

MTC — 71878-SH 71954-SH 72452-SH

**DEED RESTRICTIONS
OF
Lots 1, 2 & 3 of Hwy 140 Land Partition 56-05**

M06-01132

Klamath County, Oregon

01/19/2006 02:50:06 PM

Pages 1 Fee: \$21.00

The undersigned, being the record owner of all of the property designated as Lots 1, 2 & 3 of Hwy 140 Land Partition 56-05 located in Klamath County, Oregon. Does hereby make the following deed restrictions, specifying that the deed restrictions shall run with all of the land, and shall be binding on all persons claiming under them and that these conditions and restrictions shall be for the benefit of a limitation upon all future owners of said real property.

1. Costs of utility installation to be paid for by each lot owner respectively.
2. Shared well agreement between lots 1 & 2 as per easement created by licensed surveyor. See attached agreement.
3. Shared access, public utility, sewer and drainage easement between lots 1, 2, & 3 as per easement created by licensed surveyor, as shown on Land Partition 56-05 filed December 29, 2005 and is to be known as Darrian Way.
4. The 60 foot easement is recorded on the property as indicated on the map. The road will be graveled from Hwy 140 East to the north boundary of parcel 1 per county standards. The owners of parcel 2 and parcel 3 will be responsible to pay the costs for county standard road construction from the south end of parcel 2 to the south end of parcel 3 cost of which are to be shared 50/50.
5. The owners of all three parcels shall be equally responsible for all maintenance, repair and replacement expenses of Darrian Way.
6. EID irrigation located on or for benefits to lots 1, 2 & 3 as per easements of record.
7. Per the requirements of the Klamath County Fire District homes built on parcel 2 & 3 must provide their own internal sprinkler system or provide an in-ground holding tank for water for fire prevention. Specifics to meet requirements of KCFD.
8. In the event that a dispute regarding the subject matter of these deed restriction, the owners of the respected parties, agree to submit to arbitration according to then current Oregon Statues in which the owner of each property appoint one arbitrator a who shall choose a third arbitrator. The three arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby.
9. If suit or action, including arbitration, is instituted to enforce any of the provisions of this Agreement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees and costs therein, including any appeal thereof.

Return Ameri Title