectural 80 or equal material. Final approval of all roofing material shall be obtained from the Declarants or their designee prior to any construction. The type of material to be used shall be submitted to Declarants or their designee at the time building plans are submitted pursuant to Article I, Section B of these Protective Covenants

F. Siding.

All buildings shall have siding materials on all sides of every structure or improvement placed on the premises; however, under no circumstances shall plywood, T-111-303, or any other panel-type siding be used. Vinyl-type siding may only be used upon receiving prior written approval by Declarants or their designee.

G. Detached Buildings.

All detached buildings must be fully enclosed and may not exceed the height of one story (16 feet) in height. No pole buildings are allowed.

H. Off-Site Manufactured Homes and Temporary Structures.

No mobile homes, off-site manufactured homes, permanent or temporary structures, shacks or tents shall be allowed in the development, with the exception of a construction-type mobile home to be used only during the period of construction.

I. Campers, Motor Homes, Boats, Travel Trailers, and Other Such Vehicles.

No campers, motor homes, boats, travel trailers, utility trailers, or non-operable vehicles shall be left on any lot or in the development where said vehicle or vehicles are visible from the street or from contiguous property within ELISABETH ADDITION for a period in excess of fourteen (14) days. Any such vehicle which is to be permanently stored on the premises shall be stored either inside a garage or detached structure or shall be physically obscured from sight from the street or contiguous parcels by means of a screening fence or shrubbery which in no event shall project beyond the front walls of any dwelling or garage.

J. Oversized Vehicles.

No commercial vehicle weighing more than 5,000 pounds gross weight shall be permitted to be parked anywhere within the development, except those areas designated as public road, for a period exceeding more than two (2) days during any 30-day period.

12-29-95

K. Antennas.

Satellite dishes of no more than twenty inches (20") in diameter may be permitted in the development only upon prior written approval by Declarants or their designee. No television, radio aerials or rotary beams shall be erected or placed on any lot where such device is more than six (6) feet in height above the highest point (exclusive of chimneys) on the building or structure on which it is erected.

L. Exterior Colors. Exterior colors of any dwelling house, garage, shed, outbuilding or other structure shall be approved by the Declarants or their designee and shall be natural earth colors or other subdued colors as approved by the Declarants or their designee.

M. Sidewalks.

Sidewalks are required to be installed by lot owners at the lot owner's expense by completion of construction of the dwelling. They shall be constructed along the street side of the property line with a one foot park strip between the curb and the sidewalk. All sidewalks shall meet all municipal or other ordinances or laws. Lot owners shall match the sidewalk in color, texture and scoring pattern to the sidewalks already constructed in the subdivision.

N. Obnoxious and Offensive Activities.

No obnoxious or offensive activities, as defined by City and County ordinances, State statues and regulation, and common law, shall be carried on upon any lot nor should anything be done on any lot which may become an annoyance or nuisance, as defined by City and County ordinances, State statues and regulation, and common law, to neighbors or to the neighborhood.

O. Lot Maintenance.

In the event that any lot owner does not commence construction of a residence on said lot upon completion of all site improvements, the lot owner shall maintain the lot in such a manner as to keep the lot free from weeds, briars, and other types of vegetation which would infiltrate lawns of other lot owners. In the event a lot owner shall fail to maintain his/her lot, Declarants or their designee may have the lot maintained by a maintenance service of Declarants' choice at the lot owner's sole expense and lot owner shall be responsible for payment of said expense within ten (10) days from the date of receipt of an invoice for maintenance services performed.

P. Fences and Hedges.

On all lots, plantings or site obscuring fences shall not exceed two and one-half feet in height in the front yard or on the side lot lines forward of the building line with the

12-29-95

greatest setback on the lot or the adjoining residential lot or on corner lots on the side abutting the street. All fences shall be constructed of suitable fencing material approved by the Declarants or their designee and in no event shall detract from the appearance of the dwelling located upon the lot, detract from the appearance of the dwellings located on the adjacent lots or be offensive to the owners or occupants thereof. The owners of Lots 7-15 are required by these Covenants to build and/or maintain a fence which is six (6) feet in height. Said fence is required to be buil' and/or maintained along the south side of Lots 7,8,9 and along the east side of Lots 9 through 15. Said fencing shall be constructed of a material which has been approved by Declarants or their designee.

