Declaration Of Protective Covenants For Witt Addition
McMinnville
Lots 1-7 & 9-15

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 2030.

(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 of 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 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 Lots 5, 6, and 7.

Dated this 13th day of December 1999.

[Kizer's signature]

State of Oregon, County of Yamhill

This instrument was acknowledged before me on Dec. 13, 1999
By Douglas A. Kizer/Kelly A. Kizer

[Cynthia J. Willis's signature]
WITT ADDITION

The Southwest Quarter of Section 9, Township 4 South, Range 4 West, Willamette Meridian, within the James T. Hembree Donation Land Claim No. 46, City of McMinnville, Yamhill County, Oregon.

Date: 28 October 1999 Scale: 1"=40'

North - Hembree - Street

North

Sheet Index

Page 1 - Plan
Page 2 - Easement Notes, Easement Details, Curve Table, Legend
Page 3 - Notes, Narrative, Declaration, Approvals, Surveyors Certificate

Mohan Drive

Maloney First Add.

Maloney Add.

Initial Point
5/8th W., PT 93-56
NE cor. Parcel 2, PT 93-56
on west line of MALONEY FIRST ADD.

This is an exact copy of the original partition plat.
Registered - 2-27-1999

Witt Dunske & Assoc.,
2765 Riverside Drive
Washburn, OR 97128
Phone: 503-472-7904
Fax: 503-472-3367

Registered Professional
Land Surveyor

Matthew W. Dunske

This is an exact copy of the original partition plat.
Registered - 2-27-1999

From Scan
WITT ADDITION

The Southwest Quarter of Section 9, Township 4 South, Range 4 West, Willamette Meridian, within the James T. Hembree Donation Land Claim No. 46, City of McMinnville, Yamhill County, Oregon.

Date: 28 October 1999
Scale: 1" = 40'

Legend
- = monument found, flush to 0.2" down, in good condition unless otherwise stated. Origins stated if known.
= = 5/8" iron rod found from plot of MALONEY ADD & MALONEY FIRST ADD.
= = set 5/8" iron rod with yellow plastic cap marked "Dundon PLS 1998"

P.U.E. = Public Utilities (Easement)

( ) = data of record
- = easement
= = see monument notes for monument description

Curve Table

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<tr>
<th>Lot</th>
<th>Curve</th>
<th>Radius</th>
<th>Length</th>
<th>Chord</th>
<th>Bearing</th>
<th>Delta</th>
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</tr>
</tbody>
</table>

Easement Notes

Easement 1: 40' wide private sanitary sewer easement in Lot 11 to benefit Lot 6.
Easement 2: 10' wide private sanitary sewer easement in Lot 15 to benefit Parcel 1 of PT 83-56 & Tax Lot 600.
Easement 3: 10' wide public utilities easements (P.U.E.) serving all streets within the perimeter of WITT ADD.'N.
Easement 4: An existing 10' wide sanitary sewer easement for the City of McMinnville along an existing sanitary sewer line.
Easement 5: 10' wide public sanitary sewer easement in Lot 9 to benefit Lot 10.

Matt Dunkel & Assoc.
325 Riverside Drive
McMinnville, OR 97128
Fax: 503-472-5367

REGISTERS
PROFESSIONAL
LAND SURVEYOR

OREGON
MAURICE L. DUNKEL
Crater 31 December 1999

This is an exact copy of the original partition plat.
Record/Drawn by FF

Cindy Strayer
Page 2 of 3
WITT ADDITION

Monument Notes

The Southwest Quarter of Section 9, Township 4 South, Range 4 West, Willamette Meridian, within the James T. Hembree Donation Land Claim No. 46, City of McMinnville, Yamhill County, Oregon.

Date: 28 October 1999
Scale: 1" = 40' 

The purpose of this survey is to subdivide the KIZER tract as shown herein. The boundary is based completely on monuments found and set in CO-11053 and the backs of bearing in CS-11053. The tract, the KIZER tract, was surveyed in 3 parcels - see deed from DAVID LEROY WITT to DOUG KIZER recorded in instrument No. 199000006. Deed from JEFFREY E. JACOB and ALENE B. JACOB to DOUG KIZER and KELLY A. KIZER and recorded in instrument No. 199105167, and deed from RYJ. MATTHEWS and LESA M. MATTHEWS to JOHNNIE KIZER and KELLY A. KIZER and recorded in instrument No. 199005438.

The "JACOBS" portion of the KIZER tract is Parcels 2 & 3 of Yamhill County Partition Plot No. 1993-56 (PT 52-58). Part of said Parcels 2 & 3 is a 25'12" wide strip for frontage on Hembree St. This strip is not included in WITT ADDITION and has been deleted to the adjoining property owners. The remaining portions of Parcels 2 & 3 are being replaced with the covenants of WITT ADDITION.

SURVEYOR'S CERTIFICATE

I, Matt Quirk, hereby certify that I have correctly surveyed and marked with proper monuments the line, lot and street right-of-way of WITT ADDITION as shown, the boundary of which is described as follows:

Beginning at the INITIAL POINT, a 5.0" iron rod at the northeast corner of Parcel 2 of Yamhill County Partition Plot 1993-56, thence 001°59'09.7"E 558.52' along the west line of WALTZ, EAGLE ADDITION to the southwest corner of that tract of land described in deed from WATT to KIZER and recorded in instrument No. 199000006, thence South 99°22'26" West 53.50' along the south line of said KIZER tract, thence North 89°58'14" West 367.20' along the south line of said tract to the west margin of North hamma hamma Street (County Road 316), thence 327°23'51"S 32.86' along said margin, thence 001°59'09.7"E 32.86' along said margin to the beginning of a non-tangent curve having a radius of 182.35' and being 20' away from the northeast (thence northeasterly 128.74' along said curve (Ord. 1993-55 P. 1244.5), thence 001°59'09.7"W 213.05' along said west margin to the northwest corner of said KIZER tract, thence N00°00'00"E (East) 123.75' along the north line of said tract to the southwest corner of that tract of land described by deed from MATTHEWS to KIZER and recorded in instrument No. 199105167, thence N00°00'00"W 130.75' along the west line of said KIZER tract and the northerly side line of said tract to the northeast corner of Parcel 1 of Partition Plot 1993-56, thence N00°00'00"W 85.00' to the northeast corner of Parcel 1 of Partition Plot 1993-56, thence N00°00'00"E (East) 237.83' to the point of beginning.

This is an exact copy of the original partition plot.

Vol. 15, pg 16

November 12, 1999

Matt Quirk
Registered Professional Land Surveyor

This text is a natural representation of the document.