

Provisions 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
restriction violate 42 USC 3604(c).

BOOK 371 PAGE 177

646518-60

RESTRICTIVE COVENANT

DATED: July 17, 1995
BY: THE CAPES DEVELOPMENT COMPANY,
an Oregon corporation ("Owner")

Owner owns Lots 141-153, of The Capes No. 4, a
subdivision plat filed at Plat Cabinet B, Page 405, Indexed C-445
Surveys of Plats, Tillamook County (the "Lots"). Owner desires
to restrict the area of each Lot within which structures may be
constructed. This Restrictive Covenant is part of an overall
plan of development to benefit each of the Lots and each lot
within The Capes.

NOW, THEREFORE, Owner declares as follows:

1. No structure or manmade improvement, except for:
(i) landscaping or sand erosion control improvements (with each
to be approved by The Capes Homeowners Association) or (ii) roof
overhangs projecting no further than 24 inches from the
residence's side wall, or (iii) a patio or deck of a height above
the ground of not more than 18 inches measured at all points of
the patio or deck surface, may be located or constructed beyond
the line shown on each of the attached Exhibits (A-1 through A-
13) and designated "Restricted Structure Location Line". The
phrase "beyond the line" means further away from the Fall Creek
Drive right of way than the "Restricted Structure Location Line".

2. The restriction set forth in this Restrictive Covenant
is in addition to, and not in lieu of or superseded by, any other
restrictions which encumber the Lots or the applicable land use

Return to: The Capes Development Company
P.O. Box 91010
Portland OR 97291

regulations of Tillamook County, and among these (this restriction, other restrictions, and the County's land use regulations) each shall be applicable to the Lots, and if one is less restrictive than another, the more restrictive shall control.

3. This Restrictive Covenant shall be perpetual, shall burden the Lots, shall benefit each of the Lots and all other lots in The Capes, and shall run with the land and not be in gross.

4. This Restrictive Covenant may be enforced by the Owner (so long as the Owner owns any portion of The Capes), by shareholders of Owner who own a lot at The Capes, by The Capes Homeowners Association, or by any owner of a lot within The Capes.

5. If the owner of a Lot violates this Restrictive Covenant, then in any litigation to establish that a violation exists or to remedy a violation, the prevailing party shall recover its attorneys fees (including expert witness fees and paralegal expenses) and costs as determined by the judge at trial or upon any appeal.

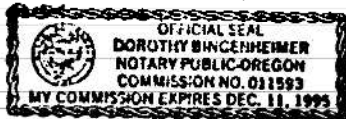
IN WITNESS WHEREOF, Owner has executed and recorded
this Restrictive Covenant to be effective upon its recording in
the Tillamook County records.

Owner: The Capes Development Company

By: [Signature]
Its: President

STATE OF OREGON)
County of Washington) ss.

The foregoing instrument was acknowledged before me this
day of July, 1995 by Franklin Placentino, as
President of The Capes Development Co.,
on behalf of the corporation.