Q. Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that no more than two dogs, two cats, or other household pets may be kept provided that they are not kept, bred, or maintained for commercial purposes.

R. Building Setbacks.

Every dwelling house or other structure as may be approved by the Declarants shall comply with all applicable city and county zoning requirements, including set back requirements, but in no event shall any set back from the property line be less than the following:

1. Side yard, seven and one-half feet;
2. Front and rear yards, twenty feet;
3. Corner lot: front and rear yards, twenty feet; street side yards, twenty feet; lot side yards, seven and one-half feet.

S. Signs.

No sign shall be erected on any lot except that not more than one "For Sale" or "For Rent" sign placed by the owner, the Declarants, or by a licensed real estate agent. This restriction shall not prohibit the temporary placement of "political" signs on any lot by the owner, or the placement of a professional sign by the developer, which must comply with the City of McMinnville Sign Ordinance.

T. Easements.

1. Easements for installation and maintenance of utilities, sewer, and storm drainage facilities are shown on the recorded ELISABETH ADDITION Plat. Within said easements, no structure, planting or other material shall be placed or permitted to remain which may damage, interfere with, or change the direction of flow of drainage facilities located within such easements. The easement area of each lot

12-29-95

and all improvements therein shall be continuously maintained by the lot owner, except for improvements for maintenance for which a public authority or utility company is responsible.

2. No dwelling unit or other structure of any kind shall be built, erected or maintained on any such easement or right-of-way, and such easement or right-of-way shall at all times be open and accessible to public and quasi-public utility corporations, their employees and contractors, and shall also be open and accessible to the Developers, their successors and assigns, all of whom shall have the right and privilege of doing whatever may be necessary in, on or under such easements to carry on any other purposes for which the easements or rights-of-way are reserved.

U. ACCESS TO LOT 18.

Access to Lot 18 shall be made and maintained through the OVERLOOK ADDITION as authorized by easements of record and the fifteen foot (15') extinguishable easement through Lots 16 and 17 shall be vacated and extinguished.

ARTICLE III

General Provisions

A. Duration.

The covenants, easements, and restrictions contained herein are to run with the land for the benefit of each owner of land and such subdivision shall enure to and pass with each and every parcel of such subdivision, and shall bind the respective successors in interest of the present owner thereof. These covenants, easements, and restrictions shall remain in full force and effect until amended or revoked in the name provided herein.

B. Enforcement.

Any owner, or the owner of any recorded mortgage or recorded trust deed on any part of said property shall have the right to enforce by any proceeding at law or in equity, all the restrictions, conditions, covenants, reservations, easements, means and charges now or hereafter imposed by the provisions of this declaration. The failure by any owner to enforce any covenants or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

12-29-95

C. Severability.

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any of the other provisions herein which shall remain in full force and effect.

D. Amendments.

The covenants and restrictions of this declaration may be amended or terminated by an instrument signed by not less than 90 percent of the lot owners and their respective mortgagees as their interests appear. Any amendment must be lawful and properly recorded.

E. Attorney's Fees.

In the case a suit or action is instituted to enforce any of the provisions hereof, the losing party agrees to pay such sum as the trial court may adjudge reasonable as attorney's fees to be allowed the prevailing party in said suit or action, and if an appeal is taken from any judgment or decree of such trial court, the losing party further promises to pay such sum as the appellate court may adjudge reasonable as prevailing party's attorney's fees on such appeal.

F. Lot 19 Exempt From Declaration of Protective Covenants.

Lot 19 of the ELISABETH ADDITION, its current and future improvements shall not be required to comply with the provisions of the protective covenants contained herein.

DATED this 27th day of December, 1995.

