

NTC396-10171

2010-010150

Klamath County, Oregon

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After recording return to:

DAVID PERKINS  
2250 STRINGER GAP RD  
ORANTS PASS, OR 97507



00089331201000101500020029

08/26/2010 11:01:09 AM

Fee: \$42.00

**RESTRICTIVE COVENANT  
BIG GAME WINTER RANGE**

The undersigned, being the record owners of all of the real property described as follows; Lot 31, Block 32  
Klamath Forest Estates 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 2400 in Township 38 South, Range 11 East, Section 9, 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 20 day of August, 2010.

[Signature]  
Record Owner

[Signature]  
Record Owner

STATE OF OREGON )  
 ) ss.  
County of Klamath )

AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

Personally appeared the above names David S. Perkins and Anastacia M. Perkins and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 20 day of August, 2010.

By \_\_\_\_\_



[Signature]  
Notary Public for State of Oregon  
My Commission Expires: 11/20/2011

42pmf  
Note: A copy of the recorded instrument must be returned to Community Development before permits can be issued

## LEGAL DESCRIPTION

### "EXHIBIT A"

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Lot 31, Block 32, KLAMATH FALLS FOREST ESTATES, HIGHWAY 66 UNIT, PLAT NO. 2, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.