

18.17

TEST 1

I hereby certify that all taxes and assessments which have been levied and become payable against the property shown on the annexed plat of the portion of the land have been duly paid, satisfied and discharged. Dated October 22nd 1965.

Approved this 22 day of Oct 1946.

As to Streets

Approved this 5 day of November 1949.

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For record this 5 day of Nov 1945, in the office of the County Auditor of Conkling County, Washington.

 Done for

Joe H. Oliver
1845-1906
Leo Williams
1845-1906
Mark Reed
1845-1906

~NOTES~

1 Distances shown are from cable to lot line.

2. Easement Provides: From Sta. 120 to Sta. 133; 15 Easement on Each Side of Cable; No Digging.

PLAT OF BEULAH HEIGHTS

WM. HAYES D.L.C. IN
SEC. 22 T.8N. R.2W.

SCALE 1-100

COWLITZ COUNTY WASH.

SHEET 1 OF 4 SHEETS

ENGINEER

STATE OF WASHINGTON)
COUNTY OF COLLIER) ss

D. J. WALSH, being duly sworn, deposes and says that the plat hereto annexed is based upon an actual survey and subdivision of the premises herein designated, viz, on survey and subdivision was made under deponent's directions; that the description given in the Declaration relating to said plat and filed herewith is a correct description; that the distances and courses and angles are shown correctly on said plat and that the survey and subdivision of said tract is indicated by suitable stakes and monuments upon the ground.

Subscribed and sworn to before me this 22nd day of October 1948.

W. B. Vahl
Engineer

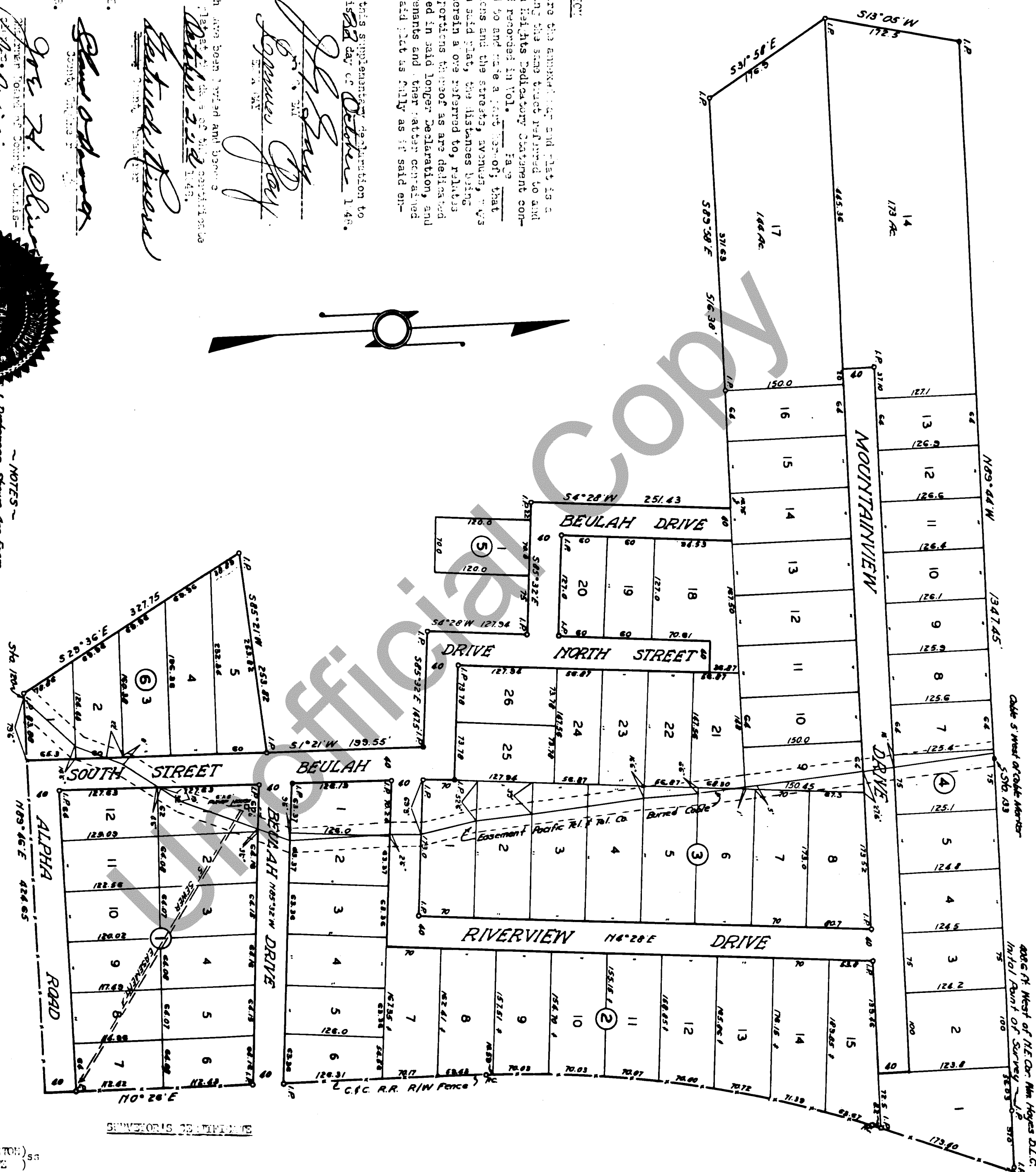
Augusta O. Ward
Notary Public in and for the State
of Washington, residing at Longview.

