

VOL: 1999 PAGE: 7929
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES

I hereby certify that the attached instrument was
received and duly recorded in Deschutes County
records:

DATE AND TIME: Feb. 17, 1999; 12:30 p.m.

RECEIPT NO: 2287

DOCUMENT TYPE: Covenants,
 Conditions & Restrictions

FEE PAID: \$50.00

NUMBER OF PAGES: 5

Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK



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99-7929-1

DECLARATION OF COVENANTS & RESTRICTIONS

FOR

BOYD ACRES VIEW ESTATES

DESCHUTES COUNTY, OREGON

The primary purpose of these restrictions is to ensure the development and maintenance of a spacious, single-family residential area where liberal yards and open space ensure healthful and safe living conditions, to create a quiet neighborhood, and to protect the value, desirability and attractiveness of BOYD ACRES VIEW ESTATES.

The undersigned, being the sole owner of the property described above, in order to provide for the objective set out in the above statement of purpose, does hereby subject said property, and each division or part thereof, to the following building and use restrictions:

1. USE: Each lot shall be for residential use only. Homes or portions thereof may be rented by owners. No other commercial activity of any kind shall be conducted in or from the property. Homes offices shall be allowed.
2. SPECIFICATIONS: No more than one detached single-family dwelling not to exceed two stories in height, not more than one three car garage or carport, and not more than one accessory building incidental to residential use shall be constructed on any lot. Basements, which include daylight, split-entry and split-level types shall not be considered in determining the number of stories in the dwelling. Minimum square footage per single-family dwelling is 1200 square feet excluding the garage.

Each home will be located on each parcel so as to be compatible as possible with the natural surrounds and with other houses.

3. MATERIAL GUIDELINES:

- (1) Exterior sidings shall be of the OSB, cedar or real woods. (E.G. LP inner seal, cottage lap, bevel cedar, etc.)
- (2) T1-11 is acceptable (plywood or cladwood) on rear side and right and left sides. Fronts to be side with material as stated above.
- (3) Exterior paint colors shall harmonize with the surrounding area and all colors are subject to approval by the developer.

4. TIME OF CONSTRUCTION: All buildings constructed must be completed within nine (9) months from the date construction commences.

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5. LANDSCAPE TIMING: All front and back yards shall be landscaped within six (6) months after the exterior of a residence is finished with no less than sixty percent(60%) of the front yard to be in grass. Natural landscaping will be permitted where deemed appropriate by the Design Control Committee provided that weeds are not prevalent. The use of gravel and cinders will generally not be acceptable "except as approved for parking strips and paths that are approved by the developer. The type and color of gravel/cinder materials used must also be approved.
6. SETBACKS: Setbacks shall conform to governmental regulations with variances allowable when approved by the regulating body.
7. DRIVEWAYS: All driveways shall be concrete.
8. TREES: All trees shall be left standing, with the exception of those needing removed for the purpose of home construction. Every effort shall be made to situate the house on the lot so as to retain trees. Trees which are dead or pose a safety hazard may be removed.
9. CONSTRUCTION AND ALTERATIONS OF IMPROVEMENTS: No person or lot owner shall construct or reconstruct any improvements on any lot or alter or refinish the exterior of any improvement on any lot, make a change in any lot including but not limited to fence construction and the cutting or removal of trees, install a utility, outside antenna, or other outside wire on a lot unless such lot owner has first obtained the consent thereto of the Developer Alternative energy uses and their designs are also subject to the approval of the Developer.
10. GARAGES: All homes must have a double garage. Anything larger than a triple garage must meet with the approval of the Developer.
11. ROOFS: All roofs must be composed of 25 year fire halt, and/or ARC 80-30 year roofing. Roofs shall overhang all wall sections for a minimum of 18 inches. On sections where gutters are employed down spouts must be included.
12. DESIGN CONTROL: The developers of BOYD ACRES VIEW ESTATES to ensure that buildings constructed will be consistent with the overall plans and design motif, will require purchasers of lots within BOYD ACRES VIEW ESTATES not to construct or alter any improvement on their site Until:
 - (1) The Owners have submitted to the developers, one complete set of plans and specifications therefore in form satisfactory to the developers, showing insofar as appropriate (i) the size and dimensions of the improvements, (ii) the exterior design, (iii) the exterior color scheme, (iv) the exact location of the improvement on the homesite, (v) the location of driveways and parking areas, (vi) the scheme for drainage and grading, (vii) the landscaping arrangements, and (viii) fence design.
 - (2) All Colors to be approved by developer.
 - (3) Such plans and specifications have been approved in writing by the Developers.
 - (4) All fencing design, material, & color shall comply with CCR guidelines.
 EXCEPTION: To ensure continued beautification of canal frontage the following lots 9,10,11,12,29,30,31, & 32 will not be allowed to construct fencing of any kind in and east west direction. Except as set forth in Building and Use Restrictions, #18 (1), (2), (3), regarding recreational vehicles being "screened from visibility from neighbors & streets" along Stacy Lane.

