

98-34760

**PROTECTIVE COVENANTS AND CONDITIONS
FOR
BUCK RUN SECOND ADDITION
IN THE CITY OF SISTERS
DESCHUTES COUNTY, OREGON**

**ARTICLE I
DEFINITIONS**

Whenever used in the declaration, the following terms shall have the following meanings:

1. "Lot" shall mean any numbered plot of land shown upon any recorded subdivision plot of Buck Run Second Addition.
2. "Owner" shall mean the record owner, whether one or more person or entities, of the simple title to any lot situation upon said property, or a contract purchaser if the record owner retains such title merely to secure an obligation and is registered as a purchaser.
3. "Roadway" shall mean any street, highway or other thoroughfare as shown on the recorded plot of said property.

**ARTICLE II
RESTRICTION ON USE OF PROPERTY**

Section 1. Each lot shall be used for single family residential purposes only.

Section 2. No mobile homes, manufactured homes, campers, trailers or similar units shall be permitted as a dwelling unit.

Section 3. Not more than one detached single family dwelling and one double or triple garage or carport shall be constructed or placed on any lot in the subdivision. Each dwelling must have a garage or carport; the maximum area of the garage or carport is 1,000 square feet, but the garage shall not exceed 50% of the dwelling unit. The garage may be either attached or detached.

Section 4. All driveways must be paved (concrete or asphalt).

Section 5. No lot in the subdivision may be subdivided.

Owner:
Sharon A. Buck
Mylon E. Buck
P.O. Box 349
Sisters, OR 97759

Section 6. The floor area of constructed residences shall not be less than 1,200 square feet exclusive of porches and garage.

Section 7. No commercial, professional, noxious or offensive trade or activity shall be carried on upon any lot in the subdivision. No activity shall be permitted which constitutes an annoyance or nuisance and no stand, store or other commercial establishments shall be constructed on any lot.

Section 8. The cutting or removal of living trees will only be permitted when necessary for the construction of buildings or a thinning for the beautification of the property.

Section 9. All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines and other service facilities shall be screened from the view of neighboring lots and streets. Rubbish and garbage must be kept in a suitable container and removed from the premises.

Section 10. Each lot and its improvements shall be maintained in a clean and attractive condition, in good repair and in such fashion as not to create a fire hazard.

Section 11. No more than one sign shall be permitted for each lot. The text shall be limited to the owner's name or name of residence. The dimensions of the sign shall be the minimum required to present the text and letters, not exceeding four inches in height, except each lot shall be allowed one for sale or for rent sign.

Section 12. Dogs shall not be permitted to run at large in the subdivision.

Section 13. The shooting of firearms within the subdivision is prohibited.

Section 14. Trail bikes, motorcycles and all forms of off-road vehicles shall be used only for transportation on dedicated streets in the subdivision. Recreational vehicles, campers, boats and the like must be stored on owner's property either in the garage, carport or in driveway.

Section 15. All structures must maintain a minimum setback from front, side and rear lot property lines in accordance with the ordinance of the City of Sisters, Oregon.

Section 16. Buildings must be suitable for year-round use and must be placed on permanent foundations consisting of concrete, brick, rocks or stone masonry and be in compliance with the State of Oregon Structural Specialty Code. Pitch of the roof and size and spacing and ceiling joists must be adequate

to withstand heavy snow packs. Roofing material shall be of wood shakes, wood shingles, shake tile products, metal roofing with bonded paint finish or Class A fire retardant asphalt and/or fiberglass shakes that have a weight of approximately 300 pounds per square or more and simulate wood shakes and style, appearance and color. All roofing materials shall complement the earth tone color of the area.

Section 17. All structures to have wood, wood-like, masonry or exterior plaster siding. All buildings, fences and improvements must be kept in good repair. Exposed portion of foundation must be painted or sided if more than 12 inches above the ground. Exteriors to be finished with earth tone colors with a rustic appearance.

Section 18. All buildings must conform to all laws and regulations of the State of Oregon, Deschutes County, City of Sisters Uniform Building Code, and any applicable municipality relating to zoning, fire protection, building construction, water, sanitation and public health. Spark arresters are to be installed on all chimneys.

Section 19. No mercury vapor or similar type yard light may be installed. Incandescent yard lights must be switched, and may not be left burning except briefly at night, and must be screened so as to shine downward only.

Section 20. All stove and fireplace flues to be wrapped by natural materials with spark arresters. No stove pipe projections will be permitted.

Section 21. No outside radio antenna, television antenna or satellite dish may be installed.

Section 22. No lot perimeter fences over three feet in height shall be installed. Perimeter fencing must be peeled rail, split rail, wood picket or other non-solid wood material. OK to have a six-foot high solid fence, attached to house to screen service areas, garbage cans, wood piles, etc. This solid fence may not enclose an area greater than 800 square feet and must not infringe on the lot set back requirements for buildings, and must not extend in front of the front of the house.

ARTICLE III GENERAL PROVISIONS: ENFORCEMENT

Section 1. Every owner shall have the right to enforce, by any proceeding at law or inequity, the provisions of the covenants and conditions. Failure by any owner to enforce any covenant or condition contained herein shall in no event be deemed a waiver or a right to do so thereafter. If any owner constructs or

permits to be constructed on his property any improvement which violates, or allows a condition of his property to violate, any provision of these covenants and conditions, any other owner, no sooner than 60 days after delivery to the offending owner a written notice of the violation, may alter, repair or change the item which is in violation of these covenants and conditions in such manner as to make it conform thereto, with as a reasonable cost of such action to be a charge against the offending owner's land.

Section 2. Invalidation of any one of these covenants or conditions by judgement or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 3. The covenants and conditions shall run with and bind the land. They shall inure to the benefit of and be enforceable by any owner, his representative, heirs, successors, and assigns, for a term of 25 years from the date hereof after which time said covenants shall be automatically extended for successive periods of ten years. Any of these covenants and conditions may be amended during the first 25-year period by an instrument signed by owners of at least 75% of the property in the subdivision. All such amendments shall be recorded in the deed records of Deschutes County, Oregon.

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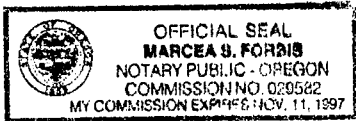
AND WITNESS HEREOF, THE UNDERSIGNED, THE OWNERS OF ALL PROPERTY IN BUCK RUN SECOND ADDITION HAVE EXECUTED THESE COVENANTS AND CONDITIONS THIS 20 DAY OF September 1996.

Sharon Buck
Sharon Buck

Mylon Buck
Mylon Buck

STATE OF OREGON, COUNTY OF DESCHUTES, SS:

Personally appeared Sharon Buck and Mylon Buck who by duly sworn, each for himself and not one for the other, did say that they are the owners of Buck Run Second Addition and each of them acknowledged said instrument to be their voluntary act and deed.



Marcea S. Forbis
Notary Public for Oregon
My Commission Expires 11/11/97

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

96 SEP 20 PM 1:56
MARY SUE PENHOLLOW
COUNTY CLERK

BY [Signature] DEPUTY
NO. 96-34769 FEE 25
DESCHUTES COUNTY OFFICIAL RECORDS