DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
For Ellie’s Garden

THIS DECLARATION: made this □ day of February, 2008 by Ellies Garden, Frank A. Eckrode, Sr. and Terri L. Eckrode and Chuck Mitchell, hereinafter referred to as “Declarant.”

These covenants, conditions and restrictions apply to all lots located in Ellie’s Garden in Yamhill, Oregon. They are enforceable by owners of the “benefited properties”, which are defined as lots affected.

The undersigned owner (“Developer”) of all the real property included in Ellie’s Garden Subdivision, a plat duly recorded February 27, 2008 as instrument No. 200803277 in plat records of Yamhill County, Oregon. These Covenants, Conditions and Restrictions (“Covenants”) shall run with the land and shall be binding upon all persons having or acquiring a right, title and interest in the property or any part of the property, and shall inure to each owner of benefited property area and that owner’s heirs, successors and assigns.

ARTICLE ONE
PURPOSE OF THESE COVENANTS, CONDITIONS AND RESTRICTIONS.

The Purpose of these Covenants is to:
- Provide a basic outline of the subdivision Community;
- Enhance and protect the value, desirability and attractiveness of the benefited property.
- Define the Principles, Preferences and Boundaries that will apply to the caretakers of this land;
- Provide a foundation for relating in healthy balance with the local ecology and landscape;
- Provide a lightly organized structure for Community Members to interrelate regarding issues of mutual concern;

Boundaries:
- There is to be no outside storage of unlicensed motor vehicles or trailers. This includes motor homes and camping trailers.
- General accumulation of any kind of building materials, personal effects, junk or rubbish on the landscape outside of buildings is not allowed.
- Motorized vehicles, ATV’s and/or motorcycles are to be kept to roads or operation on one’s own lands keeping in mind noise.
- Noise from construction & farming and garden activities done at times agreeable to surrounding community members.
- Property to be maintained. Each Lot at all times shall be kept in a clean, sightly, and wholesome condition. No trash, litter, junk, boxes, containers, bottles, cans, implements, machinery, lumber, or other building materials shall be permitted to remain exposed upon any Lots so that same are visible from any neighboring Lot or street, except as necessary during the period of construction. Owners shall maintain the exterior appearance of any residential structure or unit located on their Lot including, by way of example and not limitation, the repair of damaged windows, siding or roof, repair of exterior surfaces, and repainting of unsightly painted surfaces.
Homes
1. General Plan. It is the intention of the Declarant to establish and impose a general plan for the improvement, development, use and Occupancy of the Properties, in order to enhance the value, desirability, and attractiveness of the Properties and to serve and promote the sale thereof.

- Homes containing a minimum of 1200 square feet of living area area (exclusive of garages, carports, patios and unfinished basement areas) shall be the only allowed residential structure within the Properties; provided, however, accessory buildings such as a "stick built" garage or storage shed may be constructed on a Lot within the Properties.
- All construction on any lot must be completed and the final occupancy issued within one (1) year from the issuance of a building permit.
- Only new homes, meeting all current code requirements applicable within the State of Oregon, UBC approved, as applicable, shall be constructed or placed on any Lot within the Properties.
- Any home placed upon any Lot within the Properties shall be placed upon a permanent concrete foundation. No manufactured dwelling (or comparable structure), recreational vehicle used as a dwelling or other temporary structure shall be allowed in the development.
- Within seven (7) months following the placement of a home on any Lot within the Properties, the entire Lot must be landscaped within said seven (7) month period following placement of a home on a Lot within the Properties, a paved driveway and parking area adequate for the parking of two motor vehicles shall be constructed on said Lot. The paving materials used for such shall be concrete or pavers.
- No noxious or offensive activity shall be carried on upon any Lot nor shall anything be done or placed on any Lot which is or may become a nuisance or cause embarrassment, disturbance, or annoyance to others.
- Garbage and Refuse Disposal. No garbage, refuse, rubbish, or cuttings shall be deposited on any street or Lot unless placed in a suitable container suitably located, solely for the purpose of garbage pickup. All equipment for the storage of disposal of such materials shall be kept in a clean and sanitary condition.
- Exterior walls on dwelling will be double wall lap siding on the front of the house, board and batt or like type on the other three sides. No metal or vinyl siding.
- Roof will be 30 year architectural style composition, metal roofing is not allowed.
- No lot may be used to raise or breed animals other then house hold pets.

Enforcement

- 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 at law or in equity to enforce the restrictions.
- If a suit or action (including arbitration) is filed to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover from the other party, in addition to the costs and disbursement provided by statute, any sum which a court (or arbitration tribunal), including any appellate court, may adjudge reasonable as attorney fees.

