

2011-08570

Klamath County, Oregon



00105045201100085700030039

07/25/2011 11:29:38 AM

Fee: \$47.00

Returned to Counter

## RESTRICTIVE COVENANT Accessory Structure Building Permit

The undersigned, being the record owners of all of the real property described as follows; R-3908-D12DB-00200 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.

The following restrictive covenant(s) hereafter bind the subject property:

"The 30 foot by 40 foot ( 1200 square feet total) accessory structure described as a storage shed and located on property designated by the Klamath County Assessor's Office as Tax Lot 200 in Township 39 South, Range 8E East, Section 12DB is permitted in conjunction with a primary use ( dwelling ) on the adjacent parcel described as Tax Lot 800 in Township 39 South, Range 8E East, Section 12DB. Said structure may be used for purposes customarily accessory and subordinate to the primary use of the above referenced parcel."

"Tax lots 200 and 800, as described above, shall not be transferred, conveyed, leased, mortgaged or otherwise liened separately from each other but only to identical transferees, mortgagees or lien claimants until such time as a lawful primary use is permitted on Tax Lot 200, where the named accessory use is located."

The covenant(s) 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.

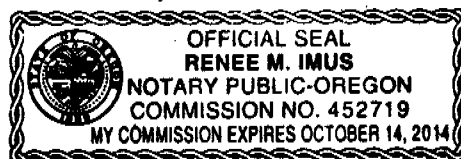
Dated this 17 day of JUNE, 2011.

DONALD D McCULLOUGH  
Record Owner

Donald D M. Culbough  
Record Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Klamath    )

Personally appeared the above names Donald D. McCullough and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 17 day of June, 2011.



Renee M. Imus  
Notary Public for State of Oregon  
My Commission Expires:

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

SEE EXHIBIT "A" + "B"

27063

12685

"Exhibit A"

5231 Balsam Drive

The following described real property in Klamath County, Oregon:

A parcel of land being a portion of Lot 1 and Lot 4 of "DE WITT HOME TRACTS", more particularly described as follows:

Commencing at the Northeast corner of Lot 1 of said DeWitt Home Tracts; thence South 89° 49' 00" West along the North line of said Lot 1, 229.31 feet to a 5/8 inch iron pin marking the point of beginning for this description; thence South 00° 04' 00" West parallel to the East line of said Lot 1, 145.00 feet to a 5/8 inch iron pin; thence South 89° 49' 00" West parallel to the North line of said Lot 1, 197.11 feet to a 5/8 inch iron pin; thence parallel to the East line of said Lot 1 North 00° 04' 00" East 145.00 feet to a 5/8 inch iron pin on the North line of said Lot 4; thence North 89° 49' 00" East along the North line of said Lot 4 and said Lot 1, 197.11 feet to the point of beginning.

STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of Donald D. McCullough the 23rd day  
of July A.D., 19 98 at 3:38 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 27062

FEE \$35.00

By Hermetha G. Leisch, County Clerk

EXHIBIT "B"

17555

ODVA Account Number

C20620

## LEGAL DESCRIPTION (continued)

of said Lot 4; thence along said West line North 00°04'00" East, 145.00 feet to the point of beginning.

## SUBJECT TO:

1. Any taxes for 1998/1999 when due or payable.
2. Any Right of Redemption as Provided by Law.
3. Conditions, restrictions as shown on the recorded plat of DeWitt Home Tracts.

"THIS INSTRUMENT WILL 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."

IN WITNESS WHEREOF, the State of Oregon, represented and acting by the Director of the Oregon Department of Veterans' Affairs, has caused these presents to be executed May 21, 1998, at Salem, Oregon. The foregoing recital of consideration is true as I verily believe.

DIRECTOR OF OREGON DEPARTMENT OF VETERANS' AFFAIRS — Lender

By: Curt R. Schnepf  
Curt R. Schnepf, Manager, Accounts Services

STATE OF OREGON

)  
) Ss.

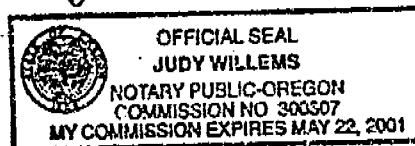
County of Marion

On May 21, 1998,

this instrument was acknowledged before me by the above-named Curt R. Schnepf, who personally appeared, and, being first duly sworn, did say that he is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me:

Judy Willem  
Notary Public for Oregon



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Donald D. McCullough the 26th day  
of May A.D., 19 98 at 9:31 o'clock A. M., and duly recorded in Vol. M98  
of Deeds on Page 17554

FEE \$35.00  
1.00 copy

By Bernetha G. Letsch, County Clerk  
Kathleen Ross