

**VOL: 2001 PAGE: 3623**  
**RECORDED DOCUMENT**

STATE OF OREGON  
COUNTY OF DESCHUTES



\*2001-3623 \* Vol-Page

Printed: 01/25/2001 12:08:49

**DO NOT REMOVE THIS CERTIFICATE**

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

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

DATE AND TIME: Jan. 25, 2001; 12:05 p.m.

RECEIPT NO: 31278

DOCUMENT TYPE: Deed

FEE PAID: \$41.00

NUMBER OF PAGES: 3

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW  
DESCHUTES COUNTY CLERK

2001-3623-1

NN  
L# 159484-62

HAYDEN ENTERPRISES, INC.  
2622 SW GLACIER PLACE, SUITE 110  
REDMOND, OR 97756

Grantor's Name and Address

HAYDEN ENTERPRISES, INC.  
2622 SW GLACIER PLACE, SUITE 110  
REDMOND, OR 97756

Grantee's Name and Address

After recording, return to (Name, Address, Zip):  
HAYDEN ENTERPRISES, INC.  
2622 SW GLACIER PLACE, SUITE 110  
REDMOND, OR 97756

Until requested otherwise, send all tax statements to (Name, Address, Zip):  
HAYDEN ENTERPRISES, INC.  
2622 SW GLACIER PLACE, SUITE 110  
REDMOND, OR 97756

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

I certify that the within instrument was received for recording on \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE  
By \_\_\_\_\_, Deputy.

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that HAYDEN ENTERPRISES, INC., A WASHINGTON CORPORATION

hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto HAYDEN ENTERPRISES, INC., A WASHINGTON CORPORATION hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in DESCHUTES County, State of Oregon, described as follows, to-wit:

ALL OF LAVACREST PHASE 2, CITY OF BEND, DESCHUTES COUNTY, OREGON.

FIRST AMERICAN TITLE  
INSURANCE COMPANY OF OREGON  
P.O. BOX 323  
BEND, OR 97709

RECORDED BY FIRST AMERICAN TITLE  
INSURANCE COMPANY OF OREGON AS AN  
ACCOMMODATION ONLY. NO LIABILITY IS  
ACCEPTED FOR THE CONDITION OF TITLE  
OR FOR THE VALIDITY, SUFFICIENCY, OR  
EFFECT OF THIS DOCUMENT.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-. However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols  $\phi$ , if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on JANUARY 24, 2001; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

HAYDEN ENTERPRISES, INC.  
BY: *Vickie Takami*  
VICKIE TAKAMI, CONTROLLER

STATE OF OREGON, County of DESCHUTES ) ss.  
This instrument was acknowledged before me on JANUARY 24, 2001  
by VICKIE TAKAMI AS CONTROLLER OF HAYDEN ENTERPRISES, INC.  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_



*Gina M. Tiano*  
Notary Public for Oregon  
My commission expires 3/2/2004

COVENANTS CODES AND RESTRICTIONS  
FOR  
Lavacrest Phase 2  
BEND, OR 97701

2001-3623-2

HAYDEN ENTERPRISES, INC., a Oregon Corporation, hereinafter called "HE", being the owner of the subdivision LAVACREST PHASE 2, records of Deschutes County in BEND, OR 97701, in order to provide for development of said subdivision does hereby present, LAVACREST PHASE 2, CITY OF BEND, DESCHUTES COUNTY, OREGON, to the following building and use covenants, conditions and restrictions:

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

All buildings constructed within LAVACREST PHASE 2, must have the building plans approved by the Plan and Site Review Board prior to construction. This also applies to fences, outbuildings, and other improvements.

The Plan and Site Review Board will consist of "HE" (or its assignees), and their approval will be based upon the following general provisions:

1. Rustic exteriors.
  - a. Color must be approved on exteriors of all buildings.
  - b. Conformity to other dwellings.
  - c. All roofs to be composition or equal to with color to be approved by Plan and Site Review Board.
2. All animals, including dogs, must be kept within the confines of the property or on a leash to protect the residents and their animals from any nuisance factors.
3. No dismantling or storage of vehicles is permitted on the property or adjacent thereto.
4. Each property shall be landscaped and maintained in a clean and attractive condition. Lawns are to be watered, mowed and trimmed on a timely basis. No property owner shall litter their property with wood, paper, equipment, metal objects or other objects, (i.e. car or other vehicle parts), thus causing a visual disturbance to the continuity of the neighboring properties.
5. All activities within the subdivision must conform to DESCHUTES County Zoning Restrictions.
6. Recreational vehicle or motorcycle riding is strictly prohibited other than for ingress or egress to an owner's property.
7. No livestock, (i.e., turkeys, chickens, pigs, etc.), are allowed.
8. No outdoor lights, (i.e. bug, blue or otherwise offensive night lights), to be allowed without permission of the Plan and Site Review Board.
9. Plan and Site Review Board may, at its discretion, require any property owner to provide animal tight fencing to prevent nuisance factors to neighboring property owners.
10. All recreational vehicles, (i.e. RV's, boats, motor homes, trailers, commercial vehicles, etc.), must be parked in such a way as not to offend neighboring property owners, (i.e. in outbuildings, carports, etc.). No street parking for any vehicles mentioned above is allowed.
11. Utility buildings must all conform to these restrictions.

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159484-62

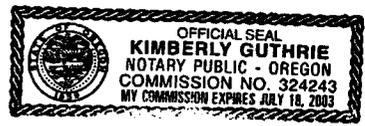
- 12. "HE", or its assignees, is the Plan and Site Review Board, and until otherwise replaced, constitutes final authority in all matters pertaining to LAVA CREST,
- 13. All driveways must be concrete.
- 14. Buildings must be suitable for year round use and must be placed on permanent foundations, consisting of concrete, brick, pumice blocks, or stone masonry. All structures must comply with DESCHUTES County Building Codes and be constructed on the building site with no move-in residences. Fences and improvements must be constructed in a workmanlike manner and kept in a condition of good repair.
- 15. All land owners must comply with the laws and regulations of the State of OREGON, County of DESCHUTES, and any codes related to fire protection, etc.
- 16. No more than six (6) months construction time shall elapse for the completion of a permanent dwelling, nor shall a temporary structure be used as living quarters. An exterior latrine shall be allowed only during the construction of a permanent residence.
- 17. No commercial, professional, noxious, or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
- 18. The cutting or removal of living trees will only be permitted where necessary for the construction of buildings or thinning for the beautification of the property.
- 19. All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines, and other service facilities shall be screened from view from neighboring properties.

All property owners agree and will comply to all the restrictions of the subdivision, and will comply to the requests of the Plan and Site Review Board without recourse, and promptly to insure the quality of the subdivision.

HAYDEN ENTERPRISES, INC.  
 a Washington CORPORATION,  
 By Dennis P. Murphy - Vice President

STATE OF OREGON )  
 COUNTY OF DESCHUTES ) ss.

On this 24 day of Jan, 2000, personally appeared, before me, the above named, Dennis P. Murphy, Vice President, who acknowledged the forgoing instrument to be his voluntary act and deed.



Kimberly Guthrie  
 Notary Public for OREGON  
 My Commission expires: 7-18-2003