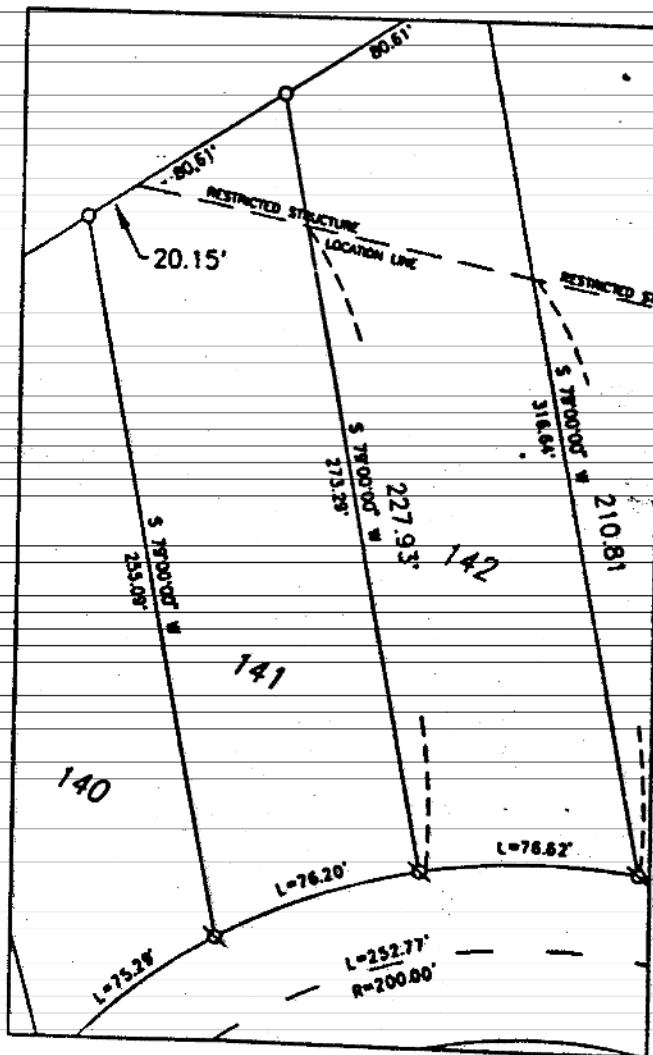


[Signature]
Notary Public for Oregon
My Commission Expires: 11/1/95

LOT 141
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

SCALE: 1" = 50'

