DECLARATION OF PROTECTIVE COVENANTS FOR
TALL OAKS SIXTH ADDITION McMinnville

This Declaration of Protective Covenants is applicable to Lots 6,7, and 8 Block 21 and Lots 14 through 22 Block 14 and Lot 6 Block 13 and Lots 9 through 18 Block 20 of the Tall Oaks Sixth 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 Sixth Addition, recorded October 10, 1994, in Film Vol. 4 Page 22-23 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 1250 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. Off site built homes, factory built homes, or mobile homes shall not be permitted until after the year 2019.

(C) The covenants, easements, 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. 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.

(D) 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.

(E) 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 adjudge reasonable as attorney's fees to be allowed the prevailing party.

(F) Construction of a duplex will be permitted on Lot 8 Block 21.

DATED this Tenth day of October, 1994.

Wade W. Miller, Patricia A. Miller

State Of Oregon, County of Yamhill

This instrument was acknowledged before me on October 10, 1994 by

Wade W. Miller/Patricia A. Miller

Notary Public for Oregon
My Commission Expires: 7-5-97

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK
10:00
199416623 2:15pm 10/14/94
084 007345 12 04 000203 R
1 P02 2 0 10.00 0.00 0.00 0.00 0.00 0.00

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TALL OAKS SIXTH ADDITION

AN R2-PD. ORDINANCE NO. 4107 AS AMENDED BY 4474
SUBDIVISION IN A PORTION OF THE SAMUEL E. STAGG BL.C.
NO. 55 IN THE S.W.1/4 OF SECTION 20 AND THE N.W.
1/4 OF SECTION 29, TOWNSHIP 4 SOUTH, RANGE 4 WEST, W.M.
IN THE CITY OF McMinnsville, Yamhill County, Oregon

SURVEYOR'S CERTIFICATE

I, Clarence E. Barker, a Registered Professional Land Surveyor in the State of Oregon, hereby declare that during the month of August, 1991 I surveyed a certain tract of land, the boundaries of which are shown on the attached map, and that the boundaries of the land are correct and true on the map. A copy of the notes taken during the survey are on file in the office of the City of McMinnville, Yamhill County, Oregon, in the Surveyor's Office. The survey was made in accordance with the legal descriptions contained in the plat book of the City of McMinnville, Yamhill County, Oregon.

SURVEYOR'S APPROVAL

I, Donald E. Gilbert, Surveyor, hereby approve the plat of TALL OAKS SIXTH ADDITION as shown on the attached map and certify that the survey was made in accordance with the legal descriptions contained in the plat book of the City of McMinnville, Yamhill County, Oregon.

APPROVED:

Donald E. Gilbert
City of McMinnville Surveyor

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that we, Wade W. Miles and Patricia A. Miller, owners of the lands, and as owners of the lands, are the persons named in the Declaration of Subdivision and are the owners of the lands described in the plat and are the persons named in the Declaration of Survey and are the owners of the lands described in the plat.

AKNOWLEDGMENT

STATE OF OREGON
COUNTY OF YAMHILL

On the 16th day of September, 1991, before me, a Notary Public, in and for the State of Oregon, personally appeared Wade W. Miles and Patricia A. Miller, the persons named in the Declaration of Survey, and acknowledged to me that they executed the Declaration of Survey, and I received the same from them, and, said Declaration and this instrument, in person, and acknowledged the same to be their free and voluntary act and deed.

Wade W. Miller
Patricia A. Miller

NOTE:

This plat was recorded by me and is on file in the office of the County Recorder of Yamhill County, Oregon, in the plats of the City of McMinnville, Yamhill County, Oregon.

SHEET 2 OF 2