

After recording return to:

ALVIN VAN HULZEN



00089852201000105960020022

09/07/2010 12:08:53 PM

Fee: \$42.00

**RESTRICTIVE COVENANT
BIG GAME WINTER RANGE**

The undersigned, being the record owners of all of the real property described as follows; ALVIN & JEAN VAN HULZEN 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 200 in Township 39 South, Range 11 East, Section 1, 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 7 day of Sept, 2010.

Alvin Van Hulzen
Record Owner

Jeannette Van Hulzen
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names Alvin VanHulzen and Jean Van Hulzen and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 7 day of September 2010.

By _____



Lisa Weatherby
Notary Public for State of Oregon
My Commission Expires: 11/20/2011

EXHIBIT A
(Attach copy of legal description)

Parcel 3 of P.P. 48-06