DEED RESTRICTIONS FOR EMERY ORCHARDS NO. 4

This lot is subject to the following covenants, conditions and restrictions:

1. No structures shall be constructed within 15 feet of the centerline of the water course shown on the subdivision plat or 15 feet of any jurisdictional wetland.

2. The subfloor of all structures constructed on the lot shall be located at least one foot above the emergency overflow height on 3rd Street (shown on the subdivision plan as the 169' contour).

[Add to the deeds for lots 48 & 54]

3. The sloped areas adjoining the water course shown on the subdivision plat must be maintained at their originally constructed grades and kept free of debris.

These covenants, conditions and restrictions shall bind the owners and their successors and assigns and shall run with the land. They shall be enforceable by any public body having jurisdiction and the other owners of lots in Emery Orchards No. 4.

Executed this 4th day of Dec., 1996.

NSP Development, Inc.

\[Signature\]

by A. Paul Brenneke, President

State of Oregon

\[Notary Public Seal\]

County of Multnomah

This instrument was acknowledged before me this 4th day of December, 1996, by A. Paul Brenneke, known by me to be president of NSP Development, Inc.

[Notary Public Seal]

Rebecca J. Albright
Notary Public for Oregon
My commission expires: September 9, 2000

Recorded in Official Yamhill County Records

19701216 12:47pm 01/24/97

019 420112 11 02 0000208
1 P02 1 0 5.00 0.00 0.00 0.00 0.00 0.00 0.00
EMERY ORCHARDS NO. 4
A SUBDIVISION OF CORRECTED TRACT "A", "EMERY ORCHARD, NO. 3"
LOCATED IN THE RICHARD EVERETT DONATION LAND CLAIM
IN THE NORTH EAST QUARTER OF SECTION 20,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILAMETTE MERIDIAN
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

NARRATIVE
THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE CORRECTED TRACT "A", "EMERY ORCHARDS NO. 3". A DISCREPANCY IN THE RIGHT OF WAY OF 2ND STREET WAS RESOLVED BY OUTCLAIM RECORDED AS DOCUMENT NO. 1851-4683 IN YAMHILL COUNTY DEED RECORDS AND THE CORRECTED BOUNDARY OF TRACT "A" WAS DETERMINED BY C.S. 10651 AND SAID SURVEY WAS HELD FOR THIS PLAT.


SURVEYOR'S CERTIFICATE
I, ROGER J. CAMPBELL, A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY SAY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LAWFUL MONUMENTS THE LAND REPRESENTED ON THE ATTACHED MAP OF "EMERY ORCHARDS NO. 4" AND AS THE INITIAL POINT I HELD A 2/8 INCH IRON ROD ON THE NORTH RIGHT OF WAY OF 3RD STREET, SAID 3/4 INCH IRON MARKING THE SOUTHEAST CORNER OF LOT 44, "EMERY ORCHARDS NO. 3", THENCE WITH THE WEST LINE OF LOTS 44, 45, 46 & 47, "EMERY ORCHARDS NO. 3", NORTH 60' 10" WEST 323.82 FEET TO A POINT ON THE SOUTH RIGHT OF WAY OF 2ND STREET; THENCE WITH SAID SOUTH RIGHT OF WAY LINE OF 3RD STREET THE FOLLOWING COURSES: NORTH 89' 40" EAST 50.63 FEET, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 170.39 FEET THROUGH A CENTRAL ANGLE OF 57' 47" AN ARC LENGTH OF 16.40 FEET (CHORD BEARS SOUTH 87' 29" EAST 15.59 FEET), SOUTH 89' 17" EAST 112.52 FEET, WITH A CURVE TO THE RIGHT HAVING A RADIUS OF 170.39 FEET THROUGH A CENTRAL ANGLE OF 57' 47" AN ARC LENGTH OF 17.34 FEET (CHORD BEARS SOUTH 42' 58" EAST 17.34 FEET), SOUTH 42' 58" EAST 255.56 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF 3RD STREET, THENCE WITH SAID NORTH RIGHT OF WAY LINE OF 3RD STREET THE FOLLOWING COURSES: SOUTH 89' 17" WEST 350.56 FEET, NORTH 60' 10" WEST 5.00 FEET TO THE POINT OF BEGINNING CONTAINING 1.63 ACRES OF LAND.

AS PER O.B.S. 92,070 (PAR 26), I ALSO CERTIFY THAT THE POST MONUMENTATION OF THE INTERIOR MONUMENTS IN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 30 CALENDAR DAYS FOLLOWING COMPLETION OF PAYING IMPROVEMENTS ON ONE YEAR FOLLOWING THE ORIGINAL PLAT RECORDED, WHEREVER OCCURS FIRST, IN ACCORDANCE WITH O.B.S. 92,060.

CONFIRMED PROFESSIONAL LAND SURVEYOR
ROGER J. CAMPBELL
601 S. 10TH ST.
NEWBERG, OR 97132
LICENSE NO. 711601452
EXPIRES 12/31/97

CONSENT AFFIDAVIT
A SUBDIVISION PLAT CONSENT AFFIDAVIT
FROM HOWARD A. ARMSDEN, A TRUSTEE DEED BENEFICIARY HAS BEEN RECORDED IN THE REGISTRATION OF THE LAND RECORD OF YAMHILL COUNTY DEED RECORDS.

PREVIOUS PAGE: 1 PAGE: ABOUT PAGE: 4 PAGE: 23 PAGE: 4400 PAGE: 5000 PAGE: 2.03e+07 PAGE: 2.03e+07
YAMHILL COUNTY DEED RECORDS.

CONSENT AFFIDAVIT
A SUBDIVISION PLAT CONSENT AFFIDAVIT
FROM F.J.A. STROM AND COMPANY A OUTCLAIM DEED GRANTEE HAS BEEN RECORDED IN THE REGISTRATION OF THE LAND RECORD OF YAMHILL COUNTY DEED RECORDS.

PLATBOOK 4 PAGE 353
SURVEYED BY:
RAINY DAY SURVEYS
16005 NW SHELTERED Nook RD.
PORTLAND, OREGON 97231
PH: (503) 821-3304

APPROVALS
APPROVED THIS 14TH DAY OF DECEMBER, 1996
JAMES E. BARTOW
YAMHILL COUNTY COMMISSIONER
APPROVED THIS 15TH DAY OF DECEMBER, 1996
RICHARD H. GUNN
YAMHILL COUNTY COMMISSIONER
APPROVED THIS 16TH DAY OF DECEMBER, 1996
THOMAS S.C. BURKE
YAMHILL COUNTY COMMISSIONER
APPROVED THIS 17TH DAY OF DECEMBER, 1996
SUSAN HARRISON
YAMHILL COUNTY COMMISSIONER
APPROVED THIS 18TH DAY OF DECEMBER, 1996
YAMHILL COUNTY COMMISSIONER
STATE OF OREGON
COUNTY OF YAMHILL
KNOW ALL MEN BY THESE PRESENTS, THAT ON THE 15TH DAY OF DECEMBER, 1996, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY PERSONALLY APPEARED A. PAUL BRENNIDGE, WHO BEING OATHED OR SWORN, SAYS THAT HE IS THE PERSON NAMED IN THE INSTRUMENT AND THAT HE EXECUTED SAID INSTRUMENT FREELY AND VOLUNTARILY.

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