

BOOK 116 PAGE 396

AMENDMENT TO RESTRICTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS that on May 3, 1979, JEAN MISHLER, owner of Lots in OVERLOOK ADDITION, to Yachats, Lincoln County, Oregon, adopted building and use restrictions to be applicable on the following Lots: Lots 5, 6, 7, 8, 15, 16, Block 2, and Lots 16, 17, 18, 19, and 20 of Block 10 in OVERLOOK ADDITION to Yachats, Lincoln County, Oregon, and does hereby modify the same in the following particulars:

The Easement granted by the restrictive covenants for sewer and utilities down the East side of Lot 5 and the West side of Lot 6 is hereby deleted. This deletion results from a change in the route which the sewer and utilities did require.

The rest and remainder of said restrictive covenants shall continue in effect as originally drawn.

WITNESS her hand this 26 day of June, 1980.

Jean Mishler (Signature)
Jean Mishler

STATE OF OREGON
County of Deschutes

Personally appeared the above-named JEAN MISHLER and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

(Signature)
Notary Public for Oregon
My Commission expires: 11-28-82

GRAN E. COYNER
ATTORNEY AT LAW
221 S. WALL STREET
YACHTS, OREGON 97149

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return to:  
Eugene Michler  
Box 445  
LaPine, OR 97139

STATE OF OREGON } ss.  
County of Lincoln }  
I, Alberta M. Bryant, County Clerk, in and for said  
county, do hereby certify that the within instru-  
ment was received for record, and recorded in the  
record of deeds  
of said county at Newport, Oregon.  
Date: Aug 29 1990 A.M. P.M. 12:40  
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WITNESS my hand and seal of said office officed.  
ALBERTA M. BRYANT  
County Clerk  
By am Cuthrie Deputy  
P. C. 5.00

D 2365

## RESTRICTIVE COVENANTS 100 411

KNOW ALL MEN BY THESE PRESENTS, That JEAN MISHLER, owner of Lots in OVERLOOK ADDITION, to Yachats, Lincoln County, Oregon, has adopted the following building and use restrictions to be applicable on the following Lots: Lots 5, 6, 7, 8, 15, 16, Block 2 and Lots 16, 17, 18, 19, and 20 of Block 10 in OVERLOOK ADDITION to Yachats, Lincoln County, Oregon:

1. No outside toilets, barns or pig pens shall be built or placed on said lots and no horses, cattle, pigs, sheep or goats shall be allowed on or be permitted to graze on said lots.

2. All buildings must set back twenty feet from street lines and five feet from property lines. The above lots are restricted to one single family residence with a maximum height of not more than fifteen feet above the ground level at the highest point at the site of construction.

3. The exterior of any structure shall be completed with new material within one year after the date construction is started, said structure must have a continuous foundation of concrete or comparable material and conform to zoning and building codes for the City of Yachats, Lincoln County and the State of Oregon.

4. No trailer houses or RV vehicles shall be permitted on said lots, except while home is being constructed, and under no circumstances shall a trailer house be left on said lots for more than one year while home is under construction and not more than three months in any one year while home is not under construction.

5. No trees, shrubs or other visual obstructions that are more than six feet in height shall be permitted within twenty feet of street lines or five feet from property lines, and no trees or other visual obstruction that is more than fifteen feet in height will be permitted on balance of said lots.

6. Each property owner is responsible for keeping lot, or lots, in a neat and orderly manner at all times.

7. In the event any of the conditions, restrictions, or easements as set forth herein, or recorded, are violated, broken or threatened to be violated or broken, any one or more lot owners in said area shall have the right to proceed in equity to enjoin or restrain the violation or abate the nuisance.

8. No 100% A Frame type house shall be constructed on any lot.

9. No house of less than eight hundred square feet shall be constructed on a lot. This pertains to the main floor.

10. No conditions, restrictions and easements herein contained shall be contrary to any overruling planning and zoning ordinance or statute of the appropriate governmental regulatory body.

11. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of fifteen years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument

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Page one

CRAIG C. COYNER  
ATTORNEY AT LAW  
275 N. W. WALL STREET  
SEASIDE, OREGON 97138

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signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

2. Invalidation of any one of these covenants by judgment of Court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

JEAN MISHLER does hereby create by grant the following easements:

There is to be a five foot sewer and utilities easement down the East side of Lots 5 and 16, and the West side of Lots 6 and 15 of Block 2, of OVERLOOK ADDITION, to Yachats, Lincoln County, Oregon.

There is to be a ten foot easement across the South end of Lots 5, 6, 7 and 8 in Block 2 of OVERLOOK ADDITION, to Yachats, Lincoln County, Oregon.

WITNESS her hand thi: 3 day of May, 1979.

Jean Mishler  
Jean Mishler

STATE OF OREGON )  
County of Deschutes ) ss.

May 3, 1979

Personally appeared the above-named JEAN MISHLER and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Craig Clapp  
Notary Public for Oregon  
My Commission expires: 4/2/82

STATE OF OREGON ) ss.  
County of Lincoln )  
I, Alberta M. Bryant, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the record of deeds of said county of Newport, Oregon.  
Date: May 4, 1979 A.M. 1:51 P.M.  
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WITNESS my hand and seal of said office affixed  
ALBERTA M. BRYANT  
County Clerk

by Churchett Deputy

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Page Two

CHAS. C. GORTNER  
ATTORNEY AT LAW  
100 WEST WALL STREET  
SEASIDE, OREGON 97138

Return To:  
Jean Mishler  
P.O. Box 445  
LaPine, Ore 97139  
P.O. Box #6

220689