COVENANTS, CONDITIONS AND RESTRICTIONS

WESTVALE FOURTH ADDITION

These covenants and restrictions apply to all lots located in Westvale Fourth Addition, McMinnville, Yamhill County, Oregon ("the land"). They are enforceable by owners of the "benefited properties," which are defined as lots affected.

The undersigned, owner of all the real property included in Westvale Fourth Addition, a Plat duly recorded Feb 12, 1996, in Inst # 1996 02112, Plat Records of Yamhill County, Oregon adopts the following Covenants, Conditions and Restrictions for the purpose of enhancing and protecting the value, desirability and attractiveness of the benefited property described above.

These Covenants, Conditions and Restrictions shall constitute Covenants to run with the land and shall be binding upon all persons having or acquiring a right, title and interest in the land or any part of the land, and shall inure to each owner of benefited property and that owner's heirs, successors and assigns.

1. General Restrictions

A. No mobile home ("mobile home" includes, but is not limited to, travel trailers, or recreational vehicles, residential trailers, mobile homes and manufactured homes as presently defined in ORS 446.003, as well as improvements that would meet this definition of mobile home except for being declared or made real property through a statutory procedure or otherwise) shall be placed, used, occupied or located on or within the land. This provision does not, however, prevent the owner of a permitted residence on the land from storing or keeping the owner's travel trailer or recreational vehicle on the
I lot where the home is located, so long as the travel
trailer or recreational vehicle is not used as a dwelling
on the lot.

B. Every detached single family dwelling constructed on the
land shall include an enclosed two-car (or larger) garage.
Every duplex dwelling and every common wall dwelling
shall include an enclosed one-car (or larger) garage for
each dwelling unit.

C. Every detached single family dwelling shall have at least
1000 square feet, exclusive of the garage. Every duplex
and every common wall dwelling shall have at least
800 square feet per dwelling unit, exclusive of the garage.

D. All zoning, set back and building requirements of the City
of McMinnville shall pertain to uses of the land.

E. No uses other than residential are allowed on the land.

F. Vacant lots shall be kept free from weeds, briars, and
other vegetation which could infiltrate lawns of other
land owners.

2. ENFORCEMENT

A. These restrictions shall be for the protection and benefit
of each owner of any portion of this benefited property.
Any such person shall have the right, at law or in equity,
to enforce the restrictions. It is not implied nor at any
time will the City of McMinnville be responsible for the
enforcement of these restrictions.

B. These restrictions shall run with the land and shall be
binding on the owner or tenant of any or all of the land
and all persons claiming by, through or under them until
ten years from the recording of this document, at which
time these covenants shall be automatically extended for a successive period of ten years unless the then owners of a majority of the benefited properties subsequently agree in writing to change these covenants in whole or part, and such agreement is duly recorded in the Yamhill County real property records. Each legally subdivided or partitioned portion of the benefited property shall entitle its owners to one vote.

C. Invalidation of any of these covenants, restrictions, or conditions by court order, judgment or decree shall in no way affect any of the remaining provisions which shall continue to remain in full force and effect.

DATED this 1st day of FEBRUARY, 1996

Raymond C. Kauer

SUBSCRIBED AND SWORN to before me this 1st day of FEBRUARY, 1996.

SHERYL LUTZ
NOTARY PUBLIC FOR OREGON
My Commission Expires: 02-16-96

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NARRATIVE

THE PURPOSE OF THIS SURVEY/ SUBDIVISION IS TO SURVEY AND FLAT WESTVALE FOURTH ADDITION. AN APPROVAL AS R-2 P.D. SUBDIVISION, NOT TO EXCEED 30 LOTS, IN THE 1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 4 WEST, WASHINGTON MERIDIAN, CITY OF McMENMIN, VANCOUVER COUNTY, OREGON.

