

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that OREGON-PACIFIC CONSTRUCTION CO., INC., an Oregon corporation, the owner of the real property hereinafter described in compliance with ORS 91.505 to 91. 675 (Unit Ownership Law), do hereby by this Declaration submit the following described real property to the provisions of said act:

1. Description of Land:

Beginning at a point on the North line of "E" Street, in the City of Gearhart, County of Clatsop and State of Oregon, which point is 146.4 feet West of the Southeast corner of Block 16, OCEANSIDE ADDITION TO GEARHART PARK, in said County and State, said corner of said Block 16 being at the point of intersection of the West line of Marion Avenue with the North line of said "E" Street, in said City of Gearhart;

thence due North a distance of 87.0 feet to a point;

thence North 54° 14' West a distance of 288.8 feet to the most Westerly corner of that tract of land conveyed to Oregon-Pacific Construction Co. by deed recorded August 17, 1965, in Book 281, page 212, Deed Records Clatsop County, Oregon;

thence North 71° 05' West a distance of 247.4 feet to a point;

thence West a distance of 224.6 feet, more or less, to a point in the line of ordinary high water of the Pacific Ocean;

thence Southerly along said line of ordinary high water of the Pacific Ocean a distance of 366.6 feet, more or less, to a point that is 30 feet South of, measured at right angles to, the Westerly extension of the North line of said "E" Street, being at a point in the North line of that certain 20 foot road dedicated to the Public by deed recorded March 17, 1965, in Book 278, page 307, Deed Records Clatsop County, Oregon;

thence East along the North line of said road a distance of 350.0 feet, more or less, to a point in the West line of Macoxie Boulevard, in said City of Gearhart;

thence North along the West line of said Macoxie Boulevard a distance of 30 feet to the North line of "E" Street, aforesaid;

thence East along the North line of said "E" Street a distance of 343.6 feet to the point of beginning.

2. Name and General description of buildings:

The name by which the property shall be known is PACIFIC TERRACE.

There are nine buildings constructed on the property covering approximately 37,844 square feet of ground space. Building A. is single story and contains apartment units 1 through 4. Building B. is single story and contains apartment units 5 through 8. Building C. is single story and contains apartment units 9 through 12. Building D. is single story and contains apartment units 13 through 18. Building E. is single story and contains apartment units 19 through 22. Building F. is two story and contains apartment units 23 through 30. Building G. is two story and contains apartment units 31 through 38. Building H. is two story and contains apartment units 39 through 46. Building J. is one story and contains parking units 1 through 9. All of said buildings are of frame construction.

3. Description of Units:

There are a total of 46 apartment units and 9 parking units in all. Units 1, 4, 8, 12, 23, 29, 31, 37, 39, and 45 each contain three bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets, of a total area of approximately 1040 square feet and front patios, rear patios and rear yards. Units 13, 18, 19, and 22 each contain three bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets, of a total area of approximately 1040 square feet and front decks, rear

patios and rear yards. Units 24, 30, 32, 38, 40, and 46 each contain three bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets, of a total area of approximately 1040 square feet. Unit 9 contains three bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets, of a total area of approximately 1160 square feet and a front patio, rear patio and rear yard. Units 2, 3, 5, 6, 7, 10, 11, 25, 27, 33, 35, 41 and 43 each contain two bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets of a total area of approximately 1040 square feet and front patios, rear patios and rear yards. Units 14, 15, 16, 17, 20, and 21 each contain two bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets of a total area of approximately 1040 square feet and front decks, rear patios and rear yards. Units 26, 28, 34, 36, 42, and 44 each contain two bedrooms, two bathrooms, living room, dining alcove, kitchen, fireplace, and storage closets of a total area of approximately 1040 square feet. Parking units 1 through 9 shall each have a total area of approximately 264 square feet.

4. General common elements:

The general common elements shall consist of the following:

- (a) The land herein described.
- (b) All central installations of electrical, gas, plumbing and like utilities.

(c) All walkways and stairways except those specified herein as limited common elements.

Each unit owner shall have an undivided 1/46th interest (2.173913%) in said general common elements.

5. Limited common elements:

The limited common elements shall consist of the following:

(a) The foundation, columns, girders, beams, supports, main walls, and roofs of each building. Each unit shall have an equal proportionate percentage ownership of said limited common elements in the building in which said unit is located.

(b) The ramp at the northwest corner of Building D. shall be a limited common element of unit 13. The ramp at the southwest corner of Building D. shall be the limited common element of unit 18. The ramp at the northwest corner of Building E. shall be the limited common element of unit 19. The ramp at the southwest corner of Building E. shall be the limited common element of unit 22.

(c) The stairs and walkway at the rear of Building F. shall be the limited common element of units 24, 26, 28, and 30. The ramp and walkway at the rear of Building G. shall be the limited common element of units 32, 34, 36, and 38. The ramp and walkway at the rear of Building H. shall be the limited common element of units 40, 42, 44, and 46.

(d) The stairway at the front of Building F. shall be the limited common element of units 24, 26, 28, and 30. The decks in front of units 24 and 26 shall be the limited common elements of units 24 and 26. The decks in front of

units 28 and 30 shall be the limited common elements of units 28 and 30.

The stairway at the front of Building G. shall be the limited common element of units 32, 34, 36, and 38. The decks in front of units 32 and 34 shall be the limited common elements of units 32 and 34. The decks in front of units 36 and 38 shall be the limited common elements of units 36 and 38.

The stairway at the front of Building H. shall be the limited common element of units 40, 42, 44, and 46. The decks in front of units 40 and 42 shall be the limited common elements of units 40 and 42. The decks in front of units 44 and 46 shall be the limited common elements of units 44 and 46.

(e) The walkway in Building J. shall be the limited common element of parking units 1 through 9.

6. Use intended:

The building and units described herein shall be used for residential purposes only.

7. Service of process:

The person who shall receive service of process shall be John A. Prag, whose business address is 412 South Marion Avenue, Gearhart, Clatsop County, Oregon.

IN WITNESS WHEREOF, Oregon-Pacific Construction Co., Inc., an Oregon corporation, has caused these presents to be signed and executed by its President and Secretary, this 30th day of September, 1965

OREGON PACIFIC CONSTRUCTION CO., INC.

By:

John A. Prag

By:

Thomas E. Shuman



STATE OF OREGON

County of Multnomah

ss.

On this 30th day of September, 1965, before me appeared JOHN A. FRAG and THOMAS E. SPENCER, both to me personally known, who being duly sworn, did say that he, the said John A. Frag, is the President, and he, the said Thomas E. Spencer, is the Secretary of Oregon-Pacific Construction Co., Inc., the within named corporation, and that the seal affixed to said instrument is the corporate seal of the corporation, and that the said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and John A. Frag and Thomas E. Spencer, acknowledged said instrument to be the free act and deed of said corporation.

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


NOTARY PUBLIC FOR OREGON
My Commission Expires March 12, 1969

APPROVED this 11 day of October, 1965.

COUNTY ASSESSOR, Clatsop County

By: 

APPROVED this 11th day of October, 1965.

SHERIFF AND TAX COLLECTOR
Clatsop County

By: 
By Gene P. Johnson, Dep.

STATE OF OREGON, } ss.
County of Clatsop }

I hereby certify that the within instrument was received for record and recorded in the record of

DEED

of said county on

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In Book

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On Page

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Witness my hand and Seal of Office, attested

MARY HAY

County Clerk.

By Esther B. Birmer

Deputy.