

2009-010789

Klamath County, Oregon

Page ____ of ____

After recording return to:

Judith Clayton
6211 Forgotten Way
Paradise Ca 95949



00070872200900107890020022

08/11/2009 03:31:26 PM

Fee: \$26.00

RESTRICTIVE COVENANT BIG GAME WINTER RANGE

The undersigned, being the record owners of all of the real property described as follows: Lot 10 blk B & 2nd addition Nimrod River
R-3611-01130-00500 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 construct a single family dwelling on property designated by the Klamath County Assessor's Office as Tax Lot 500 in Township 36 South, Range 11 East, Section 11B, and located within an identified Goal 5 Big Game Winter Range habitat area, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby acknowledge and agree to accept by the recording of this instrument that the property herein described is subject to Statewide Planning Goal 5 resource habitat protections implemented through the Klamath County Land Development Code, which requires the owner to control free-roaming dogs and prohibits off-road vehicle use on the property herein described during the period of November through April each year; and in regard to fencing requires the perimeter of the property, if fenced, to be for livestock control purposes only; that fencing around home sites shall enclose no greater than 1 acre, and where designed to exclude wildlife shall not be placed within critical habitat or a migration corridor as may be identified by the Oregon Department of Fish and Wildlife"

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 11 day of August, 2009.

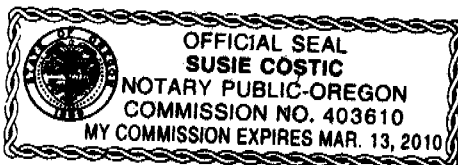
Judith Clayton
Record Owner

Gary Wayne Clayton
Record Owner

STATE OF OREGON)
) ss.
 County of Klamath)

Personally appeared the above names GARY WAYNE CLAYTON AND JUDITH ANN CLAYTON and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 11 day of August, 2009.

By Susan Costic



Susan Costic
Notary Public for State of Oregon

My Commission Expires: 3/10/2010

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

2009-006588

Klamath County, Oregon

After Recording Return to:
GARY CLAYTON and JUDITH CLAYTON
 6211 Forgotten Way
 Paradise, CA 95969
 Until a change is requested all tax statements
 Shall be sent to the following address:
GARY CLAYTON and JUDITH CLAYTON
 6211 Forgotten Way
 Paradise, CA 95969



05/16/2009 08:37:28 AM

Fee: \$31.00

ATE 66700

WARRANTY DEED (INDIVIDUAL)

BRC FUNDING CORPORATION, herein called grantor, convey(s) to **GARY CLAYTON and JUDITH CLAYTON**, husband and wife, herein called grantee, all that real property situated in the County of **KLAMATH** COUNTY, State of Oregon, described as:

Lot 16, Block 13, SECOND ADDITION TO NIMROD RIVER PARK, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

CODING: 008 MAR: 3611 01180 TL: 00500 KEY: 251616

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, and apparent upon the land, contracts and/or liens for irrigation and/or drainage

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is **\$12,000.00**.
 (here comply with the requirements of ORS 93.330)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING THE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 4 TO 12 OF CHAPTER 404, OREGON LAWS 1997. THIS INSTRUMENT IS NOT VALID UNLESS THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS IN COMPLIANCE WITH THE TITLE ACT AND LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING THE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 4 TO 12 OF CHAPTER 404, OREGON LAWS 1997. THIS INSTRUMENT IS NOT VALID UNLESS THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS IN COMPLIANCE WITH THE TITLE ACT AND LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING THE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 4 TO 12 OF CHAPTER 404, OREGON LAWS 1997.

Dated 5-14-2009

BRC FUNDING CORPORATION

Colleen Brewster
 BY COLLEEN BREWSTER, PRESIDENT

STATE OF Utah, County of Utah

On 24th April, 2009 personally appeared the above named COLLEEN BREWSTER and acknowledged the foregoing instrument to be her free and voluntary act and deed.

This document is filed at the request of:

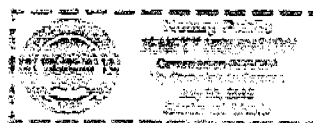


515 Main Street
 Klamath Falls, OR 97601
 Order No.: 66700PS

Before me, *David H. Thompson*
 Notary Public for the State of Oregon, my commission expires:

Official Seal

July 30, 2012



008 MAR: 3611 01180 TL: 00500 KEY: 251616

EXHIBIT
 FILE # CUP 34-095