

Page \_\_\_\_ of \_\_\_\_

After recording return to:

Andy Smith

08/24/2009 08:52:16 AM

Fee: \$26.00

**RESTRICTIVE COVENANT  
BIG GAME WINTER RANGE**

The undersigned, being the record owners of all of the real property described as follows; R-3613-00600-05900 and R-3613-00600-06000 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 6000 in Township 36 South, Range 13 East, Section 6D, 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 24<sup>th</sup> day of Aug, 2009.

Andy Smith  
Record Owner

/  
Record Owner

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared the above names Andy Smith and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 24 day of Aug, 2009.

By \_\_\_\_\_



Paula Jeanne Harris  
Notary Public for State of Oregon  
My Commission Expires: Nov 29, 2009

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

EXHIBIT A

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04 AUG 31 PM 3:13

After Recording Return to:

ANDY O. SMITH

P.O. Box 359

WESTFALL, OR 97492

Until a change is requested all tax statements

Shall be sent to the following address:

ANDY O. SMITH

Same as Above

State of Oregon, County of Klamath

Recorded 08/31/04 3:13 P m

Vol M04 Pg 58047

Linda Smith, County Clerk

Fee \$ 21 # of Pgs 1

Aspen 59706 HE

**WARRANTY DEED**  
(INDIVIDUAL)

MADALYN T. BALLENGER, herein called grantor, convey(s) to ANDY O. SMITH, AN ESTATE IN FEE SIMPLE all that real property situated in the County of KLAMATH, State of Oregon, described as:

Lots 12 and 13, Block 23, SPRAGUE RIVER VALLEY ACRES, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

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 \$4,000.00.  
(here comply with the requirements of ORS 93.930)

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.

Dated

8/26/04

MADALYN T. BALLENGER

STATE OF OREGON, County of Klamath) ss.

On 8-26-04 personally appeared the above named MADALYN T. BALLENGER and acknowledged the foregoing instrument to be their voluntary act and deed.

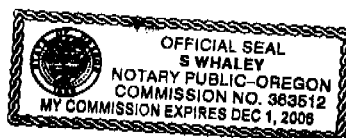
This document is filed at the request of:

**Aspen**  
TITLE & ESCROW, INC.

525 Main Street  
Klamath Falls, OR 97601  
Order No.: 00059706

Before me: S Whaley  
Notary Public for Oregon  
My commission expires: 12-01-06

Official Seal



21A