

TUMALO WEST
BUILDING AND USE RESTRICTIONS
DESCHUTES COUNTY, OREGON

The primary purposes of these restrictions are to insure the development and maintenance of a spacious, single-family residential area where liberal yards and open space insure healthful and safe living conditions, to create a quiet neighborhood, and to insure sustained and improving residential property values.

The undersigned, being the sole owners of the following described real property:

The South Half of the Southeast Quarter (S1/2
SE1/4) of Section Thirty-six (36), Township
Sixteen (16) South, Range Eleven (11), E.W.M.

which shall be known as TUMALO WEST, in order to provide for the objectives set out in the above statement of purpose, do hereby subject said property, and each division or part thereof, to the following building and use restrictions:

1. To the extent possible it is the intent to make each parcel of land in Tumalo West at least 2 1/2 acres in size. Therefore, no 5 acre lot shall be divided into more than two approximately equal size parcels. In no event shall any parcel be less than 2 acres in size.
2. There shall be only one single family residence on each parcel of land in Tumalo West.
3. No building or other structure of any kind whatsoever shall be constructed on said property for use for any other purposes than a single family residence together with such other incidental buildings as may be and are ordinarily used in connection with a residence. A private stable or barn may be maintained to maintain only horses or cattle for personal use.
4. No swine, poultry or goats shall be kept or maintained on the premises.

5. No building shall be erected on any parcel, any portion of which shall be nearer than twenty-five feet (25') from any boundary. No outbuilding shall be constructed within 100 feet (100') from any platted road. No newly constructed outbuilding shall be constructed within 100' of any existing residence structure.
6. No residence shall be constructed of less than 1,000 square feet living area, exclusive of garages, porches and outbuildings. Detached garage or stable shall be constructed of quality and appearance that will conform to the residence.
7. No structure of a temporary character, basement, tent, shack, garage, barn or other outbuilding shall be used on any parcel at any time as a residence either temporarily or permanently.
8. 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.
9. In general, all homes will be single-story, except on sites which lend themselves to daylight basements. Views from all parcels will be safeguarded to the greatest possible extent. Abundant use of outdoor decks and patios will be encouraged.
10. All residences, dwellings and other buildings erected shall be placed on a solid continuous poured concrete or masonry block foundation.
11. The use of new materials on all exterior surfaces will be required; used brick will be permissible. It is desired that a majority of the homes have their exteriors made from materials indigenous to the Northwest.
12. The use of wood stains in lieu of paints will be encouraged. Bright paint exteriors other than in trim or in accent panels will not be permitted.
13. Each home will be located on each parcel so as to keep all homes as compatible as possible with the natural surroundings and with other houses.
14. Exposed roll roofing and V-crimp or corrugated metal roofs may not be used on any structure. No asphaltic covering shall be used as finished exterior siding.
15. All buildings which may be constructed on any portion of the above described parcel excepting the portions

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or whole thereof constructed of brick or stone shall be painted or process painted as to exterior within six months of the date said buildings are completed.

16. A time limit is hereby imposed on the length of time required for construction of any residence structure. A period of time not to exceed 1 year from the date of beginning construction is allowed for the completion of said construction.
17. Sewage and waste disposal shall be installed and disposed of in accordance with state and county regulations. All waste materials, paper, trash and other garbage will be held in metal containers and not allowed to be windblown or scattered about the premises.
18. No parcel shall be used in whole or in part, for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such lot to appear in an unclean or untidy condition, or which will be obnoxious to the eye, nor shall any substance, thing or material be kept upon any lot that will emit foul or obnoxious odors, or that will cause noise that will or might disturb the peace, comfort or serenity of occupants of surrounding property. No billboards or advertising signs of any character shall be established, placed, permitted or maintained on any lot or improvement thereon except signs of reasonable size indicating property for rent or for sale. Name and address signs of occupants shall be of a design which is compatible with surrounding area.
19. There shall be no excavation on any of these parcels for gravel or cinders. Existing trees may be removed only with the permission of the subdivider.
20. Folmer N. Bodtker and Bernice M. Bodtker, their heirs and assigns, hereby reserve a right of way, with right of entry upon, over, under, along, across and through the said tracts of land for the purpose of erecting, constructing, operating, repairing and maintaining lines for the transmission of electrical energy, and for telephone lines, and/or for laying, repairing, operating and renewing any pipeline or lines for water, gas or sewage, and any conduits for electric or telephone wires, and reserving to Folmer N. Bodtker and Bernice M. Bodtker, their heirs and assigns the sole right to convey the rights hereby reserved.
21. These restrictions may be amended or modified at any time by the affirmative vote of two-thirds of the then owners of the parcels in TUMALO WEST. For this purpose the record owner of each parcel of approximately 2 1/2 acres of the land described above shall be entitled to one vote.

IN WITNESS WHEREOF, the undersigned, have caused these presents to be signed this 5th day of May, 1970.

Folmer N. Bodtker
Folmer N. Bodtker

Bernice M. Bodtker
Bernice M. Bodtker

Russell Greer

Lois M. Greer

Maell C. Sullivan

E. C. Sullivan

STATE OF OREGON)
County of Deschutes) ss.
May 5th, 1970.
Personally appeared the above-named FOLMER N. BODTKER and BERNICE M. BODTKER, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Freda Leaders
Notary Public for Oregon
My Commission expires: Sept. 10, 1972

STATE OF OREGON)
County of Deschutes) ss.
May 5th, 1970.

Personally appeared the above-named RUSSELL GREER and LOIS M. GREER and acknowledged the foregoing instrument to be their voluntary act. Before me:

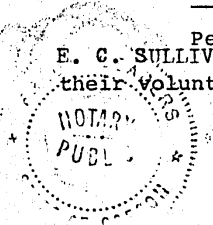
Freda Leaders
Notary Public for Oregon
My Commission expires: Sept. 10, 1972

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STATE OF OREGON)
County of Deschutes) ss.

May 5th, 1970.

Personally appeared the above-named MABLE C. SULLIVAN and
E. C. SULLIVAN and acknowledged the foregoing instrument to be
their voluntary act. Before me:



Freda Sanders
Notary Public for Oregon
My Commission expires: Sept. 10, 1972

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STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record on 6th day of May A.D. 1970 at 4:21 o'clock P. M. and returned in Book 169 on Page 958 Record of

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cf Dec 2,
Allen M. Dancy
County Clerk
By Agnes Surfass Deputy