

WARRANTY DEED

BOOK 176 PAGE 57

KNOW ALL MEN BY THESE PRESENTS, that HAROLD W. FITHIAN and CATHARINE R. FITHIAN, his wife, grantors, in consideration of the sum of TEN DOLLARS to them paid by BRUCE STARKER and ELIZABETH BOND STARKER, his wife, grantees, do hereby grant, bargain, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Lincoln, State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the Easterly right of way line of the Oregon Coast Highway, said point being S. 28° 16' W. 10.05 ft. from a pipe located South 1357.2 feet and West 1344.8 ft. from the NE corner of Section 34, Township 14 S.R. 12 W.W.M.; Thence South 62° 44' E. 392.7 ft. to the true point of beginning of the following described tract: Thence S. 27° 16' W. 400 ft; thence N. 62° 44' W. 150 ft; Thence S. 27° 16' W. 82.6 ft. to the West line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Sec. 34; Thence S. 1° 03' W. along said line to the SW corner of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence East on the south line of said SE $\frac{1}{4}$ of NE $\frac{1}{4}$ to the SB corner of SE $\frac{1}{4}$ of NE $\frac{1}{4}$; thence North 1° 03' East along the East line of Section 34 to a point S 62° 44' East from the true point of beginning; thence North 62° 44' West to the true point of beginning.

ALSO An easement for public roadway and utilities 40 ft. wide whose center line is described as follows:- Beginning at a point S 28° 16' W. 10.05 ft. from a point that is South 1357.2 ft. and West 1344.8 feet from the NE corner of Section 34, Township 14 S.R. 12 W.W.M, running thence S 62° 44' East to intersect the East line of Section 34 aforesaid, part of the Northerly 20 feet being described in the Ross deed recorded in book 172, page 368 of the Deed Record of Lincoln County. X

SUBJECT to the following RESERVATIONS governing said premises, to-wit:

1. Any building constructed for human habitation must conform to all laws of the State of Oregon relating to building and sanitation.
2. No shanties or sheds shall be erected upon said premises to be used for dwellings.
3. No outside toilets shall be erected or used upon said premises.
4. No livestock shall be permitted to roam at large beyond the boundaries of the above granted premises.
5. The grantees herein shall not, nor shall their heirs or assigns, convey the above described property or any portion thereof without including in the deed of conveyance all of the conditions, restrictions and easements herein set forth.

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their heirs and assigns forever, as tenants by the entirety and not as tenants in community.

And the grantors do covenant that they are lawfully seized in fee simple of the above described premises free from all encumbrances, and that they will, and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS our hands and seals this 18th day of August 1955.

[Signature] (SEAL)

[Signature] (SEAL)

STATE OF OREGON }
COUNTY OF COOS } SS:

On this 18th day of August 1955, before me, the undersigned, a Notary Public in and for said county and State, personally appeared the within named HAROLD W. FITHIAN and CATHARINE R. FITHIAN, his wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal the day and year last above written.



[Signature]
Notary Public for Oregon

My commission expires Dec. 25, 1955

Return to:
The Bank of Clatsop
Clatsop Oregon



By [Signature]
County Clerk

Witness my hand and seal of County affixed
I hereby certify that the within instrument was received for record on the 24th day of Jan, 1956 at 2:50 o'clock P. M. and recorded in Book 176 page 57 record of [Signature] of said County.

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KNOW ALL MEN BY THESE PRESENTS, That
Bruce Starker and Elizabeth Bond Starker, husband and wife

in consideration of ten Dollars,
and other valuable considerations
\$6111111 paid by William E. Gabler, grantee,

do hereby grant, bargain, sell and convey unto the said grantee, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Lincoln and State of Oregon, bounded and described as follows, to-wit:
Lot 5, Block 7, Yachats Beach Homes

Subject to the following building restrictions and conditions:

- (1) The covenants, conditions and restrictions herein set forth are to run with the land and shall be binding upon all parties owning land in Yachats Beach Homes for a term of 20 years from date of recording to said restrictions and conditions in the office of the County Clerk of Lincoln County, Oregon. The same may be amended, revoked or extended by the agreement of the persons who at the date of execution of such amendment, revocation or extension are the owners of one-half in number of the lots in Yachats Beach Homes.
- (2) The lots of Yachats Beach Homes shall be used and occupied for beach residential use only, except when otherwise designated.
- (3) Any residence structure erected in Yachats Beach Homes shall conform to the Oregon State Building Code, shall be single family and single story construction, and the exterior of any structure shall be completed with new material within one year from the date above ground construction is commenced.
- (4) No outside toilets or plumbing facilities and no trailer houses shall be erected or allowed upon any lots.
- (5) No residence structure or garage building shall be erected within 20 feet of the front lot line, nor within 5 feet of any lot side or back line.
- (6) No barns, stables, piggens, cattle, pigs, sheep, horses, chickens, or goats shall be allowed or kept upon any of said premises.
- (7) In the event any one or more of the conditions or restrictions herein set forth shall be broken or violated, or are threatened to be broken or violated, any one or more owners of any lot in addition to any other remedy at law or in equity, which they or either of them may have, shall have the right to proceed in equity to enjoin or restrain the violation or abate the nuisance created thereby.
- (8) The invalidation of any one or more of these covenants by the judgment of a court or otherwise, shall in no wise affect any of the other provisions which shall remain in full force for the term hereof.

To Have and to Hold, the above described and granted premises unto the said grantee, heirs and assigns forever.

Witness our hands and seal this 18th day of February, 1957.

Bruce Starker (SEAL)

Elizabeth Bond Starker (SEAL)

STATE OF OREGON, } ss.
County of Benton }
On this 11th day of February, 1957,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named *Bruce Starker and Elizabeth Bond Starker* who are

known to me to be the identical individual(s) described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public for Oregon.
My Commission expires August 12, 1957

Bargain and Sale
DEED

TO

AFTER RECORDING RETURN TO

H. M. [unclear] jr.
Box 215
Yachats, Oregon

STATE OF OREGON, } ss.
County of Lincoln }

I certify that the within instrument was received for record on the 18th day of March, 1957, at 2:10 o'clock P. M., and recorded in book 183 on page 449. Record of Deeds of said County.

Witness my hand and seal of County attested.

Alberta M. Bryant
County Clerk-Recorder.
By *Robert [unclear]* Deputy.

(DON'T USE THIS SPACE, RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

PA Check #150

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