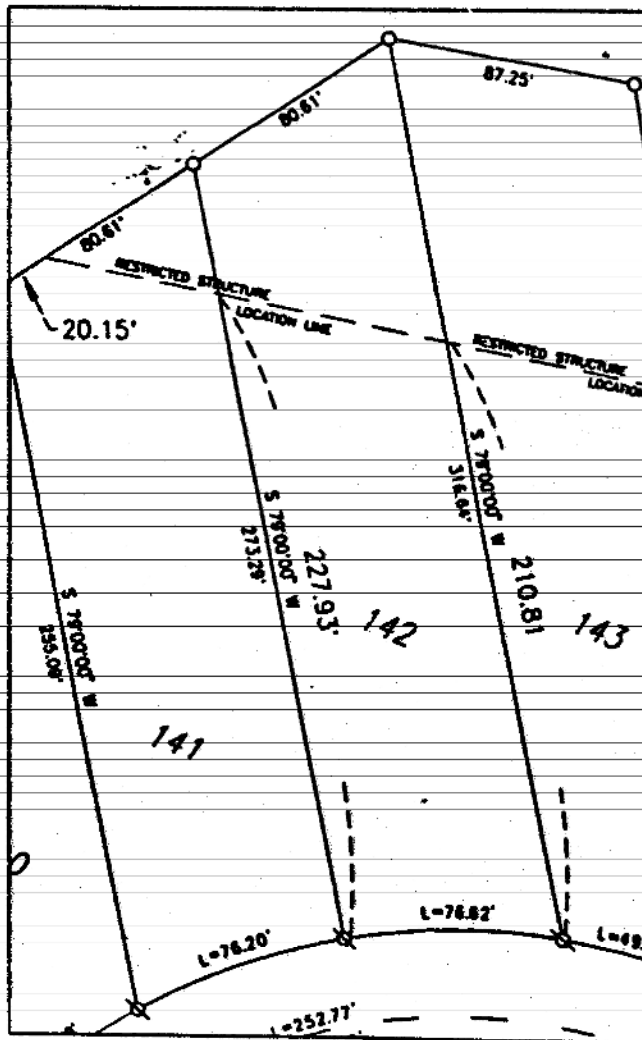


LOT 142
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE

DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

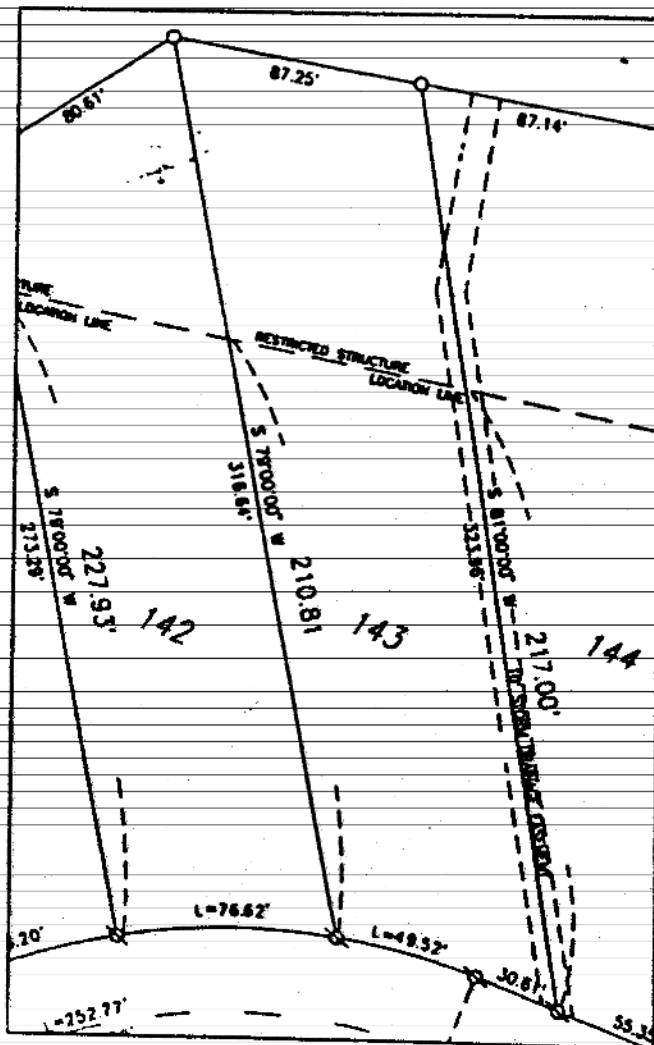
SCALE: 1" = 50'



LOT 143
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

SCALE: 1" = 50'



LOT 144
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

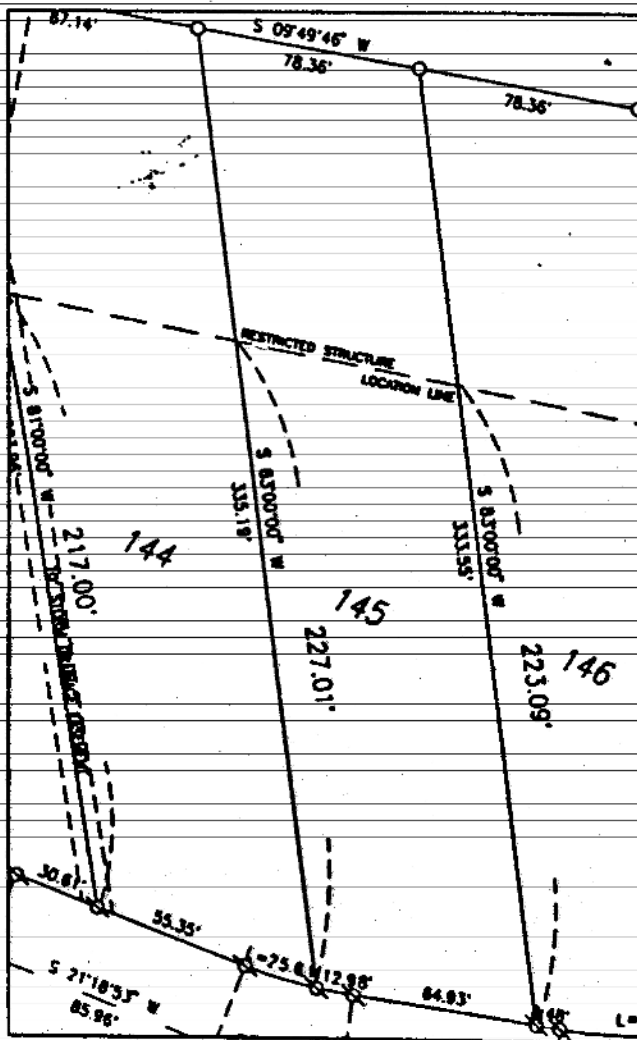
SCALE: 1" = 50'



LOT 145
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

SCALE: 1" = 50'



