DECLARATION OF PROTECTIVE COVENANTS
FOR
MALONEY FIRST ADDITION

Declarant is the owner of certain real property located in the City of McMinnville, County of Yamhill and State of Oregon known as MALONEY FIRST ADDITION, a duly recorded plat.

Declarant desires to declare of public record certain conditions to the ownership of said property.

Therefore, declarant hereby declares that the lots in said MALONEY FIRST ADDITION shall be held, conveyed, used, occupied and improved subject to the following restrictions and conditions:

No mobile homes or manufactured homes may be placed on any of said lots. All homes are to be stick built on site.

The conditions and restrictions of this declaration may be amended or terminated by an instrument signed by not less than 80 percent of the lot owners.

Dated this ___ day of April, 1998

[Signature]

[Signature]

STATE OF OREGON  
County of Yamhill  

On this ___ day of APRIL, 1998 personally appeared the above named Leonard J. Johnson and Judith M. Johnson and acknowledged the foregoing to be their voluntary act and deed.

Before me:

Notary Public for Oregon
My commission expires: JULY 29, 2000

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

199807647 4:37pm 04/27/98
004 006535 12 08 000223
1002 10 5.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00
NARRATIVE

The purpose of this survey is to subordinate a portion of that certain tract described and recorded in Film Volume 12, Page 241 in the City of McMinnville, Yamhill County, Oregon. The boundaries of the tract are shown and noted on the legal record as well as shown and noted on the survey plat. The survey plat is hereby filed with this document.

SURVEYOR'S CERTIFICATE

COUNTY OF YAMHILL
STATE OF OREGON

I, John R. Tschida, a registered professional land surveyor in the State of Oregon, hereby declare and say that during the month of March, 1998, I did accurately survey, subdivide and plot into lots and strips right of ways the tract of land described as follows:

BEGINNING AT THE "TITLAR POINT" a 5/8" iron rod at the northwest corner of Lot 2 of "Maloney Addition", a subdivision of record, Instrument No. 181673, Yamhill County Plat Records, said rod being 48.3 feet South 79º27'10" East of a brace cap marking the southeastern corner of the G.W. Burnett Lot 301 Gay Lane, lot No. 60, Thomson Live Oak Lane, West 25.9 feet to a 5/8" iron rod, thence East 28.50 feet to a 5/8" iron rod, thence South 090º35'17" East along the centerline of McDonald land, 49.00 feet to a point on the centerline of McDonald land, thence leading said centerline West 51.50 feet to a 5/8" iron rod at the northeasterly corner of Lot 3 of "Maloney Addition", said rod being 46.7 feet North 79º47'42" West, thence west 46.70 feet to a 5/8" iron rod, thence West 25.90 feet to a 5/8" iron rod, thence East 46.70 feet to a 5/8" iron rod, thence West 25.90 feet to a 5/8" iron rod, thence West 46.70 feet to a 5/8" iron rod, the "Maloney Point" and the point of beginning of this description, the above described tract contains 4.72 acres of land, more or less.

I, John R. Tschida, further declare and say that the attached map is a true and correct representation of the lots and right of ways as shown and noted on the plat which falls on the centerline of McDonald Lane was not set.

J. R. Tschida
John R. Tschida, P.C. 2057
John R. Tschida, P.C.
Land Surveyor
633 N.W. Broadway Avenue
Corvallis, Oregon 97330
(541) 764-0000

APPROVALS

T. L. Loughman
Yamhill County Recorder

Robert Johnston
Yamhill County Commissioner

Thomas C. Curran
Yamhill County Commissioner

Nita Ashdown
Yamhill County Assessor

RECORDING

COUNTY OF YAMHILL
STATE OF OREGON

I hereby certify that this subdivision plat was duly recorded by me in Yamhill County, Instrument No. FLM Volume 15, Page 71 in the City of McMinnville, Yamhill County, Oregon.

Recorded in Official Yamhill County Records

Vol. 5 Pages 59 & 58

Vol. 11 Page 82

MALONEY FIRST ADDITION AN R-3, P.D. SUBDIVISION

CITY OF McMinnville ORDINANCE No. 4629
SOUTHWEST 1/4 OF SECTION 9, TOWNSHIP 4 SOUTH
RANGE 4 WEST, WILLAMETTE MERIDIAN
BEING A PART OF THE JAMES T. HEMBREE D.L.C. No. 46
MCMINNVILLE, YAMHILL COUNTY, OREGON

MARCH 17, 1998

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

DECLARATION

I know that the persons described in these presents that Leonard J. Johnson, Judith M. Johnson and Valley Community Bank, an Oregon Corporations, as assignees to trust deeds dated May 29, 1997, Film Volume 1807, Page 703, are the owners and possessors of all the land contained in the attached plat of the "Maloney First Addition" and the persons described as the "owners" of the lands described herein are the owners and possessors of all the land contained in the attached plat of the "Maloney First Addition" and I hereby dedicate the public use forever all street right of ways and easements for the purposes shown and noted on the attached map.

Leonard J. Johnson
Judith M. Johnson
Valley Community Bank

ACKNOWLEDGEMENT

COUNTY OF YAMHILL
STATE OF OREGON

I, being married to, or a person of legal age, on the day of March, 1998, before me, a notary public in and for the state of Oregon, did appear Leonard J. Johnson, Judith M. Johnson and Bruce Brittain, who appeared before me and acknowledged to me to be the identical persons described 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.

Subscribed and sworn to, before me, a notary public in and for said state of Oregon.

Joely D. Winkes

ATTEST:

Yamhill County Clerk

Pursuant to O.C.L.A. 42.225.1, transfer fees have been paid or bond posted to date:

Julie Staines by Eileen St. John
Yamhill County Tax Collector

Received 5-17-98
County Surveyor