



00066594200900072410040048

05/26/2009 10:12:58 AM

Fee: \$36.00

After recording return to:

Jon Hicks
2954 Lakeshore Dr.
Klamath Falls, OR 97601

RESTRICTIVE COVENANT
Fire Siting Standards

The undersigned, Jon Hicks and Janice Hicks (insert names) being the owners of record of all of the real property described as follows; R-3808-23CA 01600 and further identified by "Exhibit A" 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.

In consideration of approval by Klamath County, Oregon of a land use permit to develop on property designated by the Klamath County Assessor's Office as Tax Lot 1600 in Township 38 South, Range 8 East, Section 23, the following restrictive covenant(s) hereafter bind the subject property:

1. All new development shall comply with the following:

- A. Provide a dependable supply of water adequate for normal daily consumption and peak emergency needs from a source authorized in accordance with Oregon Administrative Rule (OAR) and that any surface water used is not from a Class II stream.
- B. Provide for and make available a permanent source of water with a capacity of 4000 gallons or more. If a stream, pond, or lake exists within 500 feet of the homesite a road access shall be provided to within 15 feet of the water's edge. Access to water shall be not less than 15 feet wide and shall be an improved and maintained surface with an improved vehicle turning area of sufficient size to accommodate local fire protection equipment.
- C. Where residences are supplied with individual water systems without a permanent source of water for fire suppression (e.g., fire hydrants), the following standards shall apply:
 - a. At least one 1 inch hydrant standpipe shall be provided at least 50 feet from a building and no greater distance than 10 feet from the driveway with adequate protection from freezing weather.
 - b. Electrical service to a well pump shall not pass through, under, or onto any non-well protecting structure.

2. Road access shall meet the following minimum standards:

- A. Maximum grade shall not exceed 10 percent.
- B. Road surface must be a minimum of 20 feet wide with an all weather surface capable of supporting a fire apparatus at 60,000 lbs minimum or as prescribed by the Fire Marshall.

- C. The entire legal access way shall be maintained, at all times, as a fuel break free of brush and other flammable material.
 - D. The length of cul-de-sacs shall not exceed 700 feet and have a right-of-way with a 50 foot radius with an improved vehicle turning area not less than 80 feet in diameter.
 - E. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) and not be narrower than the improved travel surface serving each end.
3. All structures shall be constructed to the following standards:
- A. Roofing materials shall carry a minimum of Class B rating. In areas of extreme fire hazard rating, Class A rated roof shall be required.
 - B. The siting of a manufactured home shall require fully skirting from the floor-line to the ground-line with vents or openings screened with corrosion-resistant mesh not greater than ¼ inch size.
 - C. All chimneys shall have spark arrest installed with nonflammable, corrosive-resistant material having opening in the mesh no larger than ¼ inch.
4. Property fuel breaks, landscaping and maintenance may be planned in accordance with the following minimum standards:
- A. A Primary Fuel Break shall be created and maintained no less than 30 feet in width extending from the wall line of any structure. Vegetation shall be less than 3 inches high, at all times. All trees within the primary break shall be thinned to 15 feet between tree crowns, and dead limbs near or over-hanging any structure shall be removed at all times.
 - B. A Secondary Fuel Break shall be created and maintained no less than 70 feet wide on the down-slope side of a residence and 35 feet on all other sides. Extend the fuel break to 100 feet on the downhill side where steep slopes or dense vegetation are present. Live trees and shrubbery shall be pruned to reduce the possibility of fire reaching roofs of structures or the crowns of trees. Low-growing plants and grasses shall be maintained to prevent the buildup of flammable fuels.
 - C. Fences shall be constructed of nonflammable materials and maintained to eliminate the buildup of flammable refuse.
5. Home identification signs shall be posted at the nearest county, state or federal road serving the residence; and, constructed of nonflammable materials with letters at least 3 inches high, ½ inch line width; and, with a reflective color that contrasts sharply with the background of both the sign itself and the surrounding vegetation.

This covenant shall not be modified or terminated except by the express written consent of the owners of the land at the time, and the Klamath County Planning Department, as hereafter provided.

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 26 day of May, 2009.

Don Hicks
Record Owner

Record Owner

[Signature]
Record Owner

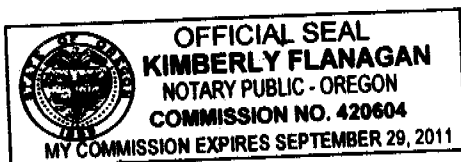
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above named persons and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 26 day of May, 2009.

By Kimberly Flanagan.

Kimberly Flanagan
Notary Public for State of Oregon



My Commission Expires:

9/29/2011

Note: A copy of the recorded instrument must be returned to Klamath County Planning Department before development permits can be issued.

01 APR 13 AM 11:10



After recording return to:

John Hicks
2921 LAKESHORE DRIVE
KLAMATH FALLS, OREGON 97601

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

John Hicks
2921 LAKESHORE DRIVE
KLAMATH FALLS, OREGON 97601

Escrow No. K56741P

Title No. K-56741-P

THIS SPACE RESERVED FOR RECORDER'S USE

Vol. M01 Page 15563

State of Oregon, County of Klamath

Recorded 04/13/01, at 11:02 a m.

In Vol. M01 Page 15563

Linda Smith,

County Clerk Fee\$ 21.00

STATUTORY WARRANTY DEED

Oliver P. Pearson and Anita K. Pearson as Trustees of the Pearson Family Trust, Dated March 5, 1991,
Grantor, conveys and warrants to John Hicks and Janice Hicks, husband and wife, Grantee, the following
described real property free of liens and encumbrances, except as specifically set forth herein:

Lots 4, 5, 8, 9, 46, 47, and 48 of LAKEWOOD HEIGHTS, according to the official plat thereof on file
in the office of the County Clerk of Klamath County, Oregon. EXCEPTING
THEREFROM: the West 47 feet of Lot 8.

This property is free of liens and encumbrances, EXCEPT: Reservations and restrictions of record,
rights of way, and easements of record and those apparent upon the land, contracts and/or liens for
irrigation and/or drainage.

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.

The true consideration for this conveyance is \$24,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 30th day of March, 2001.

The Pearson Family Trust

By: Oliver P. Pearson
Oliver P. Pearson, Trustee

By: Anita K. Pearson
Anita K. Pearson, Trustee

CALIFORNIA
STATE OF OREGON
County of Klamath } ss.
CONTRA COSTA

WARCH
This instrument was acknowledged before me on this 30 day of April, 2001
by Oliver P. Pearson and Anita K. Pearson as Trustees of the Pearson Family Trust, Dated March 5,
1991



David C. Goss
Notary Public for Oregon
My commission expires: 09/03/2003

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