SURVEYOR'S CERTIFICATE

COUNTY OF VANCOUVER
STATE OF OREGON

L. JOHN P. YACUMA, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY DECLARE AND SAY THAT DURING THE MONTH OF JANUARY, 2000, TO HERETOFEE DIVIDE, SUBDIVIDE, AND LAY OUT LOTS AND RIGHT OF WAY ON LAND REPRESENTED ON THE ATTACHED MAP, THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BOUNDARY OF THE THEREIN ATTACHED MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AND RIGHT OF WAY AS SHOWN ON THE ATTACHED MAP, AT ALL LOT CORNERS, POINTS OF CORPUS AND RIGHT OF WAY CHANGES IN DIRECTION.

DECLARATION

KNOW ALL PERSONS BY THESE PRESENTS THAT ROYCE C. KAIER AND VALLEY COMMUNITY BANK, AN OREGON CORPORATION, AS REMEDORY TO TRUST DEED RECORDS APRIL 7, 1999, INSTRUMENT NO. 199902185, ARE THE OWNERS OF THE LANDS REPRESENTED ON THE ATTACHED MAP, AND THAT THE TERMS AND CONDITIONS OF THE SUBDIVISION PLAN AS SHOWN ON THE ATTACHED MAP AND AS MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED THE SAME TO BE DEDICATED IN LIEU OF ANY OTHER RIGHTS OR INTERESTS IN ACCORDANCE WITH CHAPTER 92, OREGON REVISED STATUTES, 1993 EDITION, IN LOTS, STREET RIGHT OF WAY AND EASEMENTS AS SHOWN AND DESIGNED ON THE ATTACHED MAP AND TO BE DEDICATED AS "WESTVALE FOURTH ADDITION." 

ACKNOWLEDGEMENT

COUNTY OF VANCOUVER
STATE OF OREGON

ON FEBRUARY 1, 2000, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID STATE OF OREGON.

SUBSCRIBED AND SWORN TO, BEFORE ME.

WESTVALE FOURTH ADDITION

AN R-2 P.D., CITY OF McMENMIN ORDNANCE NO. 4040
IN THE SOUTHWEST 1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 4 WEST, WASHINGTON MERIDIAN, CITY OF McMENMIN, VANCOUVER COUNTY, OREGON.

SHEET 8 OF 8  JANUARY 30, 1995

NOTE: PURSUANT TO CITY OF VANCOUVER ORDNANCE NO. 4582 PREVIOUSLY DESIGNATED PARKLAND DEEDS, SOME IN LIEU OF PARK FEES FOR EACH LOT.

APPROVALS

YAMHILL COUNTY COMMISSIONER
YAMHILL COUNTY COMMISSIONER
YAMHILL COUNTY COMMISSIONER

DENISE ELK
CITY OF VANCOUVER, SURVEYOR
CHEROKEE CITY OF VANCOUVER PLANNING COMMISSION

YAMHILL COUNTY ASSESSOR

ATTEST: DENISE ELKL

YAMHILL COUNTY CLERK

RECORDING

COUNTY OF VANCOUVER
STATE OF OREGON

IN THE NAME OF THE STATE OF OREGON, AS REMEDORY TO TRUST DEED RECORDS APRIL 7, 1999, INSTRUMENT NO. 199902185, THE ABBREVIATED FORM OF WHICH IS ATTACHED HERETO.

ROYCE C. KAIER AND VALLEY COMMUNITY BANK, AN OREGON CORPORATION, AS REMEDORY TO TRUST DEED RECORDS APRIL 7, 1999, INSTRUMENT NO. 199902185, HAVE CAUSED THE ATTACHED MAP TO BE DEDICATED IN LIEU OF ANY OTHER RIGHTS OR INTERESTS IN ACCORDANCE WITH CHAPTER 92, OREGON REVISED STATUTES, 1993 EDITION, IN LOTS, STREET RIGHT OF WAY AND EASEMENTS AS SHOWN AND DESIGNED ON THE ATTACHED MAP AND TO BE DEDICATED AS "WESTVALE FOURTH ADDITION.

RECORD OF TOWN PLANS ON THIS DAY OF FEBRUARY 1, 2000, AT O'CLOCK A.M.

RECORDED IN FAMILY GROUP RECORD, COUNTY CLERK

INSTRUMENT #F9960213

19990213 3:40p 02/17/96
1 PM 2:110 0.00 99.00 0.46 0.50 0.00 0.00 0.00

C.C.R