

After recording return to:

Lani Hickey
PO Box 785
Merrill, OR 97633



00092079201000125260040042

10/25/2010 09:57:13 AM

Fee: \$52.00

RESTRICTIVE COVENANT Conflicting Use-Farm & Forest Uses

The undersigned, being the record owners of all of the real property described as follows: See Exhibit A 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 40 South, Range 12 East, Section 31, the following restrictive covenant(s) hereafter bind the subject property:

"Declarant and Declarant's heirs, legal representatives, assigns, and lessees hereby recognize(s) the rights of adjacent and nearby landowners to conduct farm and forest operations consistent with accepted farming practices and Forest Practices Act, ORS 30.090 and Rules for uses authorized by this Code."

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 20th day of October, 2010.

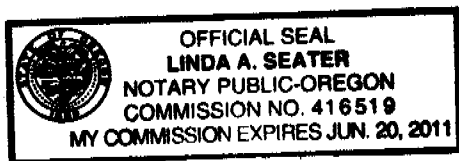
Record Owner

Record Owner

STATE OF OREGON)
) ss.
 County of Klamath)

Personally appeared the above names Denis P. Hickey, Jr. & Lani B. Hickey and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 20th day of October, 2010.

By _____



Notary Public for State of Oregon
 My Commission Expires: 20, 2011

EXHIBIT A

PARCEL 1

Beginning at the SW corner of the NE1/4 SE1/4 of Section 31, Township 40 South, Range 12 East of the Willamette Meridian; thence East 280 feet; thence 20° North of East a distance of 330 feet to the West side of Poe Valley Market Road; thence Northerly along the West side of said Poe Valley Market Road to the West line of said NE1/4 SE1/4, Section 31, Township 40 South, Range 12 East, Willamette Meridian; thence Southerly along the West line of said NE1/4 SE1/4 in said Section, Township and Range to the point of beginning.

PARCEL 2

The SE1/4 NW1/4, NE1/4 SW1/4, and those portions of the NE1/4 NW1/4 SW1/4 NE1/4 and NW1/4 SE1/4 lying Southwesterly of the County Road. All in Section 31, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

MT78290-KR

After recording return to:

Denis P. Hickey Jr.

PO Box 812

Merrill, OR 97633

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

Denis P. Hickey Jr.

PO Box 812

Merrill, OR 97633

Escrow No. MT78290-KR

Title No. 0078290

SWD

STATUTORY WARRANTY DEED

Gerald Herman and Nelda Herman, as tenants by the entirety, Grantor(s) hereby convey and warrant to Denis P. Hickey Jr. and Lani R. Hickey, as tenants by the entirety, 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:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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 **\$355,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES AND 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 197.352.

Dated this 7th day of March, 07.

Gerald Herman
Gerald Herman

Nelda Herman
Nelda Herman

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on 3-7-, 2007 by Gerald Herman and Nelda Herman.

Bessie Sinnock
(Notary Public for Oregon)

My commission expires 9-8-09



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PARCEL 2

The SE1/4 NW1/4, NE1/4 SW1/4, and those portions of the NE1/4 NW1/4, SW1/4 NE1/4 and NW1/4 SE1/4 lying Southwesterly of the County Road. All in Section 31, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.