DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
APPLICABLE TO GIBBS ESTATES SUBDIVISION

Declaration of Covenants, Conditions and Restrictions is applicable to GIBBS ESTATES SUBDIVISION.

Whereas, Mills Development Company, LLC, an Oregon Limited Liability Company, Hereinafter referred to as the Declarant, is owner of certain real property located in Yamhill County, in the State of Oregon, known as GIBBS ESTATES SUBDIVISION, a duly recorded plat.

Whereas, The Declarant is desirous to declare of public record its intentions to create certain restrictive conditions and covenants to this ownership of said property.

Now, Therefore, The Declarant does hereby certify and declare that the following Covenants, Conditions and Restrictions shall become and are hereby made a part of all conveyances of lots within the plat of GIBBS ESTATES SUBDIVISION recorded in the Office of the County Register of Deeds for Yamhill County, Oregon. And that the following Covenants, Conditions and Restrictions shall by reference become a part of any such conveyances and shall apply thereto as fully and with the same effect as if set forth at large therein.

ARTICLE I

Property Subject to These Covenants, Conditions and Restrictions

Declarant hereby declares 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, Conditions and Restrictions.
ARTICLE II

Residential Covenants, Conditions and Restrictions

1. Land Use and Building Type

No lot shall be used except for residential purpose. Construction of dwelling is limited to on site building, no manufactured or modular homes will be allowed.

2. Dwelling Size

No dwelling shall be permitted if its total floor area, exclusive of porches and garages, is less than two thousand (2000) square feet total.

3. Easements

The respective residence owners shall preserve easements as shown on the subdivision plat. Site improvements shall not be placed so as to interfere with the maintenance of any easement.

4. Nuisances

No noxious or offensive 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.

5. Livestock, Poultry and Household Pets

A reasonable number of livestock, poultry and household pets may be kept provided they are not kept, bred or maintained for any commercial purposes. All livestock, poultry and household pets shall be restrained in an appropriate manner to prevent said animals from wandering off owner’s property and being a nuisance to adjacent property owners.

6. Utilities

No outdoor overhead wire or service drop for distribution of electric power or for telecommunication purposes, pole, tower, or other structure supporting outdoor overhead wire(s) shall be erected, placed or maintained.
ARTICLE III

General Provisions

1. Term

These Covenants, Conditions and Restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until amended or revoked in the manner provided herein. These Covenants, Conditions and Restrictions can be terminated and revoked or amended only by duly recording an instrument, which contains an agreement providing for termination and revocation, or amendment, which is signed by the owners of a majority of the platted lots.

2. Enforcement

Should any person violate or attempt to violate any of the provisions of these Covenants, Conditions and Restrictions, any person or persons owning any real property embraced within the plat, including the Declarant, at its or their option, shall have full power and authority to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate and of said Covenants, Conditions and Restrictions, either to prevent the doing of such, or to recover damages sustained by reason of such violation. Failure by any owner to enforce any Covenants, Conditions and Restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

3. Expenses and attorney's fees

In the event any person or persons owning any real property embraced within the GIBBS ESTATES SUBDIVISION including the Declarant, shall bring any suit or action to enforce these Covenants, Conditions and Restrictions, the prevailing property shall be entitled to recover all costs and expenses incurred by him in connection with such suit or action, including such amounts as the court may determine to be reasonable attorneys fees at trial and upon any appeal therefore.

4. Severability

Invalidation of any one of these Covenants, Conditions and Restrictions by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

5. Limitation of Liability of Declarant

Neither Declarant nor any officer or director thereof, shall be liable to any owner on account of any action or failure to act of Declarant in performing its duties or right hereunder, provided that Declarant, has in accordance with actual knowledge possessed by it, acted in good faith.
SIGNATURE PAGE TO CC & R's

MILLS DEVELOPMENT CO., LLC
by:

Gloria Larson

Gale Mills

Ron Mills

STATE OF OREGON, County of Yamhill ss

This instrument was acknowledged before me this 10th day of March, 2002 by Gloria Larson as Member of Mills Development Co., LLC

Janet L. Winder
Notary Public for Oregon
My Commission Expires: 5/1/05

STATE OF OREGON, County of Yamhill ss

This instrument was acknowledged before me this 12th day of March, 2002 by Gale Mills as Member of Mills Development Co., LLC

Jodi B. Jautfest
Notary Public for Oregon
My Commission Expires: 9/18/02

STATE OF OREGON, County of Yamhill ss

This instrument was acknowledged before me this 10th day of March, 2002 by Ron Mills as Member of Mills Development Co., LLC

Janet L. Winder
Notary Public for Oregon
My Commission Expires: 5/1/05
DECLARATION

KNOW ALL MEN BY THESE PRESENT THAT MILLS DEVELOPMENT COMPANY, LLC, CO-OWNERS, GLORIA LARSON, RON MILLS AND CAGE MILLS, ARE THE OWNERS OF THE LAND REPRESENTED ON THE ATTACHED GIBB’S ESTATES, AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED SAID LANDS TO BE PLANTED INTO LOTS AND EASEMENTS AS SHOWN.

