

WJC 89550

2011-011810  
Klamath County, Oregon



10/21/2011 02:38:36 PM

Fee: \$52.00

After recording return to:  
JDCK, LLC  
Attn: John W. Raborn  
11600 SW Shilo Lane  
Portland, OR 97225-5995

**RESTRICTIVE COVENANT**

JDCK, LLC, an Oregon limited liability company, ("Grantor") is the record owner of the property legally described in Exhibit A attached hereto and by this reference incorporated herein ("Servient Estate").

Shilo Inn, Klamath Falls., LLC, an Oregon limited liability company ("Grantee") is the record owner of the property legally described in Exhibit B attached hereto and by this reference incorporated herein ("Dominant Estate").

For other consideration, the receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a permanent restrictive covenant on the Servient Estate as follows:

**There shall be no motels, hotels, inns, suites, transient lodging or similar type of use or construction on Grantor's Servient Estate.**

Said restrictive covenant and all obligations associated therewith shall be appurtenant to the Servient and Dominant Estates, shall run with the lands, and inure to the benefit of Grantor and Grantee, their respective heirs, successors, tenants, and assigns. Grantor and Grantee are each responsible for causing this covenant to be recorded on their respective properties described herein within fifteen (15) days from the date set forth below. If any dispute arises related to this covenant, the prevailing party as determined by a court of competent jurisdiction shall be entitled to their legal fees and costs.

It is further understood that Grantor, will hold Grantee and Grantee and their successors ("Servient Estate Parties") harmless for any damages caused by Grantor and Grantor's successor or assigns use of the Servient Estate in violation of this covenant.

Dated this 12 day of October, 2011.

**Grantor:**  
JDCK, LLC,  
An Oregon limited liability company

**Grantee**  
SHILO INN KLAMATH FALLS., LLC  
an Oregon limited liability company:

By: Mark S. Hemstreet,  
As Majority Member

By: Shilo Management Corporation,  
its manager

By: Mark S. Hemstreet  
Name: Mark S. Hemstreet  
Title: Majority Member  
State of California

By: John W. Raborn  
Name: John W. Raborn  
Title: Senior Vice President

524mcf

County of Riverside

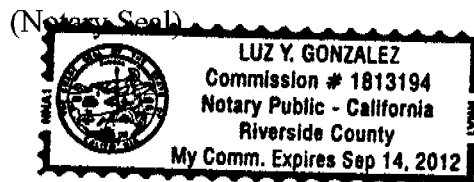
On October 12, 2011 before me, Luiz Y. Gonzalez, Notary Public  
(here insert name and title of the officer)

personally appeared MARK S. HEMSTREET, as authorized representative of Grantor, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Luiz Y. Gonzalez  
Signature of Notary Public



State of Oregon  
County of Washington

On 10-14-2011 before me, Agafia Larionov, Notary Public  
(Here insert name and title of the officer)

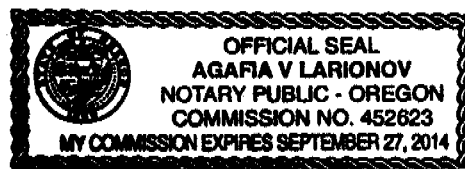
personally appeared JOHN W. RABORN, as authorized representative of Grantee and as Senior Vice President of Shilo Management Corporation, the manager of Shilo Inn, Klamath Falls., LLC, an Oregon limited liability company who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Agafia Larionov  
Signature of Notary Public

(Notary Seal)



**EXHIBIT A**  
**JDCK, LLC Legal Description**

Real property in the County of Klamath, State of Oregon, described as follows:

Block 1: Lots 1, 2, and 3

Block 2: All

Block 3: Lots 3, 4, 5 and 6

Block 4: All

Block 8: Lots 9 and 10

Block 9: All

Block 10: Lots 1, 2, 3, 4, and 5

Block 11: Lots 1, 2, 3, 4, and 5

Block 12: All

Block 19: Lots 1, 2, 3, 8, 9 and 10

Block 20: Lots 1, 2, and 3

Together with the adjacent vacated portions of alleys, 1st Avenue, 2nd Avenue, Third Avenue, Fourth Avenue, A Street, B Street, C Street, D Street, and E Street, and F Street and Saving and Excepting those portions lying within the right of way of US Highway 97.

All situated in Opportunity Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

**EXHIBIT B**  
**Shilo Inn, Klamath Falls, LLC Property**  
**Legal Description**

PARCEL 1:

Lots 2, 3, 4, and 5, in Block 3 of Tract 1163, CAMPUS VIEW, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH that portion of vacated Almond Street which inurred thereto as evidenced by Ordinance 6597, recorded July 6, 1990 in Volume M90, page 13373, Microfilm Records of Klamath County, Oregon.

PARCEL 2:

All that portion of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 20, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Northeasterly of the Eastside Bypass conveyed to the State of Oregon by deed recorded June 18, 1957 in Volume 292 at page 373, Deed Records of Klamath County, Oregon and recorded December 28, 1961 in Volume 334 at page 481, Deed Records of Klamath County, Oregon.

PARCEL 3:

Lots 3, 4, and 5 in Block 4 of TRACT NO. 1163, CAMPUS VIEW, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. TOGETHER WITH that portion of vacated Almond Street which inurred thereto, as evidence by Ordinance 6597 recorded July 6, 1990 in Volume M90, page 13373, Microfilm Records of Klamath County, Oregon.

PARCEL 4:

Lots 1 and 6 in Block 3 of Tract No. 1163, CAMPUS VIEW, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.