

Returned @ Counter

After recording return to:

Tuesday and Keith Herring  
PO Box 271  
Merrill, OR 97633



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07/02/2009 01:59:32 PM

Fee: \$21.00

**RESTRICTIVE COVENANT**  
**Sensitive and/or Conflicting Use-Railroad Operations and Uses**

The undersigned, being the record owners of all of the real property described as follows; Parcel 2 of Land  
Reversion 5-09 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 901 in Township 41 South, Range 10 East, Section 12, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby recognize(s) the rights of adjacent and nearby landowners to conduct railroad operations, recognizing the nature of rail operations and maintenance may cause mechanical odor, noise, and vibration."

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 Community Development 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 2nd day of July, 2009.

Tuesday Herring  
Record Owner

Earl K Herring  
Record Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath    )

Personally appeared the above names Tuesday S. Herring & Earl K Herring and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 2nd day of July, 2009.  
By Lisa Kessler



Lisa Kessler  
Notary Public for State of Oregon  
My Commission Expires: Mar. 13, 2011