

BUILDING AND USE RESTRICTIONS
- OREGON WATER WONDERLAND -
WHISPERING PINES, INCORPORATED
Deschutes County, Oregon

Known to all men by these presents: That the undersigned Whispering Pines, Inc., a California Corporation, is the owner of Oregon Water Wonderland, located in sections 23, 24, 25, and 26, T 20 S. R 11 E, and section 13, 14, 18 and 19, T 20 S, R 10 and 11 E.W.M. and the following Building and Use Restrictions shall apply to all of the property known as Oregon Water Wonderland and this property shall be subject to the following covenants, restrictions, conditions, unless changed by a vote of a simple majority of the property owners.

- (1) The floor area of residences shall be of not less than 600 sq. ft. on the river frontage lots. Lots other than river frontage lots shall have a floor area of not less than 500 sq. ft. exclusive of one-story porches and garages.
- (2) Buildings must be suitable for year around use and must be placed on permanent continuous foundations consisting of concrete, brick, pumice blocks or stone masonry. Pitch of the roof and size and spacing of rafters and ceiling joints must be adequate to withstand heavy snow packs. Chimneys must be constructed from ground level and shall consist of pumice or concrete blocks, bricks, stone or masonry or comparable fire resistant materials.
- (3) All buildings and fences must be constructed in a workman-like manner of attractive, properly finished materials that harmonize with the surroundings. Fences shall not exceed 60 inches in height.
- (4) All dwelling owners must comply with the laws of the State of Oregon, County of Deschutes, as to fire protection, building construction, sanitation and health, and any Deschutes County health and sanitation requirements supplemental hereto.
- (5) No campers or tents shall be allowed for permanent residence.
- (6) Sewage disposal systems, septic tanks and domestic water wells shall be in accordance with specifications set out by governing agencies, namely the State of Oregon Board of Health, Deschutes County Sanitation and Water Master.
 - a. Sewage disposal systems shall not be placed closer than 150 ft. of the Deschutes River, except on Lots 6 to 13 and 28 to 31 of Block 1 and Lots 32 to 36 of Block 9, the sewage disposal systems may be placed not closer than 100 ft. of the Deschutes River.
 - b. All water wells shall be completed with unperforated well casing that extends to a depth of not less than 18 ft. below land surface.
 - c. No water wells shall be drilled on any parcel having an area of less than 40,000 sq. ft.
 - d. Under no conditions will an exterior latrine be allowed.
- (7) Garbage Disposal
 - a. Garbage shall be stored in an insect and rodent proof container.
 - b. Garbage shall be hauled away at least once a week to an approved area.
 - c. Under no condition will dumping of any refuse in any streams or on the adjoining Federal Lands be permitted. The grounds and buildings shall be maintained in a neat and orderly manner.
- (8) No structure of a temporary character, basement, shack, garage, barn or out-buildings shall be used on any lot at any time as a residence either temporarily or permanently. This is not intended to prohibit temporary structures - or structures used for seasonal recreational purposes.
- (9) A time limit is hereby imposed on the length required for construction of the residence structure. A period of time not to exceed twenty-four (24) months is allowed to complete the residence or dwelling. The period of time is from the start of construction to completion of same.

893 RV-2

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1050 BEND STREET
BEND, OREGON

893 RV-2

- (10) No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become any annoyance or nuisance to the neighborhood.
- (11) No cutting of trees will be permitted except where necessary for construction of buildings and landscaping or as authorized by the Board of Directors of the above named Corporation.
- (12) The owner has caused to be formed a non-profit organization known as the Oregon Water Wonderland Property Owners Association (hereinafter referred to as "Association") which organization has been formed for the purpose of providing for the operation, maintenance, rebuilding and rehabilitation of roads, streets and public ways of Oregon Water Wonderland, Deschutes County, Oregon, for the benefit of members of the Association who have purchased lots from owner. The Association has a Board of Directors of five (5) persons initially selected by the Owner to serve until September 1, 1970, or until their successors are duly elected by the membership at its organizational meeting.
- (13) All owners of a parcel of property within the above described premises shall automatically become members of the Association and shall receive a certificate evidencing such membership. Any person purchasing any parcel within Oregon Water Wonderland under an agreement of sale and/or land sales contract shall be deemed the owner of said parcel for the purposes of such membership, and joint owners of any lot shall be entitled to one (1) membership only.
- (14) There shall be no dues to the membership of the Association, and in lieu thereof the Directors shall annually assess each lot in the subdivision its appropriate share of the costs of maintenance of said roads, streets and public ways. The cost of said operation and maintenance shall include the necessary amounts incurred by the Directors for insurance, bond premiums, equipment rental, materials, and labor required in such operation and maintenance. The owner of the subdivision shall pay a like assessment for each lot remaining unsold in said subdivision, it being the intention hereof that all assessments shall be uniform as much as is practicable. At such time as Deschutes County or any other political subdivision of the State of Oregon shall assume the responsibility for such operation and maintenance, there shall be no further assessments.
- (15) A copy of the Articles of Association for said organization will be mailed to any member of the Association upon request.
- (16) These restrictions shall be deemed to be for the protection and benefit of each of the owners or occupants of any portion of the subdivision. 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.
- (17) Invalidity of any of these foregoing covenants, restrictions or conditions or any portion thereof by court order, judgment or decree shall in no way effect any of the other remaining provisions thereof which shall in such case continue to remain in full force and effect.
- (18) The foregoing covenants, restrictions or conditions are to be in effect until January 1, 1975 and are automatically extended for successive periods of five (5) years unless the owners of a majority of the parcels agree in writing at least four (4) months before the expiration date hereof to change them.

Dated this 20th day of August, 1969

WHISPERING PINES, INCORPORATED

by Audrey Gross Pres
by W. H. Keenan Asst Sec

FORM No. 24—ACKNOWLEDGMENT—CORPORATION.

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

County of Deschutes } ss. On this 20th day of August, 1969,
 before me appeared Sydney Gross and
Dan. H. Heierman both to me personally known, who being
 duly sworn, did say that he, the said Sydney Gross
 is the ass't President, and he, the said Dan. H. Heierman
 is the Secretary of Whispering Pines, Inc.
 the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corpora-
 tion, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board
 of Directors, and Sydney Gross and Dan. H. Heierman
 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.

William P. Mayfield
 Notary Public for Oregon.

My Commission expires Jan 23, 1971

9985

STATE OF OREGON

County of Deschutes

I hereby certify that the within instru-
 ment of writing was received for Recor.
 the 5th day of Sept A.D. 1969
 at 10:46 o'clock A M., and record
 in Book 166 on Page 723 Record
 of Deeds

INDEX

Allen M. Bailey
 County Clerk
 By Agnes Seligson Deputy