STATE OF MASSACHUSETTS
COUNTY OF SUFFOLK)
COURT OF PROBATE)

On this day, personally appeared before me J. C. SAWYER, a Notary Public known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this 22 day of Dec 1949.

Notary Public in and for the State of
Washington, residing at 1111 1st Ave



PLAT OF BEULAH HEIGHTS

V.8

P6.20

210001

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LONGVIEW, WASHINGTON Plat of Beulah Heights

DECLARATION

as to

Dedication, Reservations, Restrictions and Covenants.

WHEREAS, J. G. GAY and EMMA GAY, his wife, hereinafter called "Owners," are the owners of the land shown on the plat, marked "Beulah Heights," to which this is attached and of which this is a part, said land being described as follows:

DESCRIPTION OF BOUNDARY OF BEULAH HEIGHTS LOCATED IN THE WILLIAM HAYES D.L.C. IN SECTION 22 T 8 N R 2 W, WM, COWLITZ COUNTY, WASHINGTON

Beginning at an Iron pipe driven in the ground on the North line of the William Hayes D.L.C., said Iron pipe having been found to be set to mark the Southwest corner of the tract conveyed in Vol. 121, Page 36 of Cowlitz County Deed Records and is 408.6 feet West of the Northeast corner of the William Hayes D.L.C.; thence along the North line of said D.L.C. North 89° 44' West 1347.45 feet; thence South 13° 05' West 172.7 feet; thence South 31° 58' East 176.90 feet; thence South 89° 58' East 516.38 feet; thence South 4° 28' West 251.43 feet; thence South 85° 32' East 22.00 feet; thence South 4° 28' West 120.00 feet; thence South 85° 32' East 70.00 feet; thence North 4° 28' West 120.00 feet; thence South 85° 32' East 75.00 feet; thence North 4° 28' West 127.94 feet; thence South 85° 32' East 147.50 feet; thence South 1° 21' West 193.55 feet; thence South 85° 21' West 253.82 feet; thence South 29° 36' East 327.75 feet to a point in the fence on the line between the J. G. Gay property and the property now owned by Allen and Myrtle Dally and described in Vol. 294, Page 558; thence along said fence North 89° 46' East 308.53 feet to the fence now marking the westerly right-of-way line of the C. & C. RR; thence along said R/W fence (as now constructed and existing) North 0° 26' East 560 feet to a point of curve; thence continuing along said R/W fence (as now constructed and existing) Northwesterly to the North line of the William Hayes D.L.C.; thence North 89° 44' West 37.00 feet to the point of beginning,

AND WHEREAS, said Owners desire to file a plat of said land so as to subdivide the same into lots, blocks, streets, all as shown by the plat aforesaid, and desire to dedicate the streets to the public for the usual street purposes, and desire to subject all of the lots shown on said plat to the reservations, restrictions, and covenants hereinafter set forth; and WHEREAS, to accomplish these purposes a written statement in the nature of a DEDICATION OF said streets and a DECLARATION of said reservations, restrictions and covenants should be made by the Owners and spread upon the public records of Cowlitz County, Washington.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that such a statement is hereby made and the same shall be and is as follows, to-wit:

Page 1.

I. DEDICATION

Subject to the foregoing, the Owners dedicate said streets to the public to be used for the usual street purposes.

No right is intended to be conveyed by this Declaration that is inconsistent with the rights, privileges, franchises and easements heretofore granted by the Owners or reserved by it as hereinbefore or hereinafter stated.

