

BUILDING AND USE RESTRICTIONS
AHERN ACRES
DESCHUTES COUNTY, OREGON

VCL 128 PAGE 345

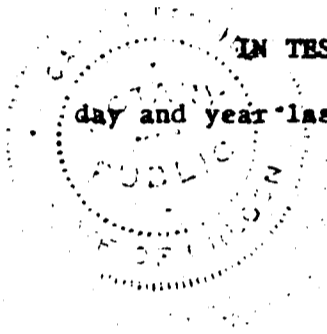
1. No building, or other structures of any kind whatsoever shall be constructed on said property for use for any other purpose than a residence together with such other incidental buildings as may be and are ordinarily used in connection with a residence excepting on Lots 1 through 7, block 2 and Lot 1 through 4, block 4 inclusive, which may be used for multiple residences, light commercial or light industry.
2. No residence shall be constructed with less than 700 square feet ground floor living area, exclusive of garages, porches and outbuildings.
3. Buildings must be suitable for year around use and must be placed on a permanent foundation consisting of concrete, brick, pumice blocks, or stone masonry, excepting foundations and footings designed by registered architects supporting their designed structures. Pitch of the roof and the size and spacing of rafters and ceiling joists must be adequate to withstand heavy snow packs. Chimneys must be constructed from ground level and shall consist of pumice or concrete blocks, bricks or stone masonry, or comparable fire-resistant materials.
4. All buildings constructed on any portion of the above described tract, excepting the portions or whole thereof, constructed of brick, block or stone, shall be painted or process painted within six months of the date said buildings are completed. All buildings to be exterior completed and roofed with 90# type roofing or better not later than two years from beginning of construction.
5. All residences shall have an individual sewage disposal system including septic tanks of an FHA approved type and all other dwellings requiring sewage disposal hat cannot be connected to the resident tank. All septic tanks must be 60' from any water well. All state and county laws and regulations pertaining to health and sanitation shall be complied with.
6. All animal inclosures shall be 50' from existing residences and the keeping or raising of more than two head of domestic livestock will not be permitted on any one lot.
7. No lot shall be re-subdivided into building lots or used for more than one residence excepting Lots 1 through 9, block 2 and Lot 1 through 4, block 4 inclusive.
8. No trailer, basement, tent, shack, garage or other outbuilding constructed or placed upon any portion of said tract shall be used as a permanent residence nor structures of any kind shall be moved onto any lot excepting a small structure for use by a builder or owner as his construction shack during the construction period dot to exceed 2 years.
9. No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
10. These restrictions shall be deemed to be for the protection and benefit of each of the owners or occupants of any portion of the above described subdivision, and it is intended hereby that any such person shall have the right to prosecute such proceeding at law or in equity as may be appropriate to enforce the restrictions herein set forth.
11. These restrictions shall run with the land and shall be binding on the owner or tenant of any or all of said land and all persons claiming by, through or under them.
12. Invalidation of anyone of these foregoing covenants, restrictions or conditions or any portion thereof by court order, judgment or decree, shall in no way affect any of the other remaining provisions hereof which shall, in such case, continue to remain in full force and effect.
13. Any tract restrictions which are included herein and are in addition to the laws and regulations of the County of Deschutes and State of Oregon may be removed at any time subsequent to five years from the date of the recroding of the within restrictions by a majority of the land owners of this tract by filing with the Deschutes County Clerk their affidavit that they desire the specific tract restriction revoked and the Deschutes County Clerk is hereby authorized upon receiving affidavit to this effect to strike any such restriction from the original plat restrictions so as to give public notice that said restrictions or restriction is no longer applicable.

Betty Jane Ahern
Betty J. Ahern

STATE OF OREGON)
)ss.
County of Deschutes)

BE IT REMEMBERED, That on this the 15 day of August, 1961, before me the undersigned, a Notary Public in and for said County and State, personally appeared the within named BETTY J. AHERN who is known to me to be the identical individual described in and who executed the within Building and Use Restrictions for Ahern Acres, Deschutes, County, Oregon and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.



Robert R. Perrine
Notary Public for Oregon

My commission expires September 24, 1962.

No. 8622
(STATE OF OREGON)
(County of Deschutes)
I hereby certify that the within instrument of writing was received for Record the 15th day of August A. D. 1961 at 2:10 o'clock P. M. and recorded in book 128 on pages 315 Record
Deeds
Robert R. Perrine County Clerk
By *Robert R. Perrine* Deputy