

**After Recording return To:**

MARY MEYERS  
160 SW BRIERLE  
DUNDEE, OR 97115

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201715524



00521327201700155240090099

\$81.00

09/26/2017 10:04:17 AM

DMR-DRDMR Cnt=1 Stn=3 SUTTONS  
\$45.00 \$5.00 \$11.00 \$20.00

**FIRST AMENDMENT**  
**TO DECLARATION OF FRENCH PRAIRIE VIEW ESTATES**  
**PROTECTIVE COVENANTS: CONDITIONS AND**  
**RESTRICTIONS**

This FIRST AMENDMENT TO DECLARATION OF FRENCH PRAIRIE VIEW ESTATES PROTECTIVE COVENANTS: CONDITIONS AND RESTRICTIONS (this "Amendment") is made and entered into as of JUNE 26, 2017 (the "Effective Date"), by and between the undersigned owners of lawful parcels of real property created from or located within the confines of the that certain area described on Exhibit A attached hereto and made a part of this Amendment (the "Owners")

Whereas, Calvin and Mary Holtan and Joann Shulte, as Declarants, did record on February 25, 1997, a DECLARATION OF FRENCH PRAIRIE VIEW ESTATES PROTECTIVE COVENANTS: CONDITION AND RESTRICTIONS as instrument No. 199702916 in the Deed and Mortgage records of Yamhill County, Oregon (the "Declaration"); and

Whereas, the Declaration created and imposed certain protective covenants, conditions and restrictions (the "CC&Rs) pertaining to the real property described as French Prairie View Estates the perimeter of which is more particularly described on Exhibit A attached hereto; and

Whereas, the Declaration pursuant to Article III Section 1 may be amended only by duly recording an instrument which contains the amendment and which is signed by seventy-five percent of the owners of the home sites in French Prairie View Estates; and

Whereas, the undersigned Owners constitute not less than seventy-five percent of the owners of the lawful home sites located within the area described on Exhibit A attached hereto.

**NOW, THEREFORE**, the undersigned Owners do hereby amend the Declaration as follows:

- 1.
2. Section 1 of Article 1 of the Declaration is amended to read as follows:

"No Homesite shall be used except for residential purposes. No buildings shall be constructed, erected, altered, placed or permitted to remain on any Homesite other than one single-family dwelling not to exceed thirty-five (35) feet in height and a private garage for not less than two (2) cars. The foregoing provision shall not exclude construction, erection, alteration, or placement of a accessory outbuilding, shop, barn, private greenhouse, storage unit, private swimming pool, or a shelter or port for the protection of such swimming pool, winery, or any other similar structure built prior to the date of recording of this Amendment, provided the location of such structures is in conformity with the applicable county regulations and is compatible in design and decoration with the residence constructed, erected, placed, or altered on such Homesite and has been approved by the Architectural Control Committee, as designated by Declarant. The provisions of the section shall not be deemed to prohibit the right of any licensed builder to construct, erect place, or alter a residence on any Homesite, to store construction materials and equipment on said Homesites in the nonnal course of construction and to use any single-family residence as a home."

3. Section 2 of Article 1 of the Declaration is amended to read as follows:

"The minimum square footage of any home within this subdivision shall be 2800 square feet If the home is of a multi-level design, the first floor must meet a minimum square footage of 1000, provided however, that any home constructed prior to the Effective Date of this Amendment shall be deemed to be in compliance with the minimum home size set forth in this Section 2. These minimums are exclusive of garages and open porches."

4. Section 5 of Article 1 of the Declaration formerly read:

*"No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Homesite, except that a reasonable number (not to exceed 3) dogs, cats, or other household pets may be kept provided that they are not kept, bred or maintained for commercial purposes and are reasonably controlled so as not to be a nuisance."*

This Section 5, of Article 1 of the Declaration is amended to read as follows:

No livestock of any kind shall be raised, bred, or kept on any Homesite with the exception of Homesites that were classified by Yamhill County for Farm Deferral Status at the time of the recording of this Amendment. Those Homesites on Farm Deferral status at the time of the recording of this Amendment will be allowed to have livestock, not to exceed Oregon State Grazing standards, (at this time, 1 large animal per acre, or 3 – 5 small animals per acre.) No pigs shall be permitted on any Homesite at any time.

All homesites may have a reasonable number of cats, and household pets, (dogs not to exceed 3 dogs per Homesite) provided they are not kept for breeding purposes, and must be reasonably controlled so as not to be any kind of nuisance. Domestic poultry and a rabbits may be kept for domestic use as long as they are not a nuisance.

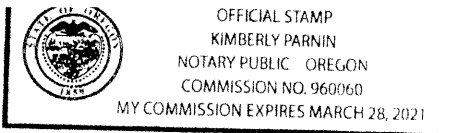
4. A new Section 17 is hereby added to Article I of the Declaration to read as follows:

"17. NO MARIJUANA CULTIVATION OR PROCESSING

No marijuana starts or plants shall be planted, cultivated, grown, harvested, processed or sold on any Homesite that is subject to the Declaration.

5. Except as herein amended above, the protective covenants, conditions and restrictions set forth in the Declaration shall remain in full force and effect.