LOT 146
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

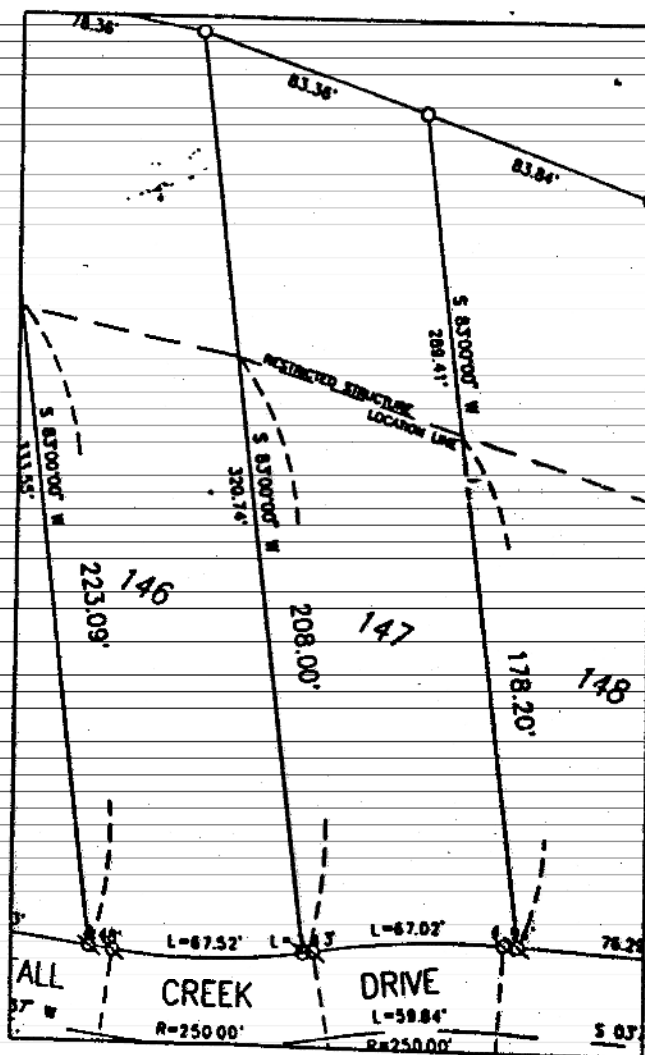
SCALE: 1" = 50'



LOT 147
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

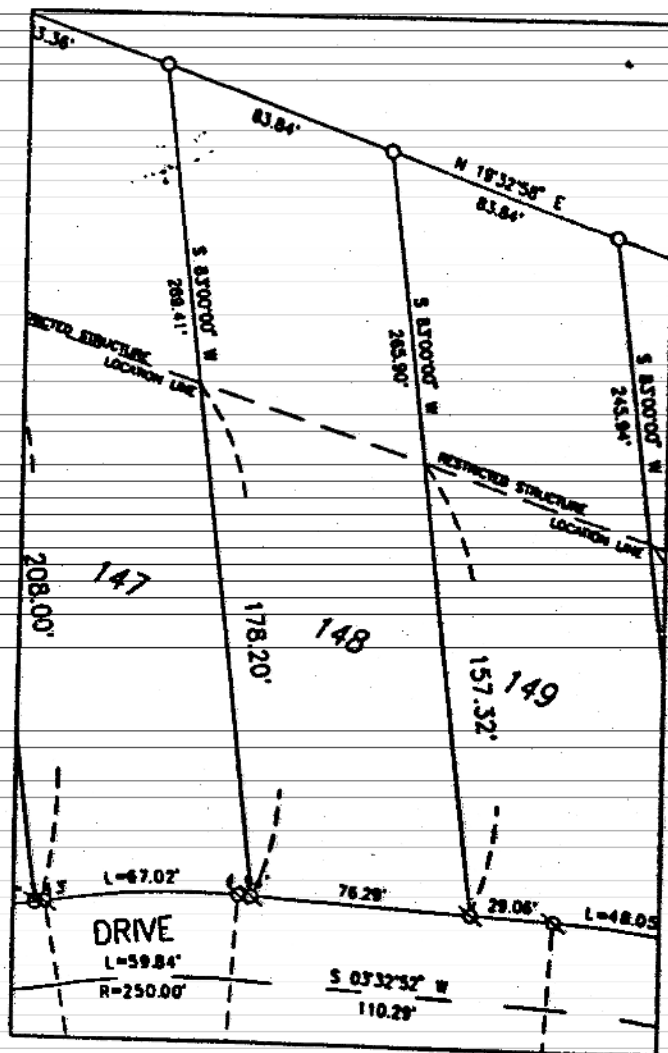
SCALE: 1" = 50'