Robert M. Johnstone
Developer

Julianne Johnstone
Developer

12-29-95

STATE OF OREGON)
) ss.
County of Yamhill)

OFFICIAL SEAL
DEBORAH L. CLARK
NOTARY PUBLIC-OREGON
COMMISSION NO. 039359
MY COMMISSION EXPIRES JANUARY 24, 1999

On this 27th day of December, 1995 personally appeared the above-named Robert M. Johnstone, Developer, and acknowledged the foregoing instrument to be his voluntary act and deed.

Deborah L Clark
NOTARY PUBLIC FOR OREGON
My Commission expires: 1-24-99

STATE OF OREGON)
) ss.
County of Yamhill)

On this 27th day of December, 1995 personally appeared the above-named Julianne Johnstone, Developer, and acknowledged the foregoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
DEBORAH L. CLARK
NOTARY PUBLIC-OREGON
COMMISSION NO. 039359
MY COMMISSION EXPIRES JANUARY 24, 1999

Deborah L Clark
NOTARY PUBLIC FOR OREGON
My Commission expires: 1-24-99

12-29-95

AMENDMENT TO DECLARATION

OF PROTECTIVE COVENANTS FOR

ELISABETH ADDITION

INDEXED

WHEREAS, the undersigned Declarants/Owners have previously recorded a Declaration of Protective Covenants for the Plat of Elisabeth Addition, in the City of McMinnville, Yamhill County, Oregon on December 29, 1995 in Film Volume 4, Pages 203, 204, (nstrument No. 1995 17518) Deed and Mortgage Records; and

WHEREAS, the Declarants/Owners desire to amend said Declaration of Protective Covenants as hereinafter provided and to impart notice of record of such amendment to said Declaration;

WHEREAS Lots 1 and 15 have previously been designated exempt from the restriction of use for single family residence only and may be used for duplexes; and

WHEREAS 90 percent of lot owners have agreed to this Amendment by instrument, a copy of which is attached hereto and incorporated by reference herein.

NOW, THEREFORE, in consideration of the benefits enuring to the premises, the Declarants/Owners hereby amend the said Declaration of Protective Covenants for Elisabeth Addition by modifying said covenants pertaining to

Article II, Section A Land Use and Building Type, to provide as follows:

> No lot shall be used except for single family residence, except Lots 1 and 15 may be used for duplexes. The lots, except Lots 1 and 15, shall not be partitioned. Lots 1 and 15 may be partitioned for common wall purposes.

In all other respects, the said Protective Covenants shall remain unchanged, in full force and effect.

Ticor Title Courtesy

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK
20.00
199610174 3:18pm 06/26/96
004 031851 10 04 000202
1 P02 4 0 20.00 0.00 0.00 0.00 0.00 0.00

1661

CONSENT TO AMENDMENT OF DECLARATION
OF PROTECTIVE COVENANTS FOR
ELISABETH ADDITION

LOT OWNERS:

MORTGAGEE:

Robert M. Johnstone (Declarant)

Julianne Johnstone (Declarant)
Owners of Lots 1, 6, 7, 8, 9, 10, 11,
14, 15, 16, 17, and 18

Clarence Leo Leathers
Owner of Lots 3 and 5

Frank Cipparone

Geri Cipparone
Owners of Lot 2

Michael L. Finch

Sandra Finch
Owners of Lot 4

GRANDEUR CUSTOM HOMES, INC.

By: **Philip F. Loving**
Owner of Lot 12

Gary R. Niehus

Lyla M. Niehus
Owners of Lot 13

Declarants:

Robert M. Johnstone

Julianne Johnstone

STATE OF OREGON)
) ss
County of Yamhill)

Personally appeared the above-named Robert M. Johnstone and acknowledged before me the foregoing instrument to be his voluntary act and deed.

OFFICIAL SEAL
MARIA GEORGE
NOTARY PUBLIC - OREGON
COMMISSION NO. 043584
MY COMMISSION EXPIRES MAY 30, 1999

Maria George
Notary Public for Oregon
My commission expires: 5/30/99

STATE OF OREGON)
) ss
County of Yamhill)

Personally appeared the above-named Julianne Johnstone and acknowledged before me the foregoing instrument to be her voluntary act and deed.

