

MTK-65466 KR

Vol M04 Page 38820

State of Oregon, County of Klamath
 Recorded 06/16/2004 3:03 p m
 Vol M04 Pg 38820-21
 Linda Smith, County Clerk
 Fee \$ 26.00 # of Pgs 2

After recording return to:

Paul B. Bigby

195 E. Main StreetKlamath Falls, OR 97601

Until a change is requested all
 tax statements shall be sent to
 The following address:

Paul B. Bigby

195 E. Main StreetKlamath Falls, OR 97601

Escrow No. MT65466-KR

STATUTORY WARRANTY DEED

Donald R. Gruener and Susan E. Gruener, as tenants by the entirety, Grantor(s) hereby convey and warrant to Paul B. Bigby and Ami L. Bigby, as tenants by the entirety, Grantee(s) the following described real property in the County of KLAMATH and State of Oregon, free of encumbrances except as specifically set forth herein:

Parcel 1 of Land Partition 52-96 being Parcel 1 of Major Land Partition 78-83 situated in the SW1/4 SW1/4 of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No: 3909-02800-02101-000

Key No: 884331

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any: See Additional Covenants and Restrictions for MILLER HILL WEST on Exhibit "A" attached hereto which is made a part hereof by this reference.

The true and actual consideration for this conveyance is \$55,000.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Dated this 15th day of June, 2004.

Donald R. Gruener
 Donald R. Gruener

Susan E. Gruener
 Susan E. Gruener

State of Oregon
 County of KLAMATH

This instrument was acknowledged before me on June 15, 2004 by Donald R. Gruener and Susan E. Gruener.

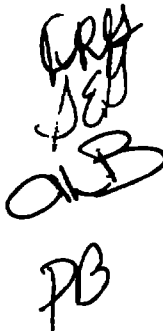
Kristi L. Redd
 (Notary Public for Oregon)

My commission expires 11/16/2007



260
 am

Additional Covenants and Restrictions for "Miller Hill West":

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- Parcels may not be further partitioned/split.
 - Residence construction to begin within one year of parcel purchase and to be completed within one year of building permit issue date.
 - All structures to have a minimum 20' setback from side property lines. Parcel 2 to have minimum 450' front setback for all structures.
 - Residence to have at least 2000 square feet of living space with a minimum two car attached garage.
 - House plans to be approved by seller.
 - House roof pitch to be at least 6/12. Roof material to be architectural grade composition type or tile. Metal roofs not accepted.
 - House siding to be cedar lap, Hardi-board composition lap or stucco. Additional sidings subject to seller approval. Vinyl, cottage lap and T-111 sidings not accepted.
 - Outbuildings (barns and accessory buildings etc.) - Locations to be approved by seller. Outbuildings to align with house architecture, to be site built stick frame and to have the same siding, roof material and paint color as house. Pole building construction and temporary structures of any type not permitted.
 - Landscaping is required for all areas within 30' of any point of the residence structure except where property lines are less than 30' from residence. Landscaping to be complete within one year of residence completion.
 - Exterior lighting to be designed and located in a manner to not have a negative or intrusive impact on neighboring property owners. High pressure sodium and mercury vapor light fixtures not permitted.
 - All parcel perimeter fencing to be vinyl white rail type and to match, in appearance, fencing at road access.
 - Driveways to be paved within one year of residence completion.
 - Maximum of four large animals per parcel. Jackasses, donkeys, mules, hogs, pigs or any other animal that may be offensive to neighboring property owners are not permitted. *Exception:* Two pigs may be allowed only if being raised for 4-H program participation.
 - Maximum of two dogs. Dogs must be contained when unattended outside by way of appropriate kennels.
 - Home businesses that require customers or clients to travel to the parcel residence or parcel accessory buildings are not permitted.
 - Disabled vehicles of any type, trailers of any type, campers, boats, motor homes to be stored inside a permanent structure with doors for complete enclosure.
 - Additional restrictions may be added by unanimous vote of all members of the homeowners association.
 - Parcel purchaser to join "Miller Hill West" homeowners association which is responsible for enforcing compliance with the covenants and restrictions and for maintaining the road access and canal crossing from Tingley Lane to the southwest corner of Parcel 2.