DECLARATION OF PROTECTIVE COVENANTS FOR
TALL OAKS FIFTH ADDITION McMinnville

This Declaration of Protective Covenants is applicable to Lots 9 through 14 Block 18 and Lots 1 through 4 Block 21 and Lot 8 Block 20 of the Tall Oaks Fifth 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 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 Fifth Addition, recorded 9/21/1992 in File 3 Page 226 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 1,250 square feet exclusive of open porches and garages. No dwelling, structure or part of a structure shall be of a height greater than thirty 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) The covenants and restrictions contained herein shall run with the property and shall be binding upon all parties having or acquiring any right, title or interest in the Property and shall inure to the benefit of each owner thereof.

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

DATED this 21st day of September, 1992.

Wade W. Miller

Patricia A. Miller

STATE OF OREGON

County of Yamhill

I, Uria Coud, Notary Public for Oregon, do hereby certify that the foregoing instrument was acknowledged before me this day of September, 1992 by Wade W. Miller and Patricia A. Miller.

Uria Coud

Notary Public for Oregon

My commission expires: 6-30-93
TALL OAKS FIFTH ADDITION

An R8-PD. Ordinance No. 4107 as amended by 4474, Subdivision in a portion of the Samuel F. Stagg D.L.C. No. 55 in the S.W. 1/4 of Section 20 and the E.S.W. 1/4 of Sec. 19, Township 4 South, Range 4 West, W.M., in the City of McMinnville, Yamhill County, Oregon.

SURVEYORS CERTIFICATE:
I, Clarence E. Barker, a Registered Professional Land Surveyor in the State of Oregon, hereby depose and say that during the month of July, 1992, I did accurately survey, subdivide and plat the lots, and rights of way, in accordance with O.R.S. 220.200, 220.250 and the McMinnville Land Division Ordinance, the lands represented on the attached map, the boundary of which is described as follows:

Beginning at a 2 inch by 36 inch galvanized iron pipe set 6 inches below the surface of the ground with a 55 inch by 30 inch red with a yellow hat aluminum signpost "TALL OAKS" and another "A" Acme L.S. 1262" inside of said iron pipe at the initial corner of "TALL OAKS FIFTH ADDITION" and as said subdivision is platted and recorded in Volume 7, Page 427 of the Public Records in Yamhill County, Oregon; thence South 0°00'00" East along the West right-of-way line of Agent Street a distance of 457.80 feet; thence southwesterly along said right-of-way line on the arc of a 20.00 foot radius curve to the right (the chord of which bears South 44°22'12" West 28.32 feet) a distance of 31.56 feet; thence South 89°44'12" East 100.00 feet; thence northwesterly along the arc of a 20.00 foot radius curve to the right (the chord of which bears North 89°44'12" West 28.32 feet) a distance of 31.56 feet; thence North 0°00'00" East along the East right-of-way line of said Agent Street a distance of 111.26 feet to the Southwest corner of Lot 1, Block 18 of said "TALL OAKS FIFTH ADDITION; thence North 89°44'12" East along the southwest boundary line of said Block 18 a distance of 111.26 feet to the Southwest corner of Lot 5 of said Block, thence North 89°44'12" East along the South line of said Lot 5 a distance of 70.04 feet to the Southwest corner of Lot 6 of said block; thence North 89°44'12" East along the southwesterly line of said Lot 6 a distance of 72.31 feet to the Southwest corner of Lot 7 of said Block; thence North 77°41'42" East along the southwesterly line of said Lot 7 a distance of 72.31 feet to the Northwest corner of Lot 8 of said Block; thence South 77°41'42" East along the westwesterly line of said Lot 8 a distance of 25.90 feet to the Southwest corner thereof; thence southwesterly along the southwest line of said Lot 8 on the arc of an 87.00 foot radius curve (left) (the chord of which bears North 70°38'54" East 32.97 feet) a distance of 31.56 feet; thence South 77°41'42" West along said westwesterly boundary line a distance of 60.60 feet; thence southeasterly along said southwest line on the arc of a 20.00 foot radius curve to the right (the chord of which bears South 66°49'20" West 32.65 feet) a distance of 31.56 feet; thence South 21°22'12" East along the westwesterly right-of-way line of Coulter Street, a distance of 68.44 feet; thence South 77°41'42" West along said westwesterly line of said Block 18 a distance of 68.44 feet; thence South 89°44'12" West along the southwest boundary line of said Block 19 a distance of 92.54 feet; thence South 77°41'40" West a distance of 88.03 feet; thence South 89°44'12" West a distance of 90.00 feet; thence North 89°44'12" West a distance of 90.00 feet; thence South 89°44'12" West a distance of 90.00 feet; thence South 89°44'12" West a distance of 120.00 feet; thence South 89°44'12" West a distance of 25.67 feet to the Northwest corner of the tract of land contained in POLICIES, as a partnership as recorded in Volume 106, Page 730, Deed Records; thence South 89°44'12" East along the North line of said 106 POLICIES from a distance of 72.10 feet to an arc on the East line of Lot 1, Block 11, JANNINA FIRST ADDITION as said subdivision is platted and recorded in Volume 14, Page 321, Record of Town Plats; thence North 89°44'12" East along the East boundary line of said subdivision and the northerly extension thereof a distance of 617.50 feet to the Southeast corner of Lot 2, Block 2, JANNINA ADDITION as said subdivision is platted and recorded in Volume 14, Page 322, Record of Town Plats; thence North 89°44'12" East along the South boundary line of said JANNINA ADDITION a distance of 594.38 feet to the point of beginning and containing 111.26 acres of land, more or less.