OFFICIAL SEAL
MARIA GEORGE
NOTARY PUBLIC - OREGON
COMMISSION NO. 043584
MY COMMISSION EXPIRES MAY 30, 1999

Maria George
Notary Public for Oregon
My commission expires: 5/30/99

CONSENT BY LIENHOLDER
MORTGAGE/BENEFICIARY

Valley Community Bank

By: _____
Title: V.P.-O

Date: JUNE 26, 1996

4/54

Vol 4 Page 204

ELISABETH ADDITION

AN R-2 SUBDIVISION

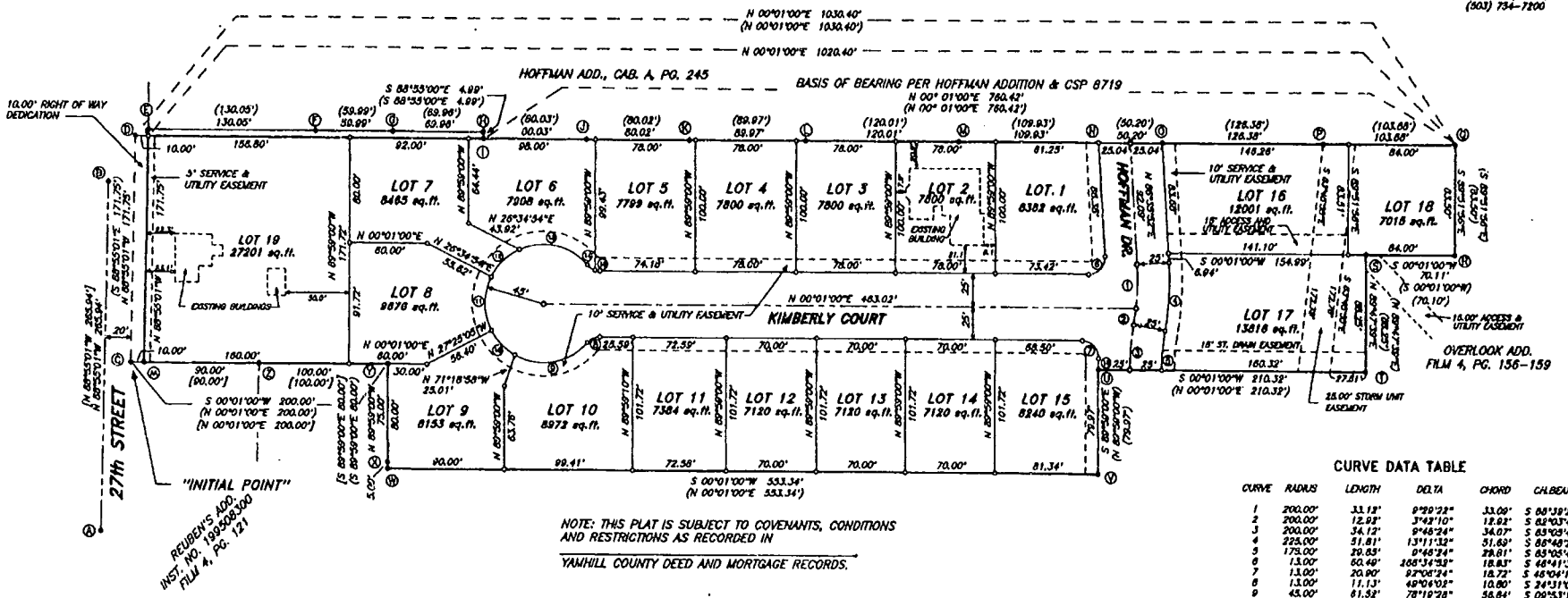
IN THE SOUTHEAST 1/4 OF SECTION 9 AND THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN,
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON
BEING A PART OF THE JAMES T. HEMBREE DONATION LAND CLAIM No. 46
DECEMBER 14, 1995

SHEET 1 of 2

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JOHN P. TACCHINI
Jan. 15, 1987
2267

RENEWAL: 6/30/98

LONG & ASSOCIATES ENGINEERING
JOHN P. TACCHINI, PLS 2267
605 NW 5th STREET, SUITE 1A
CORVALLIS, OR 97330
(503) 754-7200



NOTE: THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED IN YAMHILL COUNTY DEED AND MORTGAGE RECORDS.

