



00080226201000024600020029

02/18/2010 02:36:14 PM

Fee: \$42.00

Page 1 of 2

After recording return to:

DEL F/125

RESTRICTIVE COVENANT BIG GAME WINTER RANGE

The undersigned, being the record owners of all of the real property described as follows: JOHNE & LAURA V. DALE 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 00302 in Township 39 South, Range 08 East, Section 03100, and located within an identified Goal 5 Big Game Winter Range habitat area, the following restrictive covenant(s) hereafter bind the subject property:

See Exhibit A

"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 16 day of Feb, 2010.

John V. Dale
Record Owner

Laura V. Dale
Record Owner

STATE OF OREGON)

ss.

County of Klamath)

Personally appeared the above names John Dale & Laura Dale and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 6 day of February, 2010.

By [Signature]

KRISTY MARS
NOTARY PUBLIC
STATE OF INDIANA (BOONE COUNTY)
MY COMMISSION EXPIRES DEC 27, 2014

[Signature]
Notary Public for State of Oregon
My Commission Expires: [Signature]

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

UTC 8005-MS



THIS SPACE

2008-000988

Klamath County, Oregon



00038985209800009880010017

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

21AMT