

After recording return to:

Del Ellis

00080225201000024590030039

02/18/2010 02:35:14 PM

Fee: \$47.00

RESTRICTIVE COVENANT Fire Siting Standards for Cell Tower Modifications

The undersigned, JOHN E. & LAURA V. Hale (insert names of all property owners) being the owners of record of all of the real property described as follows; R-3908 02100-00303 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 (File Number) to develop on property designated by the Klamath County Assessor's Office as Tax Lot 00303 in Township 39 South, Range 08 East, Section 02100 the following restrictive covenant(s) hereafter bind the subject property:

See Exhibit A

1. 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. Installation of bridges or culverts shall have a minimum load limit of 40,000 lbs (20 ton) or as prescribed by the Fire District having jurisdiction, whichever is greater, and not be narrower than the improved travel surface serving each end.
2. Property fuel breaks, landscaping and maintenance shall 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 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 structures. Low-growing plants and grasses when irrigation is available 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. Identification signs shall be posted at the nearest county, state or federal road serving the property described in Exhibit A; 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.

UTC 8005-MS

THIS SPACE

2008-000988

Klamath County, Oregon



00038985200800009880010017

01/23/2008 03:17:57 PM

Fee: \$21.00

After recording return to:

Trustees of the Laura V. Hale Living Trust

7644 Forest Dr.

Fishers, IN 46038

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

Trustees of the Laura V. Hale Living Trust

7644 Forest Dr.

Fishers, IN 46038

Escrow No. MT80051-MS

Title No. 0080051

SWD

Exhibit A

STATUTORY WARRANTY DEED

W.S. Robinson and Doris M. Robinson, as tenants by the entirety, Grantor(s) hereby convey and warrant to John E. Hale and Laura V. Hale, Trustees of the Laura V. Hale Living Trust, Grantee(s) the following described real property in the County of KLAMATH and State of Oregon free of encumbrances except as specifically set forth herein:

**Dated December 22, 1999

Parcel 2 of Land Partition 28-94 located in the NE1/4 of Section 21, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$170,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 18 day of Jan 2008

W.S. Robinson
W.S. Robinson

Doris M. Robinson
Doris M. Robinson

By Winfred S. Robinson
Winfred S. Robinson, her attorney in fact

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on 1-18, 2008 by W.S. Robinson, also known as Winfred S. Robinson, individually and as Attorney in Fact for Doris M. Robinson.



MA Stuart
(Notary Public for Oregon)

My commission expires 12/20/10

24 ANT