DECLARATION OF PROTECTIVE COVENANTS FOR
TALL OAKS FOURTH ADDITION McMINNVILLE

This Declaration of Protective Covenants is applicable to Lots 1 through 13 Block 17 and Lots 1 through 8 Block 18 of the Tall Oaks Fourth Addition, McMinnville, Oregon.

Whereas, Wade W. Miller and Patricia A. Miller are the owners of the above listed real property, and they desire to declare of public record their intentions to create certain restrictions and covenants to the ownership of said property.

Therefore, Wade W. Miller and Patricia A. Miller do hereby certify that the following restrictions and covenants shall be made a part of the conveyances of the above mentioned lots within the plat of Tall Oaks Fourth Addition, recorded October 10, 1991, in cabinet 3 slide 444 of the Plat Records of Yamhill County, Oregon. The following reservations, restrictions, and covenants shall by reference become a part of any such conveyances.

All of the lots listed above shall be conveyed, encumbered, used, improved, and occupied subject to these covenants.

(A) All improvements shall meet zoning and building codes as required by the City of McMinnville. All use and occupancy shall be legal and conform with the laws and ordinances of the City of McMinnville.

(B) All houses shall have a minimum area of 1300 square feet exclusive of open porches and garages. No dwelling, structure or dwelling-attachment or part of a structure shall be of a height greater than thirty-five feet above the curb. All houses shall have a minimum of a two car garage. All detached buildings must be enclosed and no more than 14 feet in height. Pole buildings are not allowed.

(C) All lots are subject to a 10 foot utility easement along the street. Lots 4 through 13 Block 17 are subject to a 20 ft. sanitary and storm sewer easement along the North boundary. Lot 7 Block 17 is subject to a 5 ft. sanitary sewer easement along the West boundary. Lot 8 Block 17 is subject to a 10 ft. sanitary sewer easement along the East boundary and a 5 ft. storm sewer easement along the West boundary. Lot 9 Block 17 is subject to a 5 ft. storm sewer easement along the East boundary. Lot 4 Block 17 is subject to a 10 ft. storm drain easement along the East boundary for the sole and private use and responsibility of Lot 2 Block 16 of Tall Oaks Third Addition.

(D) The covenants, easements, and restrictions contained herein shall run with the property and shall be binding upon all parties having of acquiring any right, title or interest in the property and shall inure to the benefit of each owner thereof. The covenants and restrictions of this declaration may be amended or terminated by ordinance, court decree or by an instrument signed by at least 75 percent of the lot owners. Any amendment must be recorded. However, invalidation of any of the covenants or restrictions shall in no way affect any of the other provisions.

(E) Any owner of an afore mentioned lot shall have the right to enforce by proceedings at law or in equity the restrictions and covenants imposed by the provisions of this declaration. Failure to do so by any owner shall in no event be deemed a waiver of the right to do so thereafter.

(F) In the case of a suit or action of appeal of action is instituted to enforce the provisions hereof, the losing party agrees to pay such sum as the court may adjudge reasonable as attorney's fees to be allowed the prevailing party.

(G) Construction of a duplex will be permitted on lot 13 block 17 and on lot 1 block 18.

DATED this 9th day of October, 1991,

Wade W. Miller Patricia A. Miller
STATE OF OREGON  
County of Yamhill  

This instrument was acknowledged before me on October 9, 1991
by Wade W. Miller and Patricia A. Miller

[Signature]
Notary Public for Oregon
My commission expires 3-30-1993

010116

STATE OF OREGON  
COUNTY OF YAMHILL

[Signature]
Charles Stern,  
COUNTY CLERK
SURVEYOR'S CERTIFICATE

I, David L. Trapp, being first duly sworn, deposes and says that I have surveyed and staked the boundaries of the tract of land shown as TALL OAKS FOURTH ADDITION which is described as follows:

A tract or land located in the City of McMinnville, Yamhill County, Oregon, described in a plat of the parcel of land shown as TALL OAKS FOURTH ADDITION, which is a portion of the tract of land described as "TALL OAKS" as shown in a plat of the parcel of land described as "OAKMEADE" which is a portion of the tract of land described as "WILLOW BROOK" and is part of the parcel of land described in a plat of the parcel of land described as "OAKMEADE" as recorded in Book 5 of Plats, Page 71, in the McMinnville Registry, Yamhill County, Oregon, as of the date of this certificate, contains 20.89 acres, more or less, all of which is shown on the plat hereunto attached, having been surveyed in conformance with the rules and regulations of the Professional Engineers and Land Surveyors disciplines of the State of Oregon, and including the areas of wetlands shown on the plat hereunto attached.

I further certify that all surveys and monuments are in accordance with the rules and regulations of the Professional Engineers and Land Surveyors disciplines of the State of Oregon.

David L. Trapp, P.E.

Subscribed and sworn to before me this 10th day of May, 1983.

DAVID L. TRAPP & ASSOCIATES
ENGINEERS & SURVEYORS
PLANNING DESIGN SURVEYING
P.O. BOX 501 WOODBURN, OR PH. 503-364-2334