CURVE DATA TABLE

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
1	200.00'	33.13'	9°29'22"	33.09'	S 88°39'27"E
2	200.00'	12.93'	3°42'10"	12.92'	S 82°03'41"E
3	200.00'	34.13'	9°46'24"	34.07'	S 83°09'48"E
4	225.00'	51.81'	13°11'32"	51.69'	S 86°48'23"E
5	175.00'	29.85'	9°46'24"	29.81'	S 83°09'48"E
6	13.00'	60.48'	268°54'52"	18.83'	S 48°41'34"E
7	13.00'	20.90'	92°06'34"	18.72'	S 46°04'17"W
8	13.00'	11.13'	49°04'02"	10.80'	S 24°31'01"E
9	45.00'	61.52'	78°19'28"	56.84'	S 09°53'18"E
10	45.00'	26.16'	33°18'29"	25.79'	S 45°55'40"W
11	45.00'	42.41'	53°59'59"	40.86'	S 89°34'55"W
12	45.00'	30.52'	38°51'28"	29.94'	N 43°59'23"W
13	45.00'	57.84'	73°38'48"	53.94'	N 12°15'41"E
14	13.00'	7.16'	31°33'07"	7.16'	N 33°05'28"E
15	13.00'	3.63'	17°04'55"	3.61'	N 08°53'28"E
16	225.00'	8.27'	2°06'24"	8.27'	N 88°55'48"W

FOUND MONUMENT TABLE

A. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267" IN STREET MONUMENT CASE. HELD AS FOUND TO ESTABLISH 27TH STREET RIGHT OF WAY AS PER REUBEN'S ADDITION INSTRUMENT No. 199508300
B. 3/4" IRON PIPE IN STREET MONUMENT CASE. HELD AS FOUND TO ESTABLISH 27TH STREET RIGHT OF WAY AS PER REUBEN'S ADDITION INSTRUMENT No. 199508300
C. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267", FENCE LINE IS 0.7' EAST. HELD AS FOUND AS PER C.S.10221.
D. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267", FLUSH. HELD AS FOUND AS PER C.S.10221.
E. & F. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "LING PLS 1433". POINT 'E' IS 0.8' BELOW GROUND SURFACE. HELD AS FOUND PER C.S.P.-8719.
G. - P. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267". HELD AS FOUND AS PER C.S.10221.
G. 1.0' BELOW GROUND SURFACE.
L. UNDER BOARD FENCE, YELLOW PLASTIC CAP MARKED "LING PLS 1433".
M. 0.3' OF ROD IS EXPOSED.
N. 0.3' OF ROD IS EXPOSED, 0.12' WEST OF LINE.
O. - P. 0.5' BELOW GROUND SURFACE.
Q. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "LING PLS 1433". HELD AS FOUND PER C.S.10221.
R. - W. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267". HELD AS FOUND AS PER C.S.10221.
X. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267". HELD AS FOUND AS PER REUBEN'S ADDITION INSTRUMENT No. 199508300
Y. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267". HELD AS FOUND PER C.S.10221.
Z. - AA. 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267". HELD AS FOUND AS PER REUBEN'S ADDITION INSTRUMENT No. 199508300

LEGEND

- • FOUND MONUMENT AS SHOWN AND NOTED IN THE FOUND MONUMENT TABLE
- ○ SET 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267"
- ⊙ SET 5/8" IRON ROD W/YELLOW PLASTIC CAP MARKED "J TACCHINI PLS 2267" IN STREET MONUMENT CASE
- Ⓐ REFERENCE TO FOUND MONUMENT TABLE
- ② REFERENCE TO CURVE DATA TABLE
- ( ) DENOTES RECORD SURVEY DATA PER C.S.10221
- [ ] DENOTES RECORD DATA PER REUBEN'S ADDITION INSTRUMENT No. 199508300

