

DECLARATION OF CONDITIONS AND RESTRICTIONS

E. W. WILLIAMSON

TO

THE PUBLIC

E. W. Williamson, the undersigned, hereinafter referred to as Declarant, is the owner of the following described real property located in the County of Deschutes, State of Oregon, to wit:

Block 1, Lot 1;
Block 2, Lots 1 to 15 inclusive;
Block 3, Lots 1 to 13 inclusive;
Block 4, Lots 1 to 10 inclusive;
Block 5, Lots 1 to 9 inclusive;
Block 6, Lots 1 to 6 inclusive;
Block 7, Lots 1 to 5 inclusive;
Block 8, Lots 1; WILLIAMSON PARK

which property is duly platted and dedicated by the plat and map of Williamson Park recorded in the County of Deschutes and State of Oregon in the Records of Plats of Deschutes County, the 23rd day of August, 1978 in Volume 17, Page 52;

Do hereby adopt the following general scheme and plan for the improvement, use and restriction in the use of the land herein described and represented by said plat, for the mutual benefit of all of said property and the future owners thereof; and they shall run with the land and be binding on all parties having or acquiring any right, title or interest therein.

SECTION 1 - PROPERTY SUBJECT TO RESTRICTIONS

The real property subject to these restrictions is all that certain land located in Deschutes County, State of Oregon shown on that certain plat entitled "Williamson Park," recorded the

23rd day of August, 1978 in Volume 17, Page 52 of Plats, Deschutes County Records, excepting:

Block 1, Lot 1;
Block 2, Lot 1;
Block 8, Lot 1.

SECTION 2 - PURPOSE

The purpose of these restrictions is to preserve the natural beauty of the land, maintain a quality residential character, and protect present and future property values.

SECTION 3 - DESIGN REVIEW BOARD

To interpret, administer and enforce these restrictions there shall be a Design Review Board consisting of three persons. The initial members shall be appointed by the Declarant, and as long as the Declarant is the owner of any of the lots in the said property the Declarant shall have the right and the power to appoint at least one member to the Design Review Board, who will be subject to removal and/or replacement by the Declarant only.

The members of the Design Review Board are empowered to establish and amend their own procedural rules and regulations to carry out the reasonable intent of these restrictions, and to fill vacancies on the Board that may exist from time to time for various reasons.

At any time, however, the then record owners of a two-thirds majority of the lots in said property shall have the power, through a duly recorded written instrument to replace two of the members of the Design Review Board.

SECTION 4 - PROPERTY USE

1. With the exception of Block 1, Lot 1; Block 2, Lot 2; and

Block 8, no lot may be used for any other purpose than that of a single family dwelling which may include appurtenant thereto one guest room.

2. Property may be rented only for the use of a single family dwelling as set forth in Section 4:1 above.

3. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets, excluding goats, may be kept on the property, provided that they are not kept or bred for commercial purposes, nor in unreasonable quantities, and that they are properly restrained, quiet, and do not become a public nuisance.

4. No noxious or offensive activity shall be carried on upon the property nor shall anything be done or maintained thereon which may be or become an annoyance or nuisance to the neighborhood.

5. Signs identifying the business, profession or occupation of the owner, or the renter of his property, will not be permitted to be displayed on any lot. Signs advertising any lot for sale may be erected if they are no larger in size than 30 inches by 24 inches. Nothing in this paragraph shall prevent the Declarant from placing signs on its owned property or within the street rights of way for the conduct of its business during development.

6. Trees having a trunk of 8 inches or more in diameter at the base shall not be destroyed without the written permission of the Design Review Board.

7. Service areas for drying laundry, storing garden tools and supplies, installing above ground tanks or mechanical equipment,

garbage containers, trash, surplus building materials or garden cuttings, parking of boats, trailers, mobile camping units, trucks, and commercial vehicles must be provided so that they are screened from the street and from adjacent properties.

8. No portable building, trailer, garage or tent may be used for either temporary or permanent residence purposes on the property. However, during construction, sheds may be used for the purpose of storage for tools and supplies only.

9. No lot may be divided for any purpose.

SECTION 5 - CONSTRUCTION

1. No construction, remodeling, repairs or improvements may be placed on the property if they detract from the natural beauty of the land, violate its residential character or adversely affect present or future property values.

2. All structures must be designed and built in conformity with the laws, rules and regulations of the State, the County, and the City of Bend.

3. No residence may be constructed on the property unless it contains at least 1400 square feet of floor area within the walls, excluding porches, patios, garages, breezeways, etc. Exception to this rule may be made, with the unanimous approval of the Design Review Board, in cases involving unusual site problems, or occupancy by two or fewer persons.

