

After recording return to:  
George Allison  
18501 NE266th Circle  
Battle Ground, WA 98604

Washington County, Oregon

10/21/2016 10:39:39 AM

D-R/B

Cnt=1 Stn=21 RECORDS1

\$20.00 \$5.00 \$11.00 \$20.00 - Total = \$56.00

2016-086288



02215276201600862880040040

I, Richard Hobernicht, Director of Assessment and  
Taxation and Ex-Officio County Clerk for Washington  
County, Oregon, do hereby certify that the within  
instrument of writing was received and recorded in the  
book of records of said county.

Richard Hobernicht, Director of Assessment and  
Taxation, Ex-Officio County Clerk



DECLARATION OF  
PROTECTIVE COVENANTS,  
CONDITIONS AND RESTRICTIONS

DATE: 10/21/2016

PARTIES: Janet E. Condit, George C. Allison, and Roger B. Allison, (Declarants).

PROPERTY DESCRIPTION: Washington County tax lot 2S233D000200, more fully described in exhibit #1 attached hereinafter referred to as "the Property".

RECITALS:

1. The Property is owned by the above-referenced Parties as tenants-in-common.
2. Declarants desire to create certain protective covenants and conditions to the ownership of the Property and make such declarations appurtenant to the record title of such Property and binding upon the owners of such Property.

DECLARANTS DECLARE:

1. Purpose: The primary purpose of this Declaration is to preserve the view from certain parcels located north, northwest, west and southwest of the Property. These parcels are currently identified as tax lots 100, 300, 800, 900 and 1000 of quarter-section 2S233D. An additional purpose is to minimize the possible contamination of a well located on tax lot 2S233D000400, south of the Property. EXHIBIT #2 attached shows the relationship of the enumerated parcels to the Property described in EXHIBIT #1. Except as described herein, no fence, crop, planting or structure shall be established which impairs the view of the snow-capped peaks of the Cascade Mountains (Mount Hood, Adams, St. Helens, and Rainier) from the parcels enumerated.
2. Enforcement: The provisions of the Declaration are for the benefit of the enumerated parcels listed in (1) above and may be enforced by one or more of the owners of a benefited parcel.
3. Limitation of Farm/Forest Use: Except for a strip 20 feet wide along the eastern boundary of the Property, the mature height of landscaping trees and farm crops, including orchards, shall not exceed 25 feet from ground level. Reforesting of the land is specifically prohibited. This prohibition does not include cultured Christmas trees so long as they are harvested prior to obtaining a height of 25 feet. The land may be used for the pasturing of livestock, however, swine, commercial poultry and any feedlot operations are specifically prohibited.
4. A hedge of trees or shrubs along the eastern 20 feet of the property may be grown to a height in excess of 25 feet. However, such a hedge shall be kept at a height which does not impair the view specified in paragraph 1. In addition, the hedge shall not impair sight distance at the intersection of S. W. Schmeltzer Road with S.W. Allison Lane or S.W. Wooded Hill Lane.
5. Except as required for utilities, access, and drainage, no structure shall be built within the utility or road easements. Any structure or part thereof lying north of the utility easement, or within 40 feet south of the utility easement may not rise to an elevation higher than the northwest corner of the Property, except for a fence or part thereof having a maximum height of 8 feet which may be adjacent to and/or cross the utility easement. The height of any landscaping in this area shall be restricted to no more than 8 feet higher than the elevation of the northwest corner of the Property.
6. Notwithstanding paragraph 1 above, a conventional "stick-built" dwelling and any other accessory structures permitted by the Washington County Development (zoning) Code may be constructed as long as such structures comply with that code. However, the height of any such dwelling, structure, or part thereof lying within 60 feet of (but more than 40 feet from) the southern edge of the utility easement shall not exceed an elevation of 16 feet higher than the northwest corner of the Property. No manufactured housing shall be permitted on a temporary or permanent basis for residential purposes.

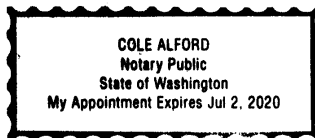
7. No part of any septic system or animal pen shall be located within 50 feet of the southern boundary of the Property.
8. Grassed Waterways: The existing grassed waterway along S.W. Allison Lane located within the Property shall be maintained in a manner that prevents water in the southern ditch contiguous to the roadway from flowing onto the private roadway. The existing grassed waterway along the southern boundary of the Property shall be maintained in a manner that prevents runoff from the Property from flowing onto S.W. Wooded Hill Lane.
9. Duration: This Declaration is to run with the land and shall be binding on all owners of the Property for a period of 25 years from the date of this Declaration and shall be automatically extended for successive periods of 10 years unless canceled or modified by a recorded instrument signed by the owners of the enumerated parcels agreeing to change this Declaration in whole or in part.
10. Severability: Invalidation of any one of these covenants shall in no way affect any of the other provisions which shall remain in force.
11. Revocation by Declarants: This declaration is made in anticipation of a sale of the Property. If the sale is not closed by within six months the above written effective date, then Declarants, their heirs, successors and assigns may vacate or amend any of the covenants, conditions and restrictions.