STATE PLANE COORDINATE TIE PER ORS 92.050 (b)
INSTRUMENT AT STATION "JUNCTION RM 4"
BACKSIGHT STATION "JUNCTION"
[HORIZONTAL ANGLE, RIGHT = 51°00'29"]
[HORIZONTAL DISTANCE = 2912.53']
TO "INITIAL POINT"
[X = 1,309,702.43 Y = 580,787.85]
[θ = -1°54'02"]
[LAT. = 45°13'42".050 N LONG. = 123°10'47".497 W]

94-28.000

Vol. 4 Pg 203

ELISABETH ADDITION

AN R-2 SUBDIVISION

IN THE SOUTHEAST 1/4 OF SECTION 9 AND THE NORTHEAST 1/4 OF SECTION 16,
TOWNSHIP 4 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN,
CITY OF McMINNVILLE, YAMHILL COUNTY, OREGON
BEING A PART OF THE JAMES T. HEMBREE DONATION LAND CLAIM No. 46
DECEMBER 14, 1995

SHEET 2 of 2

NOTE: PURSUANT TO CITY OF McMINNVILLE ORDINANCE No. 4262, PARK FEES SHALL BE PAID BY EACH LOT AT TIME OF APPLICATION FOR BUILDING PERMIT.

NARRATIVE

THE PURPOSE OF THIS SURVEY/SUBDIVISION IS TO SUBDIVIDE AND PLAT ELISABETH ADDITION AN APPROVED R-2 DEVELOPMENT PER CITY OF McMINNVILLE ORDINANCE No. 4494. THE BASIS OF BEARING IS THE EAST LINE AS SHOWN PER C.S.10221 HOLDING FOUND MONUMENTS AT POINTS 'I' AND 'O', AS SHOWN AND NOTED IN THE FOUND MONUMENT TABLE. ALL FOUND MONUMENTS AT THE BOUNDARY CORNERS WERE HELD AS FOUND.

SURVEYOR'S CERTIFICATE

COUNTY OF YAMHILL } S.S.
STATE OF OREGON }

I, JOHN P. TACCHINI, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY DEPOSE AND SAY THAT DURING THE MONTH OF DECEMBER 1995, I DID ACCURATELY SURVEY, SUBDIVIDE AND PLAT INTO LOTS AND RIGHT OF WAYS THE LAND REPRESENTED ON THE ATTACHED MAP. THE BOUNDARY IS DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD MARKING THE SOUTHWEST CORNER OF REUBEN'S ADDITION, A SUBDIVISION OF RECORD ON FILM 4, PAGE 121, YAMHILL COUNTY RECORDS. SAID ROD ALSO BEING THE "INITIAL POINT" FOR THIS SUBDIVISION; THENCE NORTH 88°55'01" WEST, 171.75 FEET TO A 5/8" IRON ROD; THENCE NORTH 00°01'00" EAST, 1030.40 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°51'56" EAST, 83.50 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°01'00" WEST, 70.11 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°47'39" WEST, 88.25 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°01'00" WEST, 210.32 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°59'00" EAST, 79.97 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°01'00" WEST, 553.34 FEET TO A 5/8" IRON ROD; THENCE NORTH 89° 59'00" WEST, 80.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°01'00" WEST, 200.00 FEET TO A 5/8" IRON ROD, THE "INITIAL POINT" AND THE POINT OF BEGINNING OF THIS DESCRIPTION. THE ABOVE DESCRIBED TRACT CONTAINS 4.94 ACRES OF LAND, MORE OR LESS.

I, JOHN P. TACCHINI, FURTHER DEPOSE AND SAY THAT THE ATTACHED MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LOTS AND RIGHT OF WAYS AS STAKED ON THE GROUND WITH 5/8" IRON RODS WITH YELLOW PLASTIC CAPS MARKED 'J TACCHINI PLS 2267' OR WITH FOUND MONUMENTS AS SHOWN ON THE ATTACHED MAP AND NOTED IN THE FOUND MONUMENT TABLE ON THE ATTACHED MAP, AT ALL LOT CORNERS, POINTS OF CURVATURE AND BOUNDARY LINE CHANGES IN DIRECTION.

