

State of Oregon, County of Klamath  
 Recorded 09/17/04 8:49 a m  
 Vol M04 Pg 62197-98  
 Linda Smith, County Clerk  
 Fee \$ 26<sup>00</sup> # of Pgs 2

### Restrictive Covenant For Conditional Use Permit

Know all men by these presents that Gary Wells, in consideration of the approval by Klamath County, Oregon, of Conditional Use Permit 8-03, on the following described real property:

See exhibit "A" attached

Hereby recognize(s) the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farm practices and the Oregon Forest Practices Act and record this restrictive covenant prohibiting the permit grantee and successors in interest from filing complaint concerning the presently accepted resource management practices that may occur on nearby lands devoted to resource use.

A written covenant will be recorded with the deed which recognizes the rights of adjacent and nearby land owners to conduct farm and forest operations consistent with accepted farming practices and the Forest Practices Act, ORS 30.090 and Rules for uses authorized by this code.

Residential home sites (including accessory buildings) on parcels fronting a public road shall be located:

- 1) Not more than 330 feet from an existing dwelling or
- 2) Not more than 150 feet from a side property boundary; and
- 3) Not more than 100 feet from an existing public road.

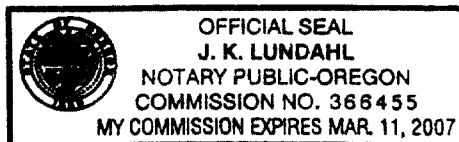
Fencing on the perimeter of property shall only be for livestock control purposes; fencing around home sites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or migration corridor as may be identified by the Oregon Department of Fish and Wildlife.

Approval of a dwelling shall be conditioned upon the resident filing a statement with the property deed agreeing to control free-roaming dogs and off-road vehicle use during the period November through April.

OK *Gary Wells*  
*Gary Wells* by Kristy Wells  
 Gary Wells

Acknowledged by me this 17 day of September, 2004

*J. K. Lunda*  
 Notary Public for Oregon



62198

Preliminary Report

Order No. 7921-412996  
Page 5 of 5**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

A tract of land situated in the E 1/2 of the SW 1/4 and the NW 1/4 of the SE 1/4 of Section 29, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the West line of said E 1/2 of the SW 1/4, said point being South 89°58'36" East 1319.48 feet and South 00°17'46" West 1191.22 feet from the West 1/4 corner of said Section 29; thence South 00°17'46" West along the West line of the E 1/2 of the SW 1/4, 365.91 feet; thence North 73°20'20" East 1445.82 feet; thence North 16°39'40" West 350.00 feet; thence South 73°20'20" West 1339.10 feet to the point of beginning.

Together with an easement for ingress and egress recorded November 26, 1996 in Volume MS6, page 37235, records of Klamath County, Oregon.

Tax Parcel Number: R608257