II. RESERVATIONS, RESTRICTIONS AND COVENANTS

The Owners declare that the land shown on said plat above referred to is held and shall be conveyed subject to any existing licenses, easements, and rights-of-way for water lines, sewer lines, electric light lines, or telephone lines or any other utilities now located on or under the ground in any portion of the aforementioned described property and subject to reservations, restrictions and covenants set forth in the various subdivisions of this declaration, to-wit:

SUBDIVISION I. Definitions

The "suburban residential district," as that term is used in this statement, is intended to mean all of the lots shown on the plat.

A "corner lot" is one that abuts on more than one street.

Any lot, except a corner lot, shall be deemed to front on the street upon which it abuts. A corner lot shall be deemed to front on the street on which it has the smaller dimension, except where the Owners shall designate in any deed conveying any corner lot, hereafter made by it, the street on which such corner lot shall thereafter be considered as fronting.

The Owners, in the deed to any corner lot, or at any time with the consent in writing of the holder of the fee simple title thereto, may designate a different street as the one upon which such lot shall be deemed to front.

The street upon which a lot fronts, as above provided to such lot shall be deemed to be a side street.

The word "plot" as used in this statement is intended to mean a single piece of parcel of land consisting of one lot or more or less than one lot.

Every plot shall be deemed to front on the street on which the lot or lots constituting said plot front, unless the lot or lots, front on more than one street, in which case it shall be deemed to front on both streets.

An "outbuilding," as the word is used in this statement is intended to mean a covered structure not directly attached to the residence which it serves.

Page 2.

PLAT OF DEULAH HEIGHTS

V.8

Pg. 21

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SUBDIVISION 2. Use of land

The lots in the suburban residential district, except as hereinafter provided, shall be used for suburban residential and agricultural purposes only, and no building of any kind whatsoever shall be erected or maintained thereon except private dwellinghouses, and private garages for the sole use of the respective owners or occupants of the plots upon which such garages are erected and such other outbuildings as are customarily appurtenant to suburban residences, excepting that it is specifically agreed that no livestock shall be kept or any buildings designed or intended to be used for the keeping of livestock shall be erected or permitted to be erected on any of the lots in the plat excepting on the following: Lot 14, Block 4; Lot 1, Block 4; Lots 7 to 15 inc., Block 2; Lot 17, Block 3; Lots 3 to 7 inc., Block 3; Lots 1 to 5 inc., Block 6, and it is specifically provided that on any of the above mentioned lots where outbuildings for keeping of livestock are permitted such buildings shall be erected only on the rear forty-five (45) feet of the lot and not closer to the front street line of the lot than a line that is parallel to and forty-five (45) feet from the rear of such lot excepting this restriction shall not apply on the following lots: Lot 17, Block 3; Lot 14, Block 4; Lots 1 to 5 inc., Block 6.

It is specifically provided that any conveyance of land in the aforementioned plat is made subject to all reservations of oils, gases, minerals, ores and fossils, and appurtenant rights, affecting the title to any of the land hereby conveyed, as shown by the real estate records of Comlitz County, Washington. Subject to said reservations, there is hereby expressly reserved and retained unto the Owners, their successors and assigns, all of the oil, gas, coal, iron and other metals, and other minerals and ores of every kind and character now on, in and under, and that may hereafter be produced from the premises hereinabove described, together with full rights of ingress and egress to prospect for, produce and market the same, and in that connection to build and use on, and/or remove from said land any and all facilities reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the rights reserved; but on the condition that in the exercise of such rights the purchasers, their heirs or assigns, shall not be required to remove any building or other improvement made on said land, nor shall the use or enjoyment thereof be unnecessarily hindered or interfered with in any of the rights hereby reserved without the payment of the value thereof.

SUBDIVISION 3. Minimum Frontage

It is specifically provided that not more than one place of dwelling, designed and intended to be used for one family only, be erected on any lot of said plat.

Every building erected on any plot shall front or present a good frontage on the street on which said plot fronts.

SUBDIVISION 4. Set Back from Street Line

No building or part thereof, except as hereinafter provided, shall be erected or maintained on any of said lots rearer than twenty-five (25) feet to the front street in any of said lots in this plat.

Covered or uncovered, but not enclosed, porches, the floors of which are not higher than the level of the first floor of the building, bay or other windows, vestibules, cornices, spoutings, chimneys, or other similar projections, may extend not more than six feet beyond the front building line and not more than five feet beyond the side street building line. Building line, as used here, is meant a line parallel to and twenty-five feet distant from the street line.