John P. Tacchini

JOHN P. TACCHINI, PLS 2267
LING & ASSOCIATES ENGINEERING
605 NW 5TH STREET, SUITE 1A
CORVALLIS, OREGON 97330
(503) 754-7200

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JOHN P. TACCHINI
JAN. 19, 1967
2267

RENEWAL: 6/30/96

RECORDING

COUNTY OF YAMHILL } S.S
STATE OF OREGON }

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK
45.00 ADDED
199517518 10:34am 12/29/95
004 023319 10 04 000202 R
1 P04 R 1 0.00 45.00 0.00 0.00 0.00 0.00

I, HEREBY CERTIFY THAT THE ATTACHED WAS RECEIVED FOR RECORD ON THE 29 DAY OF DECEMBER, 1995, AT 10:34 O'CLOCK AM. AND DULY RECORDED IN VOL. 4 PAGE 203 RECORDS OF YAMHILL COUNTY, FILM 4

Tonya Ellis Deputy
YAMHILL COUNTY CLERK

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT ROBERT M. JOHNSTONE, JULIANNE JOHNSTONE AND VALLEY COMMUNITY BANK, AN OREGON CORPORATION, AS BENEFICIARY TO TRUST DEED RECORDED MAY 28, 1995, INSTRUMENT No. 199506519, ARE THE OWNERS OF THE LANDS REPRESENTED ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYORS CERTIFICATE AND HAVE CAUSED SAID LANDS TO BE SURVEYED AND PLATTED IN ACCORDANCE WITH CHAPTER 92, OREGON REVISED STATUTES, 1995 EDITION, INTO LOTS, STREET RIGHT OF WAYS AND EASEMENTS AS SHOWN ON THE ATTACHED MAP AND TO BE DEDICATED AS "ELISABETH ADDITION".

Robert M. Johnstone — ROBERT M. JOHNSTONE
Julianne Johnstone — JULIANNE JOHNSTONE
BRUCE BRYANT, C.E.O. VALLEY COMMUNITY BANK

ACKNOWLEDGEMENT

COUNTY OF YAMHILL } S.S.
STATE OF OREGON }

ON THIS 20 DAY OF DECEMBER 1995, BEFORE ME A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR, ROBERT M. JOHNSTONE, JULIANNE JOHNSTONE AND BRUCE BRYANT IN THE CAPACITY SHOWN IN THE ABOVE DECLARATION AND WHO ARE PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSONS DESCRIBED IN AND WHO EXECUTED THE ABOVE DECLARATION FREELY AND VOLUNTARILY.

OFFICIAL SEAL
SHERYL LUTZ
NOTARY PUBLIC-OREGON
COMMISSION NO. 026999
MY COMMISSION EXPIRES FEBRUARY 8, 1998

Sheryl Lutz

SUBSCRIBED AND SWORN TO, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE OF OREGON.

APPROVALS

Robert Johnstone — YAMHILL COUNTY COMMISSIONER
Thomas C. C. Gunn — YAMHILL COUNTY COMMISSIONER
YAMHILL COUNTY COMMISSIONER

Donald E. Schut — CITY OF McMINNVILLE, SURVEYOR
CHAIRMAN, CITY OF McMINNVILLE PLANNING COMMISSION
Linda A. Stephenson — YAMHILL COUNTY ASSESSOR

ATTESTS Charles Stern — YAMHILL COUNTY CLERK

PURSUANT TO O.R.S. 92.095, TAXES HAVE BEEN PAID OR BOND POSTED TO DATE:
June 30, 1996.
Julia M. Strauss 12-29-95
YAMHILL COUNTY TAX COLLECTOR

CC BR's Instrument # 199517519

94-28P2.PL(SU)

94-28.CRD