Dated this 29 day of February, 2008.
STATE OF OREGON,

County of Yamhill

BE IT REMEMBERED, That on this 27th day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Chuck Mitchell, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public for Oregon

My commission expires 10/12/09
STATE OF OREGON

County of Yamhill

This instrument was acknowledged before me on this ___ day of February, 2008 by Terri L. Eckrode.

Linda V. Freeborn
Notary Public for Oregon
My commission expires: 10/12/09

STATE OF OREGON

County of Yamhill

On this ___ day of February, 2008, personally appeared Terri L. Eckrode, who being duly sworn (or affirmed), did say that she is the attorney in fact for Franklin A. Eckrode, Sr. and that she executed the foregoing instrument by authority of and in behalf of said principal; and she acknowledge said instrument to be the act and deed of said principal.

Linda V. Freeborn
Notary Public of Oregon
My commission expires: 10/12/09
ELLIE'S GARDEN

A REPLET OF TRACT 'A' OF 'OAK VIEW'
AND A PORTION OF THE NORTHWEST 1/4 OF SECTION 3
AND A PORTION OF THE NORTHEAST 1/4 OF SECTION 4
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.
in the city of Yamhill, Yamhill County, OR

SURVEYOR'S CERTIFICATE

L. Michael D. Boskovich, hereby certify that I have correctly surveyed and marked with proper monuments the lands represented on the attached plat of "Ellie's Garden," being a replat of Tract 'A' of "Oak View" and in a portion of the Northeast 1/4 of Section 6, and a portion of the Northwest 1/4 of Section 3. The proposed plat is located in Yamhill County, Oregon, the municipal plaintiffs, and the above described lands follow the following:

BEGINNING at the initial point, being a 5/8" iron rod with yellow plastic cap marked "LSC DESIGN GROUP" at the northeast corner of Tract 'A', at the plat of "Oak View", said initial point is hereby extended 600.00 feet to the 5/8" iron rod with yellow plastic cap marked "BASELINE HLS 274", thence extending along said east line of Tract 'A' 1,700.00 feet to a 5/8" iron rod with yellow plastic cap marked "BASELINE HLS 274", thence extending along said south line of Tract 'A' 1,500.00 feet to a 5/8" iron rod with yellow plastic cap marked "BASELINE HLS 274", thence extending along said west line of Tract 'A' 900.00 feet to a 5/8" iron rod with yellow plastic cap marked "BASELINE HLS 274", thence extending along said north line of Tract 'A' 900.00 feet to a 5/8" iron rod with yellow plastic cap marked "BASELINE HLS 274", and thence extending along said east line of Tract 'A' 1,700.00 feet to the initial point, forming a square 1,700.00 feet on each side, containing 1.50 acres, more or less.

A REPLIC OF TRACT 'A' OF 'OAK VIEW'
AND A PORTION OF THE NORTHWEST 1/4 OF SECTION 3
TOWNSHIP 3 SOUTH, RANGE 4 WEST, W.M.
in the city of Yamhill, Yamhill County, OR

DECLARATION

Know all men by these presents, that Franklin A. Corcoran, Sr., Tim L. Corcoran, Bruce K. Parsons, and Melinda A. Parsons, are the owners of the land described in the Surveyor's Certificate and as shown herein, and have caused the same to be surveyed into lots with easements. We hereby grant all easements for the purposes as shown. We hereby dedicate all streets shown herein to the public for public use forever.

Franklin A. Corcoran, Sr., Owner
Tim L. Corcoran, Owner
Bruce K. Parsons, Owner
Melinda A. Parsons, Owner

ACKNOWLEDGMENT

STATE OF OREGON
COUNTY OF YAMHILL

This certificate on the day of August 7, 2007 before me personally appeared Franklin A. Corcoran Sr., who being first duly sworn on the Bible, recited above and acknowledged that he had executed the within instrument, and does hereby acknowledge said instrument to be of his own free act and deed and does hereby dedicate the street as shown for public use forever.

YAMHILL COUNTY SURVEYOR

REMAINING CORNER MONUMENTATION

IN ACCORDANCE WITH ORS 266.030, THE INTERIOR CORNERS OF THE SUBDIVISION HAVE BEEN MARKED WITH CORNER MONUMENTS AND HAVE BEEN CORRECTLY SET WITH PROPER MONUMENTS. AN APPLICANT HAS BEEN PROMPTLY NOTIFIED REGARDING THE SETTING OF SUCH MONUMENTS AND IS RECORDED IN DOCUMENT DUPLICATE NO. 2008-2547, YAMHILL COUNTY DEED RECORDS.

YAMHILL COUNTY SURVEYOR

PLAT PREPARED BY:
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