

94-29371

OAK TREE

A Subdivision of City of Bend, Deschutes County, Oregon
PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS

Owner and developers, V.T. McAllister and Lola McAllister, being sole parties having an interest in those portions of 17-12-26-00-601 and 17-12-26-00-509 (see attached legal "ex A") platted and filed of record as Oak Tree Subdivision Bend, Deschutes County, Oregon. Do hereby and by these presents subject said subdivision and whole thereof to the following Protective Covenants, Conditions and Restrictions:

LAND USE AND BUILDING TYPE:

- 25-138867-36
1. OCCUPANCY AND SIZE -
 - a. No lot shall be used except for residential purposes.
 - b. No building shall be erected which shall exceed two and one-half stories in height and a private garage for not more than three cars.
 2. BUILDING LOCATION -
 - a. No building shall be erected, any portion of which shall be nearer than twenty-five (25) feet from a front line, nor nearer than twenty-five feet to any rear lot line nor nearer than fifteen feet to any side line providing that the accumulated distance from each side off the property shall be at least fifteen (15) feet.
 - b. For the purpose of this covenant, eaves, steps and open porches or decks shall be considered as part of a building.
 - c. Each building shall be located on each parcel so as to keep as compatible as possible with the natural surroundings and with other houses.
 3. FENCES -
 - a. Any fence constructed shall not be over seventy-two (72") in height.
 4. TIME OF CONSTRUCTION -
 - a. All buildings constructed must be completed within twelve months from the date construction is commenced, exclusive of inside finish work.
 5. BUILDING INTERIORS -
 - a. The use of new materials on all exterior surfaces will be required, used brick will be permissible. It is desired that the exterior materials used be indigenous to the Northwest.
 - b. Exterior surfaces shall be finished with wood stain except that paint may be used for trim or accent panels, but in harmony with other residences.

FIRST AMERICAN TITLE CO.
OF DESCHUTES COUNTY
P. O. BOX 323
BEND, OREGON 97709

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

6. ROOF -
 - a. All homes and out buildings, if any in OAK TREE shall be required to have a Class A Fire Rated Roofing and of a material equal to or better than "65 FIRE-HALT by Gustar. No wood roofing material shall be allowed.

7. MOBILE STRUCTURES -
 - a. No building, whether intended for use in whole or in part as a main residential structure, or for use as a garage or other outbuilding, shall be moved upon the premises. No motor homes, campers, trailers, camping equipment, or boats shall be stored or used for overnight living accommodations. No mobile homes or modular homes of any kind are permitted in Oak Tree.

8. SIZE OF RESIDENCE -
 - a. No residence shall be constructed of less than 1600 square feet of living area, exclusive of garages, porches and outbuildings. Detached garages shall be constructed of quality materials and have an appearance which will conform to the residence.

9. DRIVEWAYS -
 - a. All driveways to be concrete or paved and there shall be no excavation on any lot for gravel or cinders.

10. TREES -
 - a. Existing trees may be removed only with the express written permission of the Architectural Control Committee.
 - b. All trees will be left standing now on the lots as platted with the exception of those needing removal for the purpose of home construction.

11. LANDSCAPING TIMING -
 - a. All front yards shall be landscaped within six (6) months after the exterior of a residence is finished with no less than 40% of the front yard to be in grass, the rest to be natural or with bark chips in a professional looking manner.

12. SIGHT DISTANCE AT INTERSECTIONS -
 - a. No fence, wall, hedge or shrub planting which will obstruct sight lines at elevations between 2 and 6 feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting time at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within 10 feet from the intersection of a street property. No

12. SIGHT DISTANCE AT INTERSECTIONS CONT'D
tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.
13. NUISANCES -
- a. No 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.
 - b. No pets or domestic animals shall be permitted to run loose or unattended.
 - c. No excessive or unnecessary noise shall be generated by any vehicles, appliances, tools, or pets.
 - d. No gasoline may be stored in bulk tanks upon the property, either above or below the ground.
 - e. No garbage or refuse will be allowed to remain on property unless stored in sealed containers.
14. LIVESTOCK & POULTRY -
- a. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, with the exception of dogs, cats or household pets which may be kept provided that they are not kept, bred or maintained for any commercial purpose.
15. SIGNS -
- a. No building shall be erected, placed or altered on any lot until the construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures and as to location with respect to topography and finish grade elevation. The approval stamp and signature of the Architectural Control Committee will be required before applying for building permit from the governing agency.
 - b. No fence, wall or other structure shall be commenced, erected or maintained upon the properties nor shall any exterior addition to or change or alteration therein be made until the plans and specifications have been approved by the ACC.
 - c. Application for ACC approval shall be made thirty (30) days prior to when such approval is required.
 - d. A plot plan detailing the landscaping to be accomplished shall be submitted to the ACC along with the house plans for the committee approval.

17. ARCHITECTURAL CONTROL COMMITTEE -

- a. Membership. The Architectural Control Committee (ACC) is composed of V.T. McAllister, Wayne Warner, and Mark Wirges. A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative(s) shall be entitled to compensation for services performed pursuant to this covenant. At any time, the present owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore to it any of its powers and duties.

18. MAINTENANCE OF PROPERTY -

- a. 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 a fire hazard or visual problem.

19. FIREARMS -

- a. No firearms, air pistols, archery, sling shots or any other weapons or projectiles shall be used or discharged anywhere within Oak Tree.

20. PARKING AND STORAGE -

- a. No parking or storage of any vehicle used for commercial purposes will be allowed at any time within this subdivision. This provision extends specifically to trucks of any kind larger than one (1) ton size and generally to any other items which may be considered of a commercial nature.
- b. Storage of vehicles, trailers, pickups or boats will be allowed other than prohibited in section 7 and 20 only if screened from sight from any street within the subdivision. These items must be concealed behind a solid screen behind a line extending from the front line of the house or in the case of a corner lot the side line of the house extending to the lot line.

21. GENERAL PROVISIONS -

- a. Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of ten (10) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of five (5) years unless an instrument signed by a majority of the present owners of the lots has been recorded,

21. GENERAL PROVISIONS CONT'D

agreeing to change said covenants in whole or in part.

b. Enforcement. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

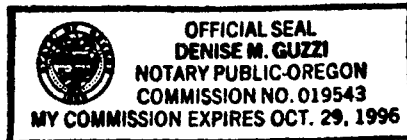
c. Severability. Invalidation of any one of these covenants by judgment or court order shall be no way effect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the owners and developers of OAK TREE subdivision have caused this instrument to be executed for recording as the Protective Covenants, Conditions and Restrictions for OAK TREE this 22 day of July, 1998A

X V. T. McAllister
V. T. McAllister

X Lola McAllister
Lola McAllister

STATE OF OREGON)
COUNTY OF LANE)
SUBSCRIBED AND SWORN TO BEFORE ME
THIS 22nd July 94
Denise M. Guzzi
NOTARY PUBLIC



STATE OF OREGON) ss.
COUNTY OF DESCHUTES)

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:

94 JUL 27 AM 9:34

MARY SUE PENHOLLOW
COUNTY CLERK

BY: M. Egurey DEPUTY
NO. 94-29371 FEE 25-
DESCHUTES COUNTY OFFICIAL RECORDS