

## RESTRICTIVE COVENANT FOR RESOURCE MANAGEMENT

Robert A. Stewart and Marilyn J. Stewart ("Covenantors") are the owner of real property legally described as follows:

The N ½ of Section 6, Township 39 South, Range 10 East, of the Willamette Meridian, Klamath County, Oregon.

In accordance with the conditions set forth in the decision of Klamath County in the matter of the request for a Conditional Use Permit, Case No.: CUP 25-00, for the above described property, and in consideration of such approval, Covenantors promise and covenant to the owners of all property adjacent to the above described property ("Covenantees"), as follows:

1. The Covenantors, their heirs, successors and assigns acknowledge by granting of this covenant that the above described property is situated in a resource zone in Klamath County, Oregon, and may be subjected to conditions resulting from commercial, agricultural, forest, and aggregate and rock extraction operations on adjacent lands. Such operations include management and harvesting of timber and agricultural produce, disposal of slash, reforestation, application of chemicals, road construction and maintenance, aggregate and rock extraction, and other accepted and customary resource management activities conducted in accordance with federal and state laws. These resource management activities ordinarily and necessarily produce noise, dust, smoke, and other conditions that may conflict with Covenantors' use of Covenantors' property for residential purposes. Covenantors hereby waive all common law rights to object to normal and necessary resource management activities legally conducted on adjacent lands which may conflict with Covenantors' use of Covenantors' property for residential purposes and Covenantors hereby extend this covenant to Covenantees for such activities.
2. Covenantors shall comply with all restrictions and conditions for maintaining residences in resource zones that may be required by state federal and local laws and regulations. Covenantors will comply with all fire safety regulations developed by the Oregon Department of Forestry for residential development within a forest zone.
3. Covenantors are aware that the property described above may be within the habitat of various wildlife species. Covenantors are further aware that the Oregon Department of Fish and Wildlife is not responsible to assist with materials or monetary compensation for the prevention or mitigation of damage cause by wildlife.
4. Nothing in this covenant shall grant a right to Covenantees for ingress and egress upon or across the Covenantors' described property. Nothing in this covenant shall prohibit or otherwise restrict the Covenantors from enforcing or seeking enforcement of statutes or regulations of governmental agencies for activities conducted on adjacent properties.
5. Covenantors intend that this covenant be perpetual and run with the land and that this covenant be and is appurtenant to all property adjacent to the above described property and shall bind the heirs, successors, and assigns of Covenantors and shall inure to the benefit of Covenantees, their heirs, successors, and assigns. Covenantees, their heirs, successors, and assigns are hereby expressly granted the right of third party enforcement of this covenant.

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6. As used in this covenant, the terms "adjacent" and "adjoining" mean immediately adjoining, contiguous, and abutting.

IN WITNESS WHEREOF, the Covenantors have executed this covenant on June 6, 2000.

Robert A. Stewart

Covenantor: Robert A. Stewart

Marilyn J. Stewart

Covenantor: Marilyn J. Stewart

STATE OF: Oregon  
County of: Klamath

The instrument was acknowledged before me on June 6, 2000 by Robert A. Stewart and Marilyn J. Stewart.



Sharon L. Gretch  
Sharon L. Gretch  
Notary Public for Oregon  
My Commission Expires: May 31, 2003

State of Oregon, County of Klamath  
Recorded 06/06/00, at 4:00 p m.  
In Vol. M00 Page 20476  
Linda Smith,  
County Clerk Fee \$ 26<sup>00</sup>

Mericom Corporation  
1238 N. Riverside Ave.  
Medford, OR 97501  
oe/ attn: Sharon Gretch