Gloria Larson
Owner

Ron Miller
Owner

Cage Miller
Owner

DATE OF EXECUTION: 1-29-2002

ACKNOWLEDGEMENT

OFFICIAL, YAMHILL COUNTY REGISTERS OF DEEDS, JAMES STOKOY, COUNTY CLERK

STATE OF OREGON

COUNTY OF YAMHILL

On this day the 12th day of January, 2002, did personally appear GLORIA LARSON, RON MILLS AND CAGE MILLS, IN THE CAPACITY SHOWN ABOVE, AND THE WRITING IN THE ABOVE DECLARATION, WHOSE DUTY IT TO AFFIRM, AND THAT THEY ARE THE IDENTICAL PERSONS NAMED IN THE WRITING, AND THAT THEY EXECUTE SUCH WRITING FREE FROM FRAUD AND VOLUNTARILY.

Yamhill County Surveyor

Yamhill County Sanitarian

Yamhill County Planning Director

Yamhill County Engineer

Yamhill County Tax Collector

APPROVALS

NOTES

1. ALL LOTS HAVE LEGAL ACCESS TO THE COUNTY ROADS.
2. NO CITY OWNED OR PRIVATELY OWNED SEWAGE DISPOSAL SYSTEM. ALTERNATE TREATMENT FACILITY WILL BE PROVIDED TO THE PURCHASER OF ANY LOT UNLESS OTHERWISE NOTED.
3. NO MUNICIPAL OR PRIVATE PUBLIC UTILITY, COMMUNITY WATER SUPPLY OR PRIVATE WELL SYSTEM WILL BE PROVIDED TO THE PURCHASER OF ANY LOT UNLESS OTHERWISE NOTED.
4. THE AREA THIS PROPERTY IS LOCATED WITHIN THE YAMHILL COUNTY WATER RESOURCES DEPARTMENT AS A GROUNDWATER LIMITATION AREA. PLEASE CONTACT THEIR OFFICE FOR MORE INFORMATION ON POTENTIAL WATER RESTRICTIONS IN THIS AREA.
5. THE EASEMENT FOR FUTURE SANITARY SEWER DRAINAGE CREATE WITH PARTITION PL 95-62 IS VACATED WITH THIS PLAT.

NARRATIVE


LOT 11, BEGINNING AT THE SOUTHEAST CORNER OF LOT 11; THENCE WEST 184.1 FEET ALONG THE SOUTH LOT LINE OF LOT 11; THENCE NORTH 1025 FEET TO THE NORTH LOT LINE OF LOT 11; THENCE EAST 200.5 FEET TO THE NORTHEAST CORNER OF LOT 11; THENCE SOUTH 1025 FEET TO THE POINT OF BEGINNING.

LOT 13 THE SOUTH 322 FEET OF THE EAST 677.5 FEET OF LOT 13

THE ONLY LINE (BELL ROAD) IS HELD AS MONUMENTED IN PP 96-62. THE EAST LINE (MOUNTAIN HOME ROAD) IS HELD AS MONUMENTED IN PP 96-62 AND CSP 8093. THE NORTH LINE IS HELD AS MONUMENTED IN CSP 8093. THE WEST LINE IS HELD AS MONUMENTED IN CSP 8093 AND PP 96-62.

EIGHT LOTS ARE CREATED FROM THE TWO EXISTING TAX LOTS 323-2700 AND 323-2701.

THE NEW LEGAL DESCRIPTION OF TAX LOT 323-2701 IS DESCRIBED AS:

BEGINNING THE SOUTHEAST CORNER OF THE LOT CREATED BY PARTITION PL # 96-62, YAMHILL COUNTY SURVEYOR (TAX LOT 2701), POINT ALSO BEING THE WEST CORNER OF THE PARTITION LINE OF THE WESTERLY RIGHT-OF-WAY OF SAID COUNTY ROAD # 31 (MOUNTAIN HOME ROAD) AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD # 62 (BELL ROAD), THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD # 31 214.3 FEET TO POINT, THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD # 62 421.1 FEET TO A POINT, THENCE SOUTHERLY 321.5 FEET ON A BEARING OF SD 35'-12"W TO THE NORTH RIGHT-OF-WAY LINE OF SAID COUNTY ROAD # 31, THENCE EASTERLY ALONG SAID COUNTY ROAD # 62 RIGHT-OF-WAY 233.57 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTH R/W LINE OF BELL ROAD (B2), 589.31' 22"W.

SURVEYOR'S CERTIFICATE

I, RONALD A. BUSH, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTATION THE LAND HESEON AS GIBB'S ESTATES, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

LOT 10 OF THE CHEMELLE HILL SUBDIVISION, EXCEPTING THE PORTION DESCRIBED ABOVE AS TAX LOT 323-2701 TOGETHER WITH PORTIONS OF LOTS 11 AND 10 OF THE CHEMELLE HILL SUBDIVISION DESCRIBED AS:

LOT 11, BEGINNING AT THE SOUTHEAST CORNER OF LOT 11; THENCE WEST 184.1 FEET ALONG THE SOUTH LOT LINE OF LOT 11; THENCE NORTH 1025 FEET TO THE NORTH LOT LINE OF LOT 11; THENCE EAST 200.5 FEET TO THE NORTHEAST CORNER OF LOT 11; THENCE SOUTH 1025 FEET TO THE POINT OF BEGINNING.

LOT 13 THE SOUTH 322 FEET OF THE EAST 677.5 FEET OF LOT 13

Engineer/Surveyor

Ronald A. Bush, PLS (4148615)
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Cindy S. Kruger
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Sandy, Oregon 97055
Phone (503) 668-2656
Fax (503) 668-0228
E-mail ronbush@qtl.net

Yamhill County Surveyor

ON BEHALF OF 01-28-02