*Signatures on Next Page*



State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 7 day of July 2017, by 17

Thomas D Mortimer  
Deborah R Mortimer

Joann Shulte

Thomas D. Mortimer

Deborah R. Mortimer

Eric Holtan

Kristi Holtan

Ronald L. Elton

Dena M. Elton

Charles C. Holtan

Debra H. Holtan

Mary Meyers fka Mary B. Holtan

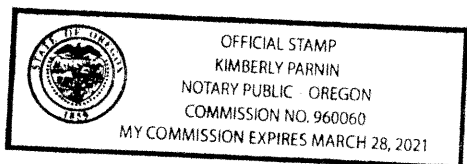
Jennifer Hellberg

Bryan S. Rose Ronald L. Elton

Lisa M. Rose

BRYAN S. ROSE

Before me:



Kim Parnin  
Notary Public for Oregon  
My Commission Expires: 3/28/2021

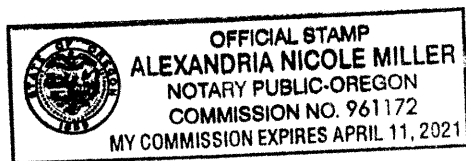
State of Oregon            )  
                                      )ss.  
County of Yamhill;        )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, by \_\_\_\_\_

State of Oregon            )  
                                      )ss.  
County of Yamhill;        )

This instrument was acknowledged before me on the 26 day of June 2017, by Mary Meyers aka Mary Holtan

Before me:

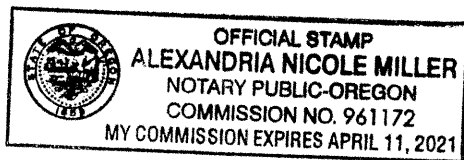


Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021

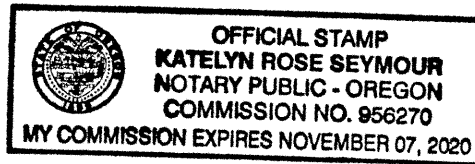
State of Oregon            )  
                                      )ss.  
County of Yamhill;        )

This instrument was acknowledged before me on the 26 day of June 2017, by Debra Holtan

Before me:




Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021



State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 26 day of June 2017, by Kristi Holtan

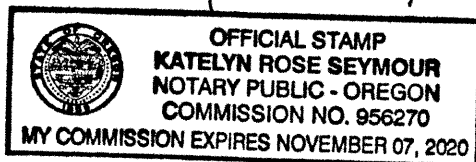
Before me: Katelyn Rose Seymour


  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 11/07/2020

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 26 day of June 2017, by Eric Holtan

Before me: Katelyn Rose Seymour

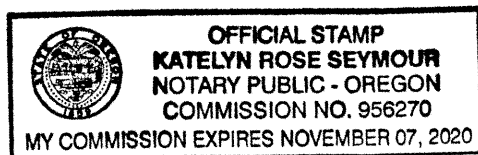



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 11/07/2020

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 26 day of June 2017, by Charles Holtan

Before me: Katelyn Rose Seymour

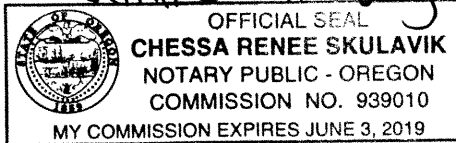


  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: 11/07/2020

State of Oregon )  
 )ss.  
County of Washington )  
Yamhill

This instrument was acknowledged before me on the 27<sup>th</sup> day of June 2017, by JENNIFER HELIBERY

Before me: Jennifer Helibery Chessa Skulavik



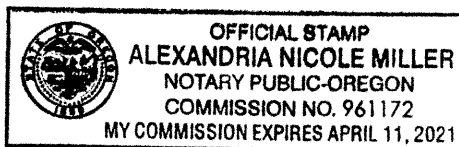
[Signature]  
Notary Public for Oregon

My Commission Expires: June 3, 2019

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 5 day of July 2017, by Dena M Elton

Before me: Dena M Elton

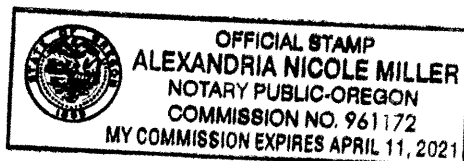


Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 5 day of July 2017, by Ronald L Elton

Before me: Ronald L Elton

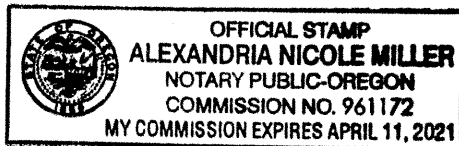


Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 4 day of August 2017, by  
Bryan S. Rose

Before me:

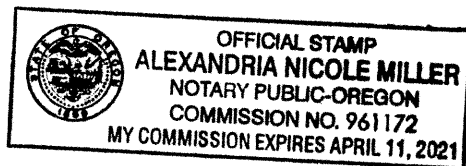


Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the 4 day of August 2017, by  
Lisa M. Rose

Before me:



Alexandria Nicole Miller  
Notary Public for Oregon  
My Commission Expires: April 11, 2021

State of Oregon )  
 )ss.  
County of Yamhill; )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_ 2017, by \_\_\_\_\_

Before me:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



State of MICHIGAN  
 County of OAKLAND ss.

This instrument was acknowledged before me on the 28 day of JUNE 2017, by BANN C. SHULTE.

Joann Shulte  
 Joann Shulte

Mary Meyers aka Mary B. Hollan  
 Mary Meyers aka Mary B. Hollan

Thomas D. Mortimer  
 Thomas D. Mortimer

Lincoln Shulte  
 Lincoln Shulte

BEFORE  
 ME - Kari Vlaeminck Joann Shulte  
6.28.17

**KARI L. VLAEMINCK**  
 Notary Public, Oakland County, MI  
 My Commission Expires Oct. 20, 2019  
 Acting in the County of Oakland County, MI