Approval of said plans and specifications may be withheld, not only because of the noncompliance with any of the restrictions and conditions contained in the Declaration, but also because of the structure on the homesite, the color scheme, the finish, design, proportions, shape, height, style or appropriateness of the proposed improvement or alteration, the material used therein, the kind, shape, or type of roof proposed to be placed thereon or because, in the reasonable judgment of the developers, it would render the proposed improvement inharmonious with BOYD ACRES VIEW ESTATES objectives or the improvements erected on other home sites.

13. **CLEANLINESS:** Each parcel and its improvements shall be maintained in a clean and attractive condition in good repair and in such a fashion as not to create fire hazard or visual pollution.
14. **SCREENING:** All garage, trash, cutting, refuse and garage containers, fuel tanks, clothes lines and other services facilities including wood storage shall be screened from view from neighboring parcels.
15. **DUMPING:** No parcel shall be used or maintained as a dumping ground for rubbish, trash, or garbage and other waste shall not be kept except in sanitary containers at all times. All equipment for the storage or disposal of such material shall be kept in clean and sanitary condition. No rubbish may be burned or buried on or near BOYD ACRES VIEW ESTATES.
16. **DRILLING OR MINING:** No oil drilling, oil development operation, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shall be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot. There shall be no excavation on any of the parcels for gravel or cinders.
17. **MOBILE HOMES:** Mobile homes of any kind are not permitted in BOYD ACRES VIEW ESTATES or residential purpose. Manufactured homes are not allowed.
- *18. **RECREATIONAL/UTILITY VEHICLE STORAGE:** The storage of motor homes, boats trailers, utility trailers, recreational vehicles, etc. are permitted providing conformance with the following restrictions:
 - (1) Subject vehicles must be stored on property and off the streets.
 - (2) Vehicles should be stored on concrete, pavement, or approved gravel or cinder parking strips and not on grassy areas where overgrowth causes unsightly conditions.
 - (3) Vehicles must be in operating condition, good repair and screened from visibility from neighbors and streets. (Old cars, race cars or any other trailers, motor homes, boats, recreational vehicles, etc. which are being "restored", "repainted" or otherwise "worked on" for extended periods of time, and/or which would be considered "unsightly" must not be visible from the street.
19. **TEMPORARY RESIDENCE:** No trailer, tent, shack or other building shall be constructed or placed upon any portion of any parcel to be used as a temporary or permanent residence. However, a small structure for use by a builder as his construction shack may be built or moved on for the duration of the construction period.

