

**AFTER RECORDING RETURN TO:**

Silven, Schmeits & Vaughan  
P.O. Box 965  
Baker City, OR 97814

**DECLARATION OF COVENANTS AND RESTRICTIONS**

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (the "DCR") is made and executed effective this 14<sup>th</sup> day of February, 2025, by LILLIAN C. DENSLEY, Surviving Trustee of The Doyle G. and Lillian C. Densley Family Trust dated May 15, 1996, herein also referred to as "Declarant Trustee", and AARON G. DENSLEY, herein also referred to-as "Declarant AGD", and who together are also collectively referred to herein as the "Declarants".

**BACKGROUND AND PURPOSE**

**A.** Declarant Trustee is the owner of certain real property located in Baker County, Oregon, which is more specifically described on Exhibit "A" attached hereto, herein the "Restricted Property".

**B.** Declarant Trustee is also the owner of that certain real property located near and/or adjacent to the Restricted Property, which is more particularly described on Exhibit "B" attached hereto. Declarant AGD is the owner of that certain real property located near and/or adjacent to the Restricted Property, which is more particularly described on Exhibit "C" attached hereto. Said parcels of real property of Declarants' described on Exhibits "B" and Exhibit "C" attached hereto, are herein collectively called the "Benefitted Property".

**C.** The real property of each Declarant, which collectively constitutes the "Benefitted Property", and the "Restricted Property" are depicted on the survey map attached here as Exhibit "D".

**D.** Declarants have historically used, or intend in the future to use, the Benefitted Property for the production of income from the operation of storage facilities leased or rented to third parties who have exclusive access to the rented storage space to store and remove personal property. Declarants' historic, and intended storage facility uses, include, without limitation, storage space within one or more buildings with enclosed units, and also open space for outdoor parking of recreational vehicles, trucks, trailers, boats, watercraft, portable storage containers and other such moveable vehicles or personal property, all of which storage facility uses are collectively referred to herein as "Declarants' Storage Business".

**E.** Declarants are desirous of protecting Declarants' Storage Business from any competitive business activity being conducted on the Restricted Property, and therefore intends by this instrument to declare and impose certain use and development restrictions upon the Restricted Property, for the ongoing benefit of the Benefitted Property, as covenants running with the Restricted Property and the Benefitted Property, to both benefit and burden the same, and the respective successors in interest to each property, or any portion thereof.

hereby declare that the Restricted Property is and shall be subject to the following covenants and restrictions:

1. **LIMITATION ON USE.** By way of clarification and example, these use restrictions are intended to prohibit the use of any part of the Restricted Property for any type of self-service storage facility that is designed and used for renting or leasing individual storage space to third party occupants, whether or not the third party occupants have exclusive or non-exclusive access to the rented storage space to store and remove the occupants personal property. Such restricted uses include, without limitation, storage space within one or more buildings with enclosed units, and also open space for outdoor parking of recreational vehicles, trucks, trailers, boats, watercraft, portable storage containers and other such moveable vehicles or personal property, all of which storage facility uses are collectively referred to herein as "Declarants' Storage Business". Storage related to residential occupancy of any portion of the Restricted Property, such as apartment units with vehicle parking and/or a storage garage, and vehicle parking for motel occupants, are not prohibited by this DCR.

2. **DEFAULT REMEDIES.** In the event any portion of the Restricted Property is used in violation of any of the foregoing restrictions or covenants, the then owner of any portion of the Benefitted Property shall be entitled to seek any and all remedies any such Benefitted Property owner may have for such violations or default under applicable law, including without limitation, injunctive relief including a temporary restraining order, award of damages, and all other legal or equitable relief.

3. **BINDING EFFECT; DURATION.** This DCR and all of the restrictions, covenants, rights and obligations hereunder shall be binding upon and shall inure to the benefit of all current and subsequent owners of the Restricted Property and the Benefitted Property, or any part thereof if ever partitioned, and their respective heirs, successors and assigns. This DCR shall be deemed covenants running with both parcels of real property described on Exhibits "A" and "B" attached hereto for all purposes. In this regard, no period of non-use of the Benefitted Property for any of Declarants' Storage Business purposes shall give rise to any claim that the rights under this DCR have been abandoned by non-use.

4. **AMENDMENT.** This DCR may be amended, modified, canceled or terminated only by an instrument in recordable form, executed by the then-current owners of record of each of the Benefitted Property and the Restricted Property.

5. **ENFORCEMENT EXPENSE.** In the event of any litigation or other proceedings brought to enforce or interpret this DCR, the prevailing party in such proceeding shall be entitled to recover from the other party, the reasonable attorney fees and other costs incurred by the prevailing party in those proceedings, or any appeal therefrom.

EXECUTED as of the date first written above.

DECLARANT AGD

DECLARANT TRUSTEE

\_\_\_\_\_  
AARON G. DENSLEY

\_\_\_\_\_  
LILLIAN C. DENSLEY, Surviving  
Trustee of The Doyle G. and Lillian C.  
Densley Family Trust dated May 15, 1996

STATE OF OREGON       )  
County of Baker        )

This instrument was acknowledged before me on \_\_\_\_\_, 2025 by Lillian C. Densley,  
Surviving Trustee of The Doyle G. and Lillian C. Densley Family Trust dated May 15, 1996.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON       )  
County of Baker        )

This instrument was acknowledged before me on \_\_\_\_\_, 2025 by Aaron G. Densley.

\_\_\_\_\_  
Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_