

AMENDED BUILDING AND USE RESTRICTIONS  
FOR  
WAGON TRAIL NORTH  
AND  
WAGON TRAIL NORTH FIRST ADDITION

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KNOW ALL MEN BY THESE PRESENTS that BROOKS RESOURCES CORPORATION, an Oregon corporation, does hereby declare as follows:

That it is the owner of WAGON TRAIL NORTH and WAGON TRAIL NORTH FIRST ADDITION, except for one parcel owned by CARL A. SCHNELL and KAREN S. SCHNELL, located in Deschutes County, Oregon, and described as follows:

*Restrictions indicating a preference limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin are hereby deleted to the extent such restrictions violate 42 USC 3604 (c).*

WAGON TRAIL NORTH:

In the Southeast Quarter of the Northeast Quarter of Section Thirty-five (35), Township Twenty-two (22) South, Range Nine (9), East of the Willamette Meridian:

Commencing at the East quarter corner of Section 35, Township 22 South, Range 9, EWN; thence North 00° 38' 44" East along the east boundary line of said section 35, 31.74 feet to the initial point and the true point of beginning of this description, which point is also on the northerly right of way of Masten Road, a county road; thence following said right of way along the arc of a 1484.81 foot radius curve to the right 215.12 feet, the chord of which bears North 81° 46' 22" West 214.94 feet; thence North 77° 57' 20" West 106.91 feet; thence along the arc of a 2711.11 foot radius curve to the left 404.37 feet, the long chord of which bears North 82° 51' 15" West 403.80 feet; thence North 82° 05' 10" West 205.95 feet; thence along the arc of a 695.95 foot radius curve to the left 406.09 feet, the long chord of which bears South 75° 11' 52" West 400.36 feet; thence South 58° 28' 53" West 11.29 feet; thence leaving said right of way North 00° 33' 38" East 1281.09 feet; thence North 89° 14' 37" East 1322.59 feet; thence South 00° 38' 44" West 1301.16 feet to the initial point.

## WAGON TRAIL NORTH FIRST ADDITION:

In the East Half of the Southeast Quarter of Section Thirty-five (35), Township Twenty-two (22) South, Range Nine (9), East of the Willamette Meridian:

Commencing at the Southeast corner of Section 35, Township 22 South, Range 9 East of the Willamette Meridian, which is the initial point of this subdivision; thence along the South line of said Section 35 which is the township line between Township 22 South and Township 23 South, Range 9 East, South  $89^{\circ} 42' 10''$  West, 1316.46 feet to the Southeast  $1/16$  corner between Section 35 and Section 2; thence leaving said line North  $00^{\circ} 33' 39''$  East, 2636.11 feet along the East  $1/16$  line of said Section 35 to a point on the Southerly right of way of Masten Road; thence along said right of way line North  $58^{\circ} 28' 53''$  East, 48.90 feet; thence along the arc of a 635.95 foot radius curve to the right 371.08 feet, the long chord of which bears North  $75^{\circ} 11' 52''$  East 365.84 feet; thence South  $88^{\circ} 05' 10''$  East, 205.95 feet; thence along the arc of a 2154.14 foot radius curve to the right 393.41 feet, the long chord of which bears South  $82^{\circ} 51' 15''$  East 392.86 feet; thence South  $77^{\circ} 37' 20''$  East, 106.91 feet; thence along the arc of a 1544.80 foot radius curve to the left 227.41 feet, the long chord of which bears South  $81^{\circ} 50' 22''$  East, 227.29 feet to a point on the East line of said Section 35 that said point being South  $00^{\circ} 38' 44''$  East, 23.36 feet from the East quarter corner of said Section 35; thence leaving said right of way line of Masten Road along the East line of said Section 35 South  $00^{\circ} 38' 44''$  East, 2637.43 feet to the southeast corner of said Section 35 which is the initial point of this subdivision.

and said property as platted shall be subject to the following building and use restrictions:

Section 1. Each lot shall be used for primary or secondary residential purposes only. Not more than one detached single family dwelling which will not exceed two (2) stories in height and not more than one double garage or carport and two accessory buildings such as workshops or stables shall be constructed or placed upon each lot in the subdivision.

