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**AMENDED AND RESTATED BUILDING AND USE RESTRICTIONS
FOR
OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I
Deschutes County, Oregon**

These Amended and Restated Building and Use Restrictions were adopted by the Members of Oregon Water Wonderland Property Owners, Unit I at a meeting dated August 14, 2004. This document fully amends and restates the Building and Use Restrictions, together with all amendments and supercedes the document entitled "*Building and Use Restrictions - Oregon Water Wonderland - Whispering Pines, Incorporated, Deschutes County, Oregon*" recorded on September 5, 1969 at Volume 186, Page 723 and "*Amended Building and Use Restrictions - Oregon Water Wonderland - Whispering Pines, Incorporated, Deschutes County, Oregon*" recorded on October 17, 1969 at Volume 167, Page 367.

Oregon Water Wonderland Unit I is located in Sections 23, 24, 25, and 26, T 20 S, R 10 E. W.M.; Section 13, T 20 S, R 10 E. W.M.; and Sections 18 and 19, T 20 S, R 11 E. W.M.

The following Building and Use Restrictions shall apply to all the property known as Oregon Water Wonderland Unit I 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 the residences shall not be 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.
 - (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) A nonprofit corporation known as the Oregon Water Wonderland Property Owners Association, Unit I (hereinafter referred to as "the Association") shall be formed and maintained for the purposes of engaging in any lawful activity under which is not for profit for which corporations may be organized under ORS Chapter 65. The primary purpose of the corporation shall be to serve as the governing body for the Association, and to operate, maintain and rebuild roads, streets, and public ways of the Association for the benefit of the owners of the Association. The Association shall be subject to the Oregon Planned Community Act. The Association shall adopt Bylaws, which shall be recorded.
 - (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 Property Owners Association, Unit I 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) The Association shall have the power to assess the owners. The assessment shall be used exclusively to promote the recreation, health, safety, aesthetics, roads and welfare of the owners and occupants of the Association and for the improvement, operation and maintenance of any

common property. Each owner shall pay the Association the assessments and any additional charges levied pursuant to these Building and Use Restrictions or the Bylaws..

- (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) Invalidation 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.

These Amended and Restated Building and Use Restrictions supercede all previous Building and Use Restrictions for Oregon Water Wonderland Property Owners Association, Unit I. The undersigned President and Secretary of the Association certify that these Amended and Restated Building and Use Restrictions were adopted in accordance with the Building and Use Restrictions procedures.

DATED this 20 day of June, 2005.

OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I

By: James Alan Zupo
James Alan Zupo, President

By: Larry McGlocklin
Larry McGlocklin, Secretary

STATE OF OREGON)
) ss.
County of Deschutes)



This instrument was acknowledged before me on June 20, 2005 by James Alan Zupo as President of OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I, an Oregon nonprofit corporation.

Jeryl A. Whipple
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)



This instrument was acknowledged before me on June 20, 2005 by Larry McGlocklin as Secretary of OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I, an Oregon nonprofit corporation.

Jeryl A. Whipple
Notary Public for Oregon





STATE OF OREGON)
) ss.
County of Deschutes)

On this 30th day of JUNE, 2005, personally appeared before me, JERYL A. WHIPPLE who being duly sworn, states he/she is the Secretary of OREGON WATER WONDERLAND PROPERTY OWNERS ASSOCIATION, UNIT I, an Oregon nonprofit corporation, and that the foregoing instrument was signed and sealed on behalf of said corporation and he/she acknowledged said instrument to be the voluntary act and deed of said corporation.



Jeryl A. Whipple
Notary Public for Oregon