

2008-015212

Klamath County, Oregon

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After recording return to:

Judy Say  
PO Box 133  
Chiloquien Or 97624



00056022200800152120050059

11/10/2008 02:42:20 PM

Fee: \$41.00

## RESTRICTIVE EASEMENT & COVENANT

### Adjacent Property Sanitary (Septic) System (Same Owners)

Pursuant to Oregon Administrative Rules, 340-071-130(11)(b) and 340-071-150(4)(a) and in consideration for approval Klamath County, Oregon of Land Use Compatibility Worksheet No. 111608-0889 and the issuance of an On-Site Sanitary System placement permit on property described as Tax Lot No(s) 3700 Section 6BA, Township 35 South, Range 07 East, W.M.; Tax Account No(s) R338597. The legal description of the real properties, hereby and further referenced as Subject Parcels that are burdened by this Restrictive Covenant:

#### See Attached Exhibit 'A' & Exhibit 'B'

The common description of the real property, hereby and further referenced as Site Plan Map, and described as:

#### See Attached Exhibit 'C'

The undersigned, being the record owner(s) of all of the real property described above and further identified by "Exhibits A, B, & C" attached hereto, do hereby make the following restrictive covenant(s) for the above-described real property, specifying that the covenant(s) shall run with the land and shall be binding on all persons claiming under such land, and that these restrictions shall be for the benefit of and limitation on all future owners of said real property.

I (We), Stephan & Mary Anna Napier, the undersigned real property owner(s), for ourselves and for our heirs, executors, administrators and assigns, do hereby agree and stipulate to the following conditions:

- (1) Subject Parcels are restricted from independent or individual sale and are joined together for such period as the On-Site Sanitary System placement permit is in effect.
- (2) Subject Parcels shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to a permitted system.
- (3) This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, the State of Oregon and/or by the State's Agent Klamath County Community Development Department, as hereafter provided.

**Note:** A copy of the recorded instrument must be returned to Community Development before permits can be issued.

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I (We), further agree that failure to comply with any provisions of this covenant shall constitute a violation of this covenant. To facilitate the enforcement of this covenant, any violation of this covenant shall constitute a nuisance and may be enjoined, abated or removed by State of Oregon and/or by the State's Agent Klamath County Community Development Department; and, provide irrevocable permission to enter and inspect, including by excavation, the on-site sewage disposal system and all components.

KLAMATH COUNTY, a political subdivision of the State of Oregon, shall be considered a party to this covenant and shall have the right, if it so desires, to enforce any or all of the covenant(s) contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 5 day of NOVEMBER, 2008.

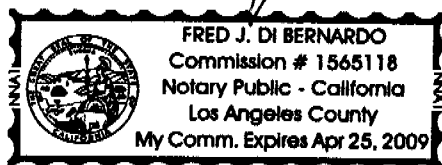
Stephen Napier  
Owner of Record

Mary Anna Napier  
Owner of Record

CALIFORNIA  
STATE OF OREGON )  
County of Klamath ) ss.  
Los Angeles

Personally appeared the above names STEPHEN NAPIER AND MARY ANNA NAPIER and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 5TH day of NOVEMBER, 2008

By [Signature]



[Signature]  
Notary Public for State of Oregon CALIFORNIA

My Commission Expires: 4-25-2009

Note: A copy of the recorded instrument must be returned to Community Development before permits can be issued.

EXHIBIT A

Oregon Shares I Tract 1053

Lot 36 block 16

Tax acct lot 3507-006 DB-05700

EXHIBIT B

Oregon Shores I Tract 1053  
Lot 35 Block 16  
Tax lot 3507-006DA-03200

EXHIBIT C

Oregon Shores I

