## MTC 46196 - KR AFFIDAVIT OF DECLARATION FOR LAND PARTITION 35-98

BEING PARCELS 1, 2 AND THAT PORTION OF PARCEL 3 OF LAND PARTITION 35-98 REMAINING AFTER PROPERTY LINE ADJUSTMENT 42-98 SITUATED IN SECTION 13, TOWNSHIP 38 SOUTH, RANGE 8, E.W.M., KLAMATH COUNTY, OR GON.

JOSEPH MICHAEL HOHMAN, owner of Parcel 1, 2 and that portion of Parcel 3 remaining after Property Line Adjustment 42-98, OF LAND PARTION 35-98 situte in Section 13, Township 38 South, Range 8 B.W.M., Klamath County, Oregon be subject to the restrictions described in Exhibit "A" attached hereto and made a part hereof.

The portion of Parcel 3 that is to be conveyed to Nora F. Hohman by Property LINE ADJUSTMENT 42-98, IS TO BE EXEMPT from these restrictions as the structure on the Nora F. Hohman parcel is pre-existing.

These matrictions, shall be for a period of perpetuity.

Adjustments can only be made with a 75% majority vote of the parcel owners of Parcels 1, 2 and all of parcel 3 of Land Partition 35-98, remaining after the Property Line Adjustment 42-98, and the Parcel of Nora F. Hohman being described in Exhibit "B" attached hereto and made a part hereto and that portion of Parcel 3 which Nora F. Hohman acquired through the Property Line Adjustment. The Nora F. Hohman parcel will will be included in the 75% majority vote due to the fact that the restrictions will benefit her parcel of land.

Dated this 4th day of January , 1999.

| seph Michael Hohman                    |                     |  |
|--|---------------------|--|
| tnessed before me on the $\frac{1}{2}$ | JAL Janua<br>day of | ry<br>1999                                 |
| Joseph Michael Hohman                  | his voluntary a     | ct and deed.                               |
|  | K                   | it & Rel                                   |
|  | NOTARY              | PUBLIC FOR OREGON<br>ission Expires: ///6/ |

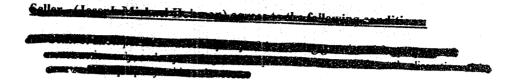
After Recording Return To:

Joseph Middal Herman Po Ben 1514 City97601





## EXHIBIT "A"



The property shall be used for residential purposes only. Home occupations may be pennitted provided they are conducted solely within an approved building provided that the home occupation does not generate regular commercial traffic provided that no maintenance, signs, repair, storage, fabrication or salvage of vehicles, materials or equipment occurs on the premises.

2- No structures shall be located on the lot rearer than 30 feet from any property line with the exception of property south of Sunset Beach Road.

3- The property shall not be developed into multiple family housing. No mobile home or trailer may be used as a residence. No modular homes are to be used as a residence on this lot. Accessory buildings incidental to the main dwelling shall be of similar architectural design, coloring, and materials.

4- No structure of a temporary nature shall be used on any lot at any time as a residence, either temporarily or permanently except during construction of main dwelling. This includes tents, shacks, garages, barns, or other outbuildings.

- 5- No type of livestock or poultry shall be permitted. Dogs, cats and horses may be kept provided they are not kept for commercial purposes, and must be confined to the perimeter of each lot.
- 6- The lot shall not be used for the storage of any property or thing that will cause the lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance be kept that emits foul odors, or that will cause any noise disturbing the peace, quiet, comfort or seconity of the neighborhood.
- 7- All dwellings shall be completed within nine (9) months after beginning of construction.
- 3- No structure may be more than 30 feet in height. (Measured from the main floor excludes basement). No "Ham" antennas may be placed on the lot.

Sellers Signature: Joseph Michael Late: 12-17-98.

W W Date: 12/17/98.

Cysthia. Pengian 1/4/99

MA

## EXHIBIT \*\*B\*\* LEGAL DESCRIPTION

A tract of land situate in the NW1/4 of the NE1/4 of Section 13, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 3/8 inch iron rod in a mound of stone and on the Section line between Sections 12 and 13, from which the stone marking the 1/4 corner common to Sections 12 and 13 bears North 88 degrees 58' 56" West along said Section line, 671.61 feet; thence Easterly along said Section line, South 88 degrees 43' 15" East 69.63 feet to a point on the centerline of a 40 foot wide road easement as platted for Minor Land Partition Number 51-82; thence Southerly along said centerline the following courses and distances: (1) South 13 degrees 04' 50" East, 65.99 feet; (2) South 40 degrees 32' 19" East, 214.21 feet; (3) South 64 degrees 15' 00" East 201.43 feet; (4) South 32 degrees 45' 00" East, 158.47 feet; (5) South 18 degrees 40' 48" East 11.71 feet; (6) South 62 degrees 58' 12" East, 21.33 feet to a point on the 1/16 lie being the East boundary of the NW1/4 of the NE1/4 of Section 13; thence 16 leaving said centerline and continuing along said 1/16 line, South 0 degrees 03' 45" North 26 degrees 35' 02" West 1506.90 feet to the point of beginning. (Also described as Parcel 2 of Minor Land Partition 51-82)

| JIAI | ロリア | UNGGON: | COUNTY OF KLAMATH  |  |
|------|-----|---------|--|--|
|      |     |         | The state of the s |  |

| Filed for re | cord at request of | Amerit                | irla          |                                     |                          |               |
|--------------|--------------------|-----------------------|---------------|-------------------------------------|--------------------------|---------------|
| of           |                    | A.D., 19 <u>99</u> at | 11:16 a'clock |                                     | the <u>5th</u>           | day           |
|              | of                 | f Deeds               |               | A_M., and duly red<br>_ on Page 151 | orded in Vol. <u>M99</u> | <del></del> , |
| Ener.        |                    |                       | Lind          | a Smith, County                     | <br>C1 o=1-              |               |
| FEE          | \$20.00            |                       | Ву            | Koshlun Ro                          | orerk                    |               |
|              | 44.00              | 그리 그들 전혀 주셨다고 나갔다 날   |               |                                     | 40                       |               |