Section 2. No lot shall be divided into smaller parcels than shown on the recorded plat unless approved by the Deschutes County Planning Commission in accordance with county ordinances.

Section 3. The floor area of constructed residences shall not be less than 500 square feet exclusive of one story porches and garages.

Section 4. Buildings must be suitable for year around use and must be placed on permanent foundations, consisting of concrete, brick, pumice blocks, or stone masonry. Pitch of the roof and size and spacing and ceiling joists must be adequate to withstand heavy snow packs. Roof must be of composition or wood shingle. All buildings, fences, and improvements must be constructed in a workmanlike manner and kept in a condition of good repair. Exposed portion of foundation must be painted or sided if more than 12" above the ground.

Section 5. Setback lines shall be at least forty (40) feet back from the front lot line and twenty-five (25) feet from side and back lot lines to any structure upon the lot with the exception of a fence, not to exceed sixty (60) inches in height and shall be subject to the provisions of Section 6. Fences must be constructed of properly finished material and shall harmonize with the surroundings.

Section 6. A non-occupancy easement shall extend for fifty (50) feet along the north side of Masten Road and one hundred (100) feet along the south side of Masten Road as shown on the recorded plats. All other exterior boundary lines of the subdivision shall have a twenty-five (25) foot non-occupancy easement as shown on the recorded plats.

Section 7. All land owners must comply with the laws and regulations of the state of Oregon, county of Deschutes and any municipality applicable to fire protection, building construction, water, sanitation, and public health.

Section 8. Mobile homes 12' x 40' or larger may be used as a permanent residence provided they are skirted and appear as a permanent installation.

Section 9. No more than 18 months' construction time shall elapse for the completion of a permanent dwelling nor shall a temporary structure be used as living quarters except during the construction of a permanent dwelling. An exterior latrine shall be allowed only during the construction of a permanent residence and must comply with Deschutes County Health Department specifications.

Section 10. 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.

Section 11. 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.

Section 12. No animals other than domestic household pets or horses shall be kept on any part of said property.

Section 13. All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clotheslines, and other service facilities shall be screened from view from the neighboring units and common areas.

Section 14. Each lot and its improvements shall be maintained in a clean and attractive condition in good repair and in such fashion as not to create a fire hazard.

These covenants and restrictions or conditions are to remain in effect for a period of ten (10) years from the date of this declaration and shall automatically extend unless the owners of 51 percent of the total area of all parcels in the subdivision agree in writing to a change.

These restrictions shall be deemed to be for the protection 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 restrictions herein set forth.

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.

BROOKS RESOURCES CORPORATION

By

*R. L. Harrison*  
President

*Carl A. Schnell*  
Carl A. Schnell

*Karen S. Schnell*  
Karen S. Schnell

STATE OF OREGON, County of Deschutes, ss:

1972

Personally appeared R. L. HARRISON who, being sworn, stated that he is president of BROOKS RESOURCES CORPORATION and

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that this document was voluntarily signed in behalf of the corporation by authority of its Board of Directors. Before me:

*[Signature]*  
Notary Public for Oregon  
My Commission Expires: 8-75

State of Oregon, County of Multnomah, ss. February 1, 1972

Personally appeared the above-named CARL A. SCHNELL and KAREN S. SCHNELL, and acknowledged the foregoing document to be their voluntary act. Before me:

*[Signature]*  
Notary Public for Oregon  
My Commission Expires: Dec 25, 1972

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STATE OF OREGON,  
County of Deschutes

I hereby certify that the within instrument of writing was recorded for Record the 13 day of Feb. AD 1972 at 10:40 o'clock A.M. and recorded in Book 192 on Page 506. Record

INDEX of *Deeds*  
ROSEMARY PATTERSON  
County Clerk  
By *M. F. [Signature]* Deputy