

2011-013498

Klamath County, Oregon

Page 1 of 3

After recording return to:

Tru-line Surveying, Inc

00111021201100134980030032

12/06/2011 11:56:05 AM

Fee: \$47.00

**RESTRICTIVE COVENANT
Conditional Use Permit**

The undersigned, being the record owners of all of the real property described as follows: Parcel 1 + 2 of Land Partition 7-11 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 00 + 10 in Township 40 South, Range 9 East, Section 11, 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 4 day of October, 2011.

Harold E. Balin
Record Owner

Joan L. Stanton
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names HAROLDE. BALIN and JOAN L. STANTON and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 4 day of OCTOBER, 2011.
By Mitchell K Stokes



Mitchell K Stokes
Notary Public for State of Oregon
My Commission Expires: 