1. Clarence E. Barker, further depose and say that the attached map is a true and correct representation of the line and right of way as staked out on the ground with appropriate monuments, as identified in the legend or with found monuments, as shown on the plat recorded, at all key corners, the intersections, points of curvature and points of tangents, of the centerlines of all streets and roads and all points on the exterior boundary lines with direction of changes.

As per O.R.S. 220.200(2), the post monumentation of the interior monuments within this subdivision will be accomplished within 90 calendar days following completion of the plat recording, and such records shall be in accordance with O.R.S. 92.060.

Clarence E. Barker, PLS No. 030
Barker Surveying Co.
2035 25th Street S.E.
Salem, Oregon 97301
503-588-1800

REGISERED PROFESSIONAL LAND SURVEYOR
OREGON

DECLARATION:

I, Ward W. Miller and Patricia A. Miller, the owners of the lands, in fee, and we are developers of the lands and we, West One Bank, Oregon (formerly known as Oregon First Bank), the holders of a mortgage or trust deed, as recorded in Film Volume 223, Page 546, on 01-23-89, Yamhill County Deed Records, of the lands represented on the attached map and more particularly described in the Surveyor's Certificate and have caused said lands to be surveyed and platted into lots and blocks, streets, rights of ways and easements as shown and noted on the attached map, in accordance with the provisions of the respective O.R.S., and the standards of the City of McMinnville, to be recorded as "TALL OAKS FIFTH ADDITION". We the undersigned do hereby dedicate for the public use forever all street right of ways, easements for the purposes shown and noted on the attached map.

In addition, there are no water rights appurtenant to the lands represented by this subdivision and we make no claim for water rights. This development is to be served by the City of McMinnville Municipal Water system.

Wade W. Miller
Patricia A. Miller

ACKNOWLEDGMENT

STATE OF OREGON)

COUNTY OF YAMHILL)

On this 23rd day of November, 1992, before me, a Notary Public, for the State of Oregon, did personally appear the above named persons in the capacity shown in the above Declaration and who are personally known to me to be the identical persons described in an act who executed the above Declaration freely and voluntarily. Subscribed and sworn to, before me, a Notary Public in and for said State of Oregon.

Wade W. Miller
Patricia A. Miller