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BUILDING AND USE RESTRICTIONS

DESCHUTES RIVER TRACT

3342

DESCHUTES COUNTY, OREGON

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the undersigned, **DESCHUTES RIVER RANCH, INC.**, an Oregon corporation, heretofore caused to be recorded in Plat Book 5, page 22, Deschutes County, Oregon, a plat for Deschutes River Tract, Deschutes County, Oregon; and

WHEREAS, said corporation caused certain Building and Use Restrictions for said Deschutes River Tract to be recorded on the 7th day of September, 1960, in Book 125 of Deeds, page 662, Deschutes County, Oregon, and thereafter, caused Amended Building and Use Restrictions for said tract to be recorded on the 14th day of October, 1960, in Book 126 of Deeds, page 203, Deschutes County, Oregon; and

WHEREAS, said Amended Building and Use Restrictions as recorded October 14, 1960, aforementioned, were in error,

NOW, THEREFORE, **DESCHUTES RIVER RANCH, INC.**, causes the following Building and Use Restrictions to be made:

- 1) All prior building and use restrictions and all amendments thereto made and recorded prior hereto applicable to the above mentioned **DESCHUTES RIVER TRACT** are hereby cancelled, revoked in their entirety, and of no further force and effect and the building and use restrictions contained herein shall constitute the only and complete building and use restrictions applicable to said tract.
- 2) No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family dwelling, not to exceed one story in height and a private garage for not more than two cars.
- 3) The floor area of the main structure of any and all residences, exclusive of one-story open porches and garages, shall be not less than 750 square feet.
- 4) All lands and lots within said tract bordering on the Deschutes River shall be subject to an easement, as hereinafter described: An area 15 feet wide, commencing at the high water mark of the Deschutes River and extending a distance of 15 feet from said high water mark toward, over and across said bordering land. No owner of any land bordering on the Deschutes River shall build, erect, maintain or place within or upon said easement area any fence, structure or obstruction of any nature or kind and shall not excavate land within said easement area.
- 5) No residence shall be located on any lot nearer than 40 feet from the lot line towards which by the above provisions it s front entrance side faces, nor nearer than 20 feet from any of the other

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ATTORNEYS AT LAW
BEND, OREGON

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lot lines.

6) No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

7) No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuildings shall be used on any lot at any time as a residence, either temporarily or permanently.

8) No animals, other than domestic household pets, shall be kept on any part of said property.

9) No masonry block construction shall be used except for chimneys, flues or other ornamental work. All foundations, footings and basement walls shall be poured concrete.

10) No fence, wall or hedge in excess of 60 inches in height shall be permitted to extend from the minimum set-back line of the house to the street line. No fences, wall or hedge shall be constructed on any lot in excess of 60 inches in height.

11) 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.

12) Invalidations of any one 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 a case, continue to remain in full force and effect.

13) All structures, water, sewer, and utility installations placed upon any lot within said tract shall comply with all building codes, regulations and other laws applicable of the State of Oregon, County of Deschutes,

Dated this 1st day of December, 1960.

DESCHUTES RIVER RANCH, INC.

By Robert W. Webber
President

STATE OF OREGON)
County of Deschutes) ss.

On this 1st day of December, 1960, before me appeared ROBERT WEBBER, to me personally known, who being duly sworn, did say that he, the said ROBERT WEBBER is the President of DESCHUTES RIVER RANCH, INC., the within named Corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and ROBERT WEBBER acknowledged said instrument to be the free act and deed of said Corporation.

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

Dennis J. Maron
Notary Public for Oregon