LOT 148
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

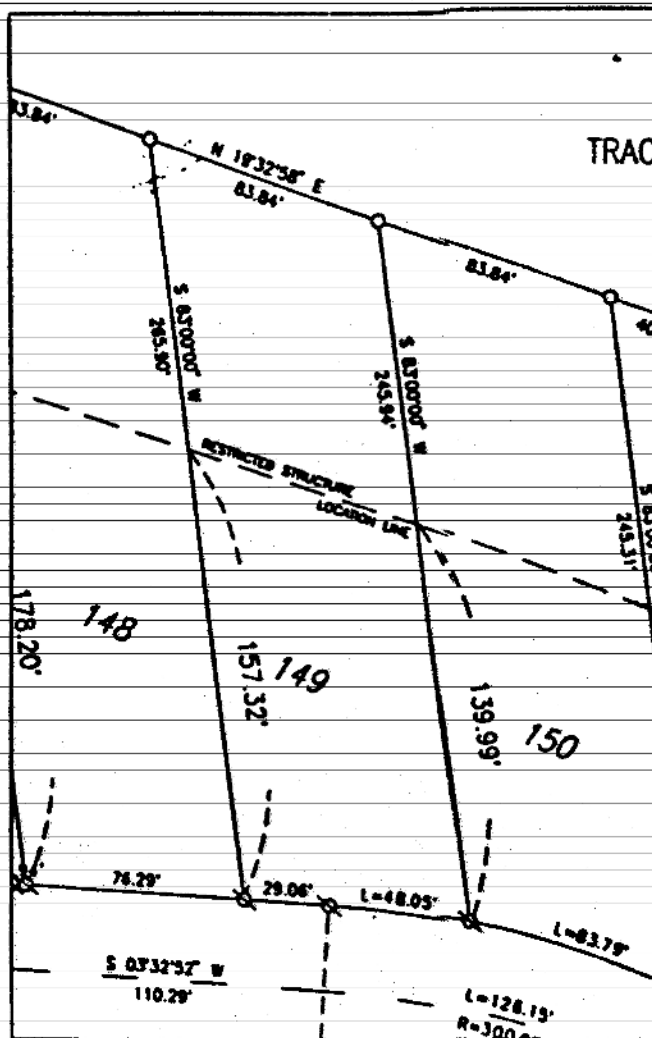
SCALE: 1" = 50'



LOT 149
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

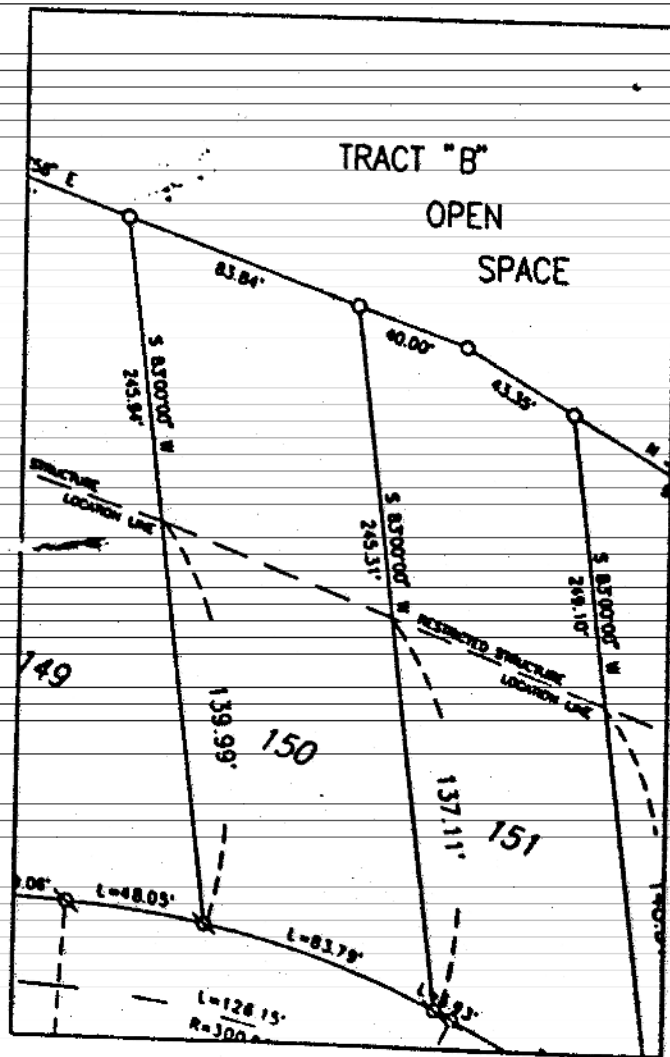
SCALE: 1" = 50'



