

Returned @ County

2011-003380

Klamath County, Oregon



00098689201100033800020029

03/09/2011 10:22:19 AM

Fee: \$42.00

After Recording Return to:

City of Klamath Falls

Attn: City Recorder

500 Klamath Avenue

Klamath Falls, OR 97601

**Deed of Restriction and Covenant**

This deed restriction and covenant is between "Summerfield Residential Community, LLC" hereafter referred to as "Owner" and is in favor of the City of Klamath Falls, and for the benefit of the public, prohibiting the individual sale of any Parcels, or any portion thereof, legally described below in bold and shall run with the land and encumber the property described below effective from the date of the recording of this deed restriction with the Klamath County Clerk until the terms of the restriction are met. This requirement is part of a Residential Design Review on file with the City of Klamath Falls Planning Department. This Deed Restriction and Covenant shall be binding on and inure to the benefit of Summerfield Residential Community, LLC (Owner), the City and their respective successors and assigns. The property is described as follows:

**SUMMERFIELD RESIDENTIAL COMMUNITY - Lots 37 AND 38 of  
TRACT 1456**

Klamath County, Oregon (hereinafter "Property").

Proposed Lots 37 and 38 of the TRACT 1456 Klamath County, Oregon, and said parcels containing approximately .12 acres each may not be separately sold or transferred or reconfigured until and unless the existing lot boundary currently located between both proposed parcels is repartitioned, or replated such that all required setbacks, lot coverage and other land use requirements are met and the structure is no longer located on more than one parcel. Any such action, as listed, to the lots listed above after the recording of this Deed Restriction and Covenant require prior approval by the City of Klamath Falls.

The consideration for this deed in terms of dollars is \$0. However, the actual consideration consists of or includes other value given or promised which is the whole consideration.

As partial consideration for Owner restricting the transfer or sell of this property, City agrees to approve the proposed Manufactured Home Set, currently known as 5445 Winterfield Way and 5453 Winterfield Way.

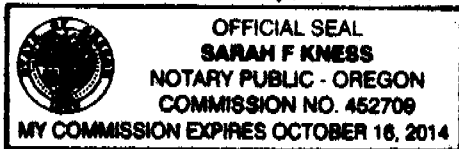
Summerfield Residential Community, LLC

[Signature]  
Randall Simonson  
Title: Member

Dated: 3-4-11

STATE OF OREGON )  
County of Klamath ) ss.

Subscribed and acknowledged before me this 4 day of March, 2011 by Randall Simonson, as member (title/property owner) of Summer Field Residential Community, LLC, as their voluntary act and deed.



BEFORE ME: [Signature]  
Notary Public for Oregon  
My Commission Expires: 10/16/2014

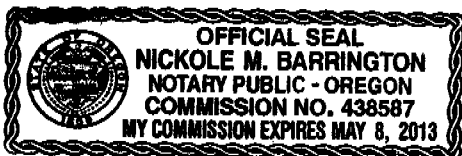
By signing below, the City of Klamath Falls accepts the grant of restrictive covenant made herein.

City of Klamath Falls

By: [Signature]  
Printed Name: Rick Whitlock, City Manager  
Attested By: [Signature]  
STATE OF OREGON )  
County of Klamath ) ss.

Dated: March 4, 2011

On the 4th day of March, 2011, personally appeared Rick Whitlock and Shirley F. Kappas, who, each being first duly sworn, did say that the former is the City Manager and the latter is the Deputy City Recorder of the City of Klamath Falls, an Oregon municipal corporation, and that this instrument was signed on behalf of said municipal corporation; and each of them acknowledged said instrument to be the City's voluntary act and deed.



BEFORE ME:

[Signature]  
Notary Public for Oregon  
My Commission Expires: 5-8-2013