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2009-012153

Klamath County, Oregon

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Tru-Line Surveying



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09/11/2009 11:02:42 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; Land Partition 44-08 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 1401/1402 in Township 40 South, Range 8 East, Section 28, and located within an identified Goal 5 Big Game Winter Range habitat area, the following restrictive covenant(s) hereafter bind the subject property: T40S R8EWM SEC 33 TAX LOT #'S 100/101/102

"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 1 day of SEP, 2009

James H. Clark
Record Owner

Patricia M. Clark
Record Owner

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

SAN JOAQUIN

Personally appeared the above names JAMES G. CLARK, PATRICIA H. CLARK and acknowledged the foregoing instrument to be their voluntary act and deed before me this 1 day of SEP, 2009

By [Signature]

[Signature]
Notary Public for State of Oregon CALIFORNIA
My Commission Expires: 3/5/2011

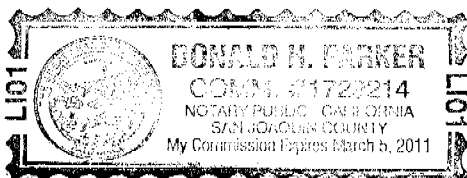


Exhibit A

SURVEYOR'S CERTIFICATE

I, JOHN M. HEATON, A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE PARTITIONED, PLATTED BUT NOT SURVEYED "LAND PARTITION 44-08", BEING A REPLAT OF PARCELS 2 AND 3 OF "LAND PARTITION 17-98" AND PARCEL 2 OF "LAND PARTITION 46-95", SITUATED IN THE N1/2 OF SECTION 33 AND THE S1/2 OF SECTION 28, T40S, R8EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, SAID POINT BEING THE NORTHEAST CORNER OF SAID SECTION 33, SAID POINT ALSO BEING MARKED BY A 5/8" IRON PIN, THENCE S00°04'13"E 2658.90 FEET TO THE 1/4 CORNER COMMON TO SECTIONS 33 AND 34, THENCE N89°36'21"W 3963.43 FEET TO THE C-W-1/16 CORNER OF SAID SECTION 33, THENCE N00°28'02"W 2654.47 FEET TO THE W 1/16 CORNER COMMON TO SECTIONS 33 AND 28, THENCE ALONG THE NORTH LINE OF SAID SECTION 33, N89°40'20"W 305.83, THENCE LEAVING SAID SECTION LINE NORTH 1024 FEET MORE OR LESS, THENCE EAST 2939 FEET MORE OR LESS TO THE SE 1/16 CORNER OF SAID SECTION 28, THENCE SOUTH 1320 FEET MORE OR LESS TO THE E1/16 CORNER COMMON TO SAID SECTIONS 28 AND 33, THENCE S89°40'20"E 1327.26 FEET TO THE POINT OF BEGINNING, CONTAINING 331 ACRES MORE OR LESS.