LOT 150
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
 DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

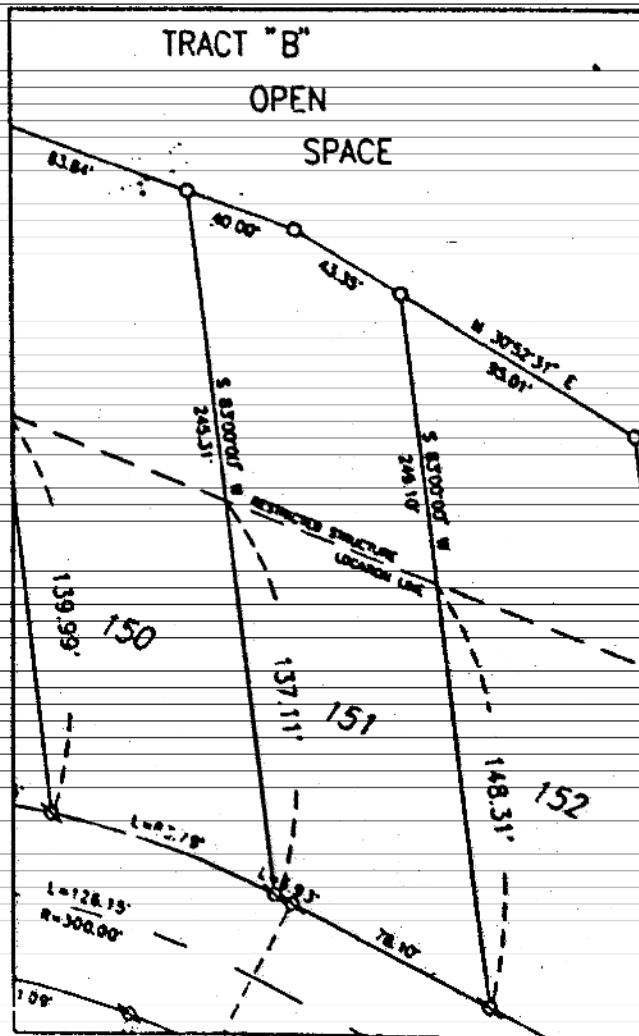
SCALE: 1" = 50'



LOT 151
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
 DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

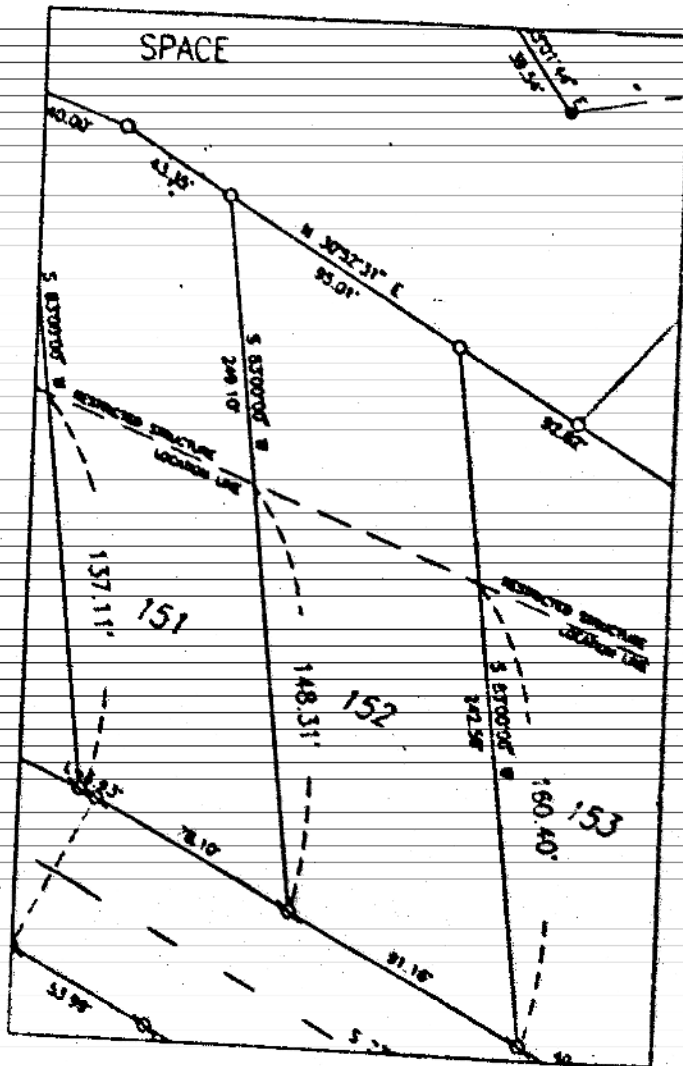
SCALE: 1" = 50'