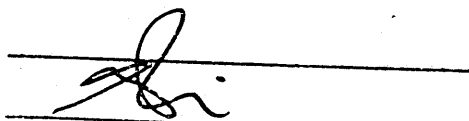
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20. **SIGNS:** No commercial sign may be displayed to the public view from any parcel except a "For Sale", "For Rent", or one used by a building to advertise that property during construction and sale period. No sign shall be larger than six (6) square feet, other than that furnished by the sub dividers or their agents. One non-commercial sign will be permitted for each building site. Text shall be limited to the owner's name and/or the name of the residence. Overall dimensions shall be the minimum required to present the text in letters not exceeding four(4) inches in height.
 21. **UTILITIES:** No above-ground utilities, pipes, delivery poles, or wire shall be used to connect improvements with suppling facilities.
 22. **ANTENNAS:** No T.V. antennas, radio antennas, satellite dishes, or receiving devices shall be placed in any lot or on any structure without prior written consent of Developer.
 23. **OFFENSIVE ACTIVITY:** No illegal, noxious, or offensive activity, including any nuisance or annoyance is permitted. The noise and other occurrences incident to construction of a house other than building on BOYD ACRES VIEW ESTATES shall not be considered an offensive activity.
 24. **FIREARMS:** The shooting of firearms on the premises is prohibited.
 25. **PETS:** No animals other than domestic pets shall be kept on any part of BOYD ACRES VIEW ESTATES and domestic pets shall not be kept, bred or maintained for commercial purpose.
 26. **ENFORCEMENT:** These restrictions shall be deemed to be for the protection and benefit of each of the owners or occupants of any portion of BOYD ACRES VIEW ESTATES 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, including a suit for injunction or for damages.
 27. **TERM:** 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 until 2010, at which time said covenants shall automatically be extended for successive periods of ten years unless by vote of majority of the then owners of the parcels it is agreeable to change said covenants in whole or part.
 28. **INVALIDATION:** Invalidation of any one of the following covenants, restrictions, or conditions or any portion hereof by court order, judgement, or decree shall in no way affect any of the other remaining provisions hereof which shall, in such cases, continue to remain in full force and effect.
 29. **BINDING:** The following conditions and restrictions shall bind and insure to the benefit of each of the owners or occupants of any portion of BOYD ACRES VIEW ESTATES and each of their legal representatives, heirs, successors or assigns and a failure, either by the owners above named or their legal representatives, heirs, successors or assigns, to enforce any of such conditions or restrictions shall in no event be deemed a waiver of the right to do so thereafter.
 30. **OMISSION OR CONFLICT:** When these covenants do not cover a situation, the rules and regulations of Desclauts County shall be applied. In all cases where there are conflicting rules showing a difference in requirements, the strictest of the two is to be used. The decision of the developer shall govern in determining which rules are the strictest.
 31. These restrictions may be amended or modified at any time by the affirmative vote of two-thirds of the then owners of the parcels in BOYD ACRES VIEW ESTATES for this purpose, the record owner of each parcel of the land described above shall be entitled to one vote. Jointly owned (E.G. husband and wife) lots will only be entitled to one vote.

+DECLARATION OF CC&R'S

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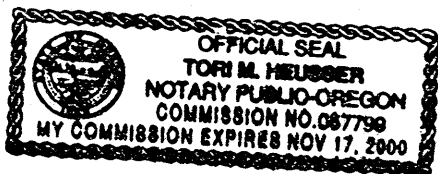
NOTARY SIGNATURE PAGE FOR:
DECLARATION OF COVENANTS & RESTRICTIONS
CONTAINED IN THE PRECEDING 4 PAGES
FOR
BOYD ACRES VIEW ESTATES
DESCHUTES COUNTY, OREGON

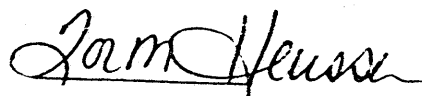
Dated this 17 of Feb 1999



Rice and son Construction Inc. Owner

Rice and Son Construction Inc. personally appeared on this 17 day of Feb 1999 who being duly sworn, acknowledge the foregoing instrument as the voluntary act and deed of themselves.





Notary Public for Oregon
My commission expires 11/17/2000