STATE OF WASHINGTON  
COUNTY OF Clark

George C. Allison 10/21/2016  
George C. Allison date

The foregoing instrument was acknowledged  
before me this 21<sup>st</sup> day of October 2016.

[Signature]  
Notary Public for Washington  
My commission expires: July 2, 2020

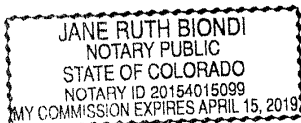


STATE OF COLORADO  
COUNTY OF EL PASO

Janet E. Condit Oct. 18, 2016  
Janet E. Condit date

The foregoing instrument was acknowledged  
before me this 18<sup>th</sup> day of October 2016.

Janet Ruth Biondi  
Notary Public for Colorado  
My commission expires: 4-15-2019



STATE OF MISSOURI  
COUNTY OF ST Louis  
City

Roger B. Allison 10/14/2016  
Roger B. Allison date

The foregoing instrument was acknowledged  
before me this 14<sup>th</sup> day of October 2016.

Karen Lee Stacy  
Notary Public for Missouri  
My commission expires: March 30, 2018



**EXHIBIT #1**

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER, WHICH POINT BEARS SOUTH 00°42'50" WEST 250.00 FEET FROM THE NORTHEAST CORNER THEREOF AND RUNNING THENCE NORTH 89°17'10" WEST 100.00 FEET; THENCE SOUTH 34°24'14" WEST 180.28 FEET; THENCE NORTH 89°17'10" WEST 139.83 FEET; THENCE SOUTH 00°42'50" WEST 470.00 FEET; THENCE NORTH 55°55'38" EAST 338.29 FEET; THENCE SOUTH 89°17'10" EAST 62.00 FEET TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°42'50" EAST 427.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.048 ACRES NET AND 3.293 ACRES GROSS MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC TO ANY PORTION LYING WITHIN SCHMELTZER ROAD (COUNTY ROAD # 305).

**TOGETHER WITH AND SUBJECT TO AN EASEMENT FOR INGRESS, EGRESS, LANDSCAPING AND UTILITIES OVER A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER, WHICH POINT BEARS SOUTH 00°42'50" WEST 230.00 FEET FROM THE NORTHEAST CORNER THEREOF AND RUNNING THENCE NORTH 89°17'10" WEST 110.70 FEET; THENCE SOUTH 34°24'14" WEST 180.28 FEET; THENCE NORTH 89°17'10" WEST 339.30 FEET; THENCE NORTH 00°42'50" EAST 25.00 FEET; THENCE NORTH 89°17'10" WEST 30.00 FEET; THENCE SOUTH 00°42'50" WEST 90.00 FEET; THENCE SOUTH 89°17'10" EAST 30.00 FEET; THENCE NORTH 00°42'50" EAST 25.00 FEET; THENCE SOUTH 89°17'10" EAST 372.72 FEET; THENCE NORTH 34°24'14" EAST 180.28 FEET; THENCE SOUTH 89°17'10" EAST 77.28 TO A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER; THENCE NORTH 00°42'50" EAST, ALONG SAID EAST LINE, 40.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING HEREFROM ANY PORTION LYING WITHIN THE LIMITS OF SCHMELTZER ROAD (COUNTY ROAD #305).

**TOGETHER WITH AND SUBJECT TO AN 8.00 FOOT WIDE EASEMENT FOR UNDERGROUND UTILITIES OVER A TRACT OF LAND IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 SOUTH RANGE 2 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT ON THE EAST LINE OF SAID SOUTHEAST QUARTER, WHICH POINT BEARS SOUTH 00°42'50" WEST 420.00 FEET FROM THE NORTHEAST CORNER THEREOF AND RUNNING THENCE NORTH 89°17'00" WEST 550.00 FEET; THENCE SOUTH 00°42'50" WEST 8.00 FEET; THENCE SOUTH 89°17'10" EAST 550.00 FEET TO A POINT ON SAID EAST LINE; THENCE NORTH 00°42'50" EAST, ALONG SAID EAST LINE 8.00 FEET TO THE POINT OF BEGINNING.

EXCEPTING HEREFROM ANY PORTION LYING WITHIN THE LIMITS OF SCHMELTZER ROAD (COUNTY ROAD #305).

SUBJECT TO THE RIGHTS OF THE PUBLIC TO ANY PORTION LYING WITHIN THE RIGHT OF WAY OF SCHMELTZER ROAD (COUNTY ROAD #305).

*For basis of bearings and other information, see Washington County survey number 27350 dated May 8, 1998.*

# EXHIBIT #2

