

040072241

MTT- 1396- 65374

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After Recording Return to:
Randall Simonson dba Commercial Redevelopment Co.
2861 Pinecrest Court
Medford, OR 97504

State of Oregon, County of Klamath
Recorded 10/22/2004 3:14 p m
Vol M04 Pg 72241-43
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

Deed of Restriction and Covenant

This deed restriction and covenant is between the RANDALL SIMONSON dba Commercial Redevelopment Co. and AUTUMN ONE FAMILY PARTNERSHIP, an Oregon limited partnership, hereafter, "Owner" and the CITY OF KLAMATH FALLS OR, hereafter "City" and shall run with the land and encumber the property described below effective from the date of the recording of this deed restriction with the Klamath County Recorder until the terms of the restriction are met, further agreement between the parties or their assigns or by operation of law. The property is described as follows;

Parcel 2 of Land Partition 46.02, being a portion of "Major Land Partition No. 79-37" Situated on the NW1/4 NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

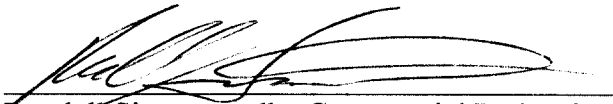
Tax Account No.: 3909-010BB010BB-00201-000

Klamath Falls County, Oregon (hereafter "Property").

Proposed Parcel 2 and Proposed Parcel 3 of the TENTATIVE LAND PARTITION 34-04 being a re-plat of Parcel 2 of Land Partition 46-02 situated in the NW1/4 NW1/4 of Section 10, T 39 S, R 9 E, W.M. Klamath County, Oregon being approximately 1.83 acres each may not be separately sold, transferred or reconfigured until and unless the existing structure currently located on both proposed parcels is demolished, partially demolished, remodeled or repartioned.

The consideration for this deed in terms of dollars is \$0. However, the actual consideration consists of or includes other value given or promised which is the whole consideration.

As partial consideration for Owner restricting the transfer of this property, City agrees to approve the proposed Tentative land partition 34-04, being a re-plat of parcel 2 of land partition 46-02 situated in the NW 1/4 NW 1/4 of section 10, T 39 S, R 9 E, W.M. Klamath County, OR.



Randall Simonson dba Commercial Redevelopment Co

Date 10/21/2004

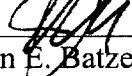
AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

1 Deed of Restriction

3100 OM

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Autumn One Family Partnership, an Oregon Limited Partnership

By  _____
John E. Batzer, General Partner

Date 10-20-04

City of Klamath Falls, Oregon

By: _____

Date _____

Printed name _____

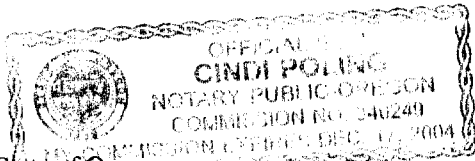
Position: _____

State of Oregon
County of Jackson

72243

On this 20 day of Oct., 2004, personally appeared before me the above named
John E. Butzer, and acknowledged the foregoing instrument to be
his/her/their voluntary act and deed.

WITNESS My hand and official seal.

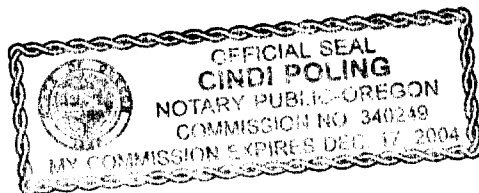


State of Oregon
County of Jackson

On this 21 day of Oct., 2004, personally appeared before me the above named
Randall Simonsen, and acknowledged the foregoing instrument to be
his/her/their voluntary act and deed.

WITNESS My hand and official seal.

Cindi Poling
Notary Public for Oregon
My Commission expires: 12/17/2004



Cindi Poling
Notary Public for Oregon
My Commission expires: 12/17/2004