LOT 152
 THE CAPES NO. 4
 RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
 DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

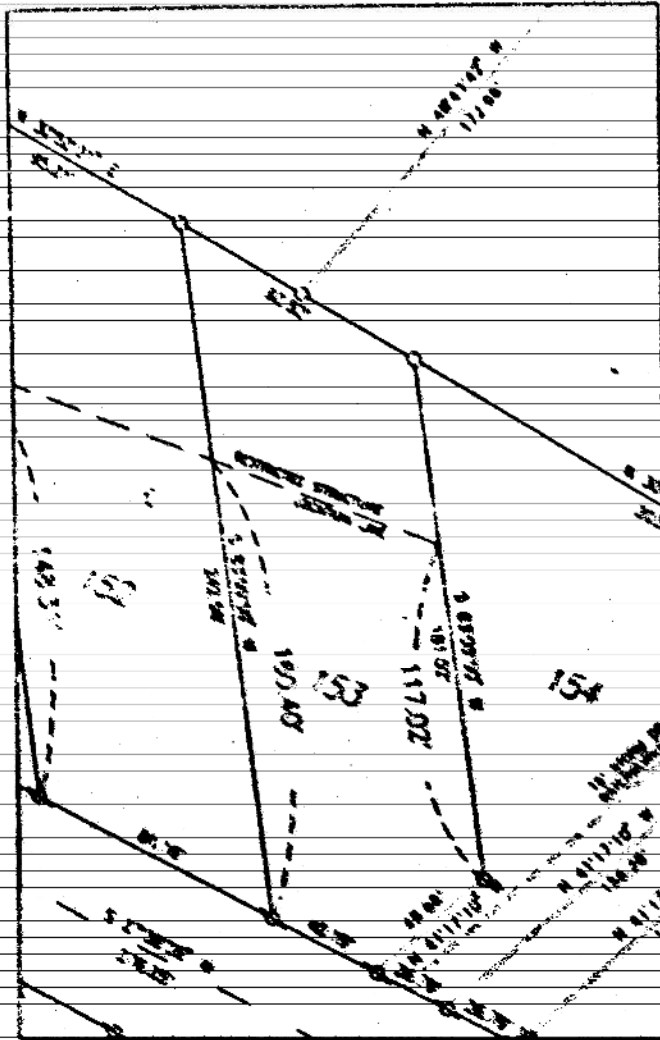
SCALE: 1" = 50'



LOT 153
THE CAPES NO. 4
RESTRICTED BUILDING SITE STRUCTURE LOCATION LINE
 DISTANCE FROM FALL CREEK DR. RIGHT OF WAY

DATE: 7/10/95

SCALE: 1" = 50'



97-24-007

I hereby certify that the within jurisdiction and record for record and recorded in the County of Williams, State of Georgia.

187 87 11 24 00 1995

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Witness my hand and seal official
 CLYDE WELLS, County Clerk

Wm. Holmes
 COUNTY CLERK
 00.00
 1.00
 2.00