4. All structures erected shall be of new construction and may not be moved in from a point outside the property. This

restriction will not necessarily prohibit the use of manufactured units which meet all other requirements for approval by the Design Review Board.

5. No exposed aluminum or other reflective type metal or plastic roof will be permitted. This restriction will not necessarily prohibit the use of plastic panels over patios or attached greenhouse where approved by the Design Review Board. Where windows, doors, including screens and storm doors shall be of aluminum manufacture, they shall be color anodized to blend with other exterior building materials.

6. Roofs shall be predominately wood hand-split shakes, red cedar shingles or built-up roofing with colored slag, excluding red or black cinders.

Roofs shall overhang all wall sections for a minimum of 18 inches. On sections where gutters are employed, down spouts must be included.

7. In order to preserve and maintain all possible natural appearance of the area, all exterior building materials and all exterior colors must be approved in advance by the Design Review Board.

Natural textured materials and soft earthen colors will constitute a basic criteria of the Design Review Board.

8. Any building or construction project shall be completed, including exterior painting and site clean-up within nine months of approval of plans by the Design Review Board.

9. Set back lines and maximum allowable heights for structures are not practical to delineate as a hard and fast rule due to the terrain features of many sites. As a general rule, they shall be

sufficient to preserve the privacy and views of the adjacent lots as determined by the Design Review Board and meet Code requirements of the City of Bend.

SECTION 6 - APPROVAL OF PLANS

1. Plans for submittal to the Design Review Board shall be complete and detailed insofar as all exterior conditions are concerned. These shall include, but not necessarily be limited to, site plan showing building location, datum, the finish elevation of floor levels and slabs, etc. Exterior elevation drawings, roof plan, building materials, and colors.

2. On lots having distinctive terrain features and native trees, plans should be developed to preserve a maximum of these existing features.

3. The approval of plans and specifications may be withheld for any of the follows:

a. Failure to comply with the specific restrictions of this Declaration;

b. Unsatisfactory site plan;

c. Architectural design, proportions, color scheme, finish materials, type or pitch of roof, etc.;

d. Proposed structure is inharmonious or out of keeping with general plan of development.

SECTION 7 - DURATION

These restrictions herein set forth are to run with the land and shall be binding upon all parties and all persons claiming under them until October 1, 1988, and shall be automatically extended for

successive periods of ten years unless by a vote of a majority of the then record owners of the subject lots it is agreed to terminate or amend said restrictions in whole or in part.

SECTION 8 - CHANGES

These restrictions may be modified by the duly recorded written instrument of the then record owners of two-thirds of the lots in said property until October 1, 1988 and thereafter by the duly recorded written instrument of the then record owners of a majority of the lots in said property.

SECTION 9 - ENFORCEMENT

1. In the event of a violation of these restrictions, the Declarant, the Design Review Board, or the individual owner of any lot has the right to proceed at law or equity to compel compliance with, or prevent violation of, these restrictions.

2. The Declarant or the Design Review Board has the right to enter upon the property when the violation exists and summarily abate or remove same at the expense of the owner. Such action shall not be considered a trespass. Such right however, may not be exercised until written notice has been given the owner outlining the violations and permitting him thirty days in which to remedy the violation. This right also may not be exercised when such abatement involves the moving or destruction of any structure.

3. The result of every act or omission which causes a violation of these restrictions is hereby declared to be a nuisance, and every legal or equitable remedy allowed against a public or private nuisance shall be applicable against such result by the Declarant, or the

Design Review Board. In any legal or equitable proceeding by the Declarant or the Design Review Board to enforce there restrictions or to restrain violations of them, the prevailing party shall recover court costs and a resonable attorney fee as determined by the Court in such proceeding or any appeal thereof.

4. If any of these restrictions is rendered invalid by judgment or court order, the other restrictions shall not be affected and shall remain in full force and effect.

5. The failure to enforce any right within these restrictions shall not be deemed a waiver of the right to do so thereafter.

Dated at Bend, Oregon this 27 day of September, 1978.

E W W Williamson
E. W. Williamson

STATE OF OREGON, County of Deschutes)ss.

Personally appeared the above named E. W. Williamson and acknowledged the foregoing instrument to be his voluntary act.

Charles R. Marsch
Notary Public for Oregon
My Commission Expires 6/28/82

9729

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 27 day of Sept A.D. 1978 at 3:40 o'clock P M. and recorded in Book 284 on Page 149 Records of Udels

ROSEMARY PATTERSON

County Clerk
By Dorrie Lindholm Deputy

CHARLES R. MARSCH
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1199 N.W. WALL STREET
BEND, OREGON 97701