SUBDIVISION 5. Set Back from Side Property Line

No part of any building, shall be rearer than five feet to the side property line of the plot upon which it is erected, except that cornices, spoutings, chimneys, and purely ornamental projections may extend beyond said five foot line, but not more than one foot beyond said five foot line.

SUBDIVISION 6. Owners' Judgment Conclusive

The Owners shall in all cases have the right to say and determine which are the front street, side street, rear and side property lines of any plot, and also the amount of the set back from said lines necessary to conform to the requirements hereof, and the Owners' judgment and determination thereon shall be final and binding on all parties.

SUBDIVISION 7. Minimum Cost of Residence

Any residence erected wholly or partially on any of the lots, or part or parts thereof, in the suburban residential district shall cost not less than \$3,500.00 and it is specifically agreed that no temporary dwellings or buildings intended to be used as such shall be erected on any of the lots in this plat.

PLAT OF BEULAH HEIGHTS

V. 8 Pg. 22

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VOL 0 PG 22

FILED
SARAH IVE
COUNTY CLERK

NOV 5 2 53 PM 1948

W. L. KELSON
COUNTY CLERK

FILED FOR RECORD IN
Auditor's Office at 10:00 AM NOV 5 1948
At Beacon Hill

NOV 5 1948 12:55 PM
RECORDED IN 664

NOV 8 1948 Pg. 19 to 22

SARAH IVE
COUNTY CLERK

By *Sarah IVE*

NOTED BY
RECORDED BY

PLAT OF BEULAH HEIGHTS

SUBDIVISION 8. Ownership by Anyone Other Than White Race Prohibited

None of the lots shown on said plat shall be conveyed, leased or given to, and no building erected thereon shall be used, owned or occupied by, any person not of the white race. This prohibition, however, is not intended to include the occupancy by a person not of the white race while employed in or about the premises by the owner or occupancy of any land shown on said plat.

SUBDIVISION 9. Signs and Billboards Prohibited

The construction or maintenance of billboards, or advertising boards or structures, exceeding five square feet in size for the display, posting, painting or printing of signs or advertisements on any of the lots in said plat is prohibited, except with the written consent of the Owners.

SUBDIVISION 10. Duration

All of the restrictions herein set forth shall run with the land and continue to be binding upon the Owners and upon their successors and assigns for a period of twenty years from February 10, 1948, and shall automatically be extended thereafter for successive periods of twenty years; provided, however, that the owners of the fee simple title to the lots having more than fifty per cent of the front feet of the lots shown on this plat may release all of the lots hereby restricted from any one or more of said restrictions, and may release any lot from any restriction created by deed from the Owners, at the end of the first twenty year period or at any successive twenty year period thereafter by executing and acknowledging an appropriate agreement, or agreements in writing for such purposes and filing the same for record in the office of the County Auditor of Comalitz County, Washington, at least five years prior to the expiration of this first twenty year period, or of any twenty year period thereafter.

SUBDIVISION 11. Right to Enforce

The restrictions herein set forth shall run with the land and bind the present owners, their successors and assigns; and all parties claiming by, through or under it shall be taken to hold, agree and covenant with the owner of said lots, its successors and assigns, and with each of them to conform to and observe said restrictions as to the use of said lots and the construction of improvements thereon, but no restrictions herein set forth shall be personally binding on any person or persons, except in respect to breaches committed during its, his or their seizure of or title to said land, and the owner or owners of

any of the land shall have the right to sue for and obtain an injunction prohibitive or mandatory, to prevent the breach of or to enforce the observance of the restrictions above set forth in addition to ordinary legal action for damages, and failure of the owner of any other lot shown on the plat to enforce any of the restrictions herein set forth at the time of its violation shall in no event be deemed to be a waiver of a right to do so thereafter.

SUBDIVISION 12. Owners' Right to Assign

The Owners may, by appropriate instrument, assign or convey to any person or corporation any or all of the rights, reservations, easements and privileges herein reserved by it and upon such assignment or conveyance being made its assigns or grantees may at their option exercise, transfer or assign such rights, reservations, easements and privileges or any one or more of them at any time or times in the same way and manner as if they were reserved by them, or it, in this instrument.

IT WITNESSE HEREBY, The Owners have affixed their signatures this 22 day of October, 1948.

Sarah IVE
STATE OF WASHINGTON)
COUNTY OF COMALITZ) ss.
On this 22 day of October, 1948, before me personally appeared Sarah IVE to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

W. L. Kelson
Notary Public in and for the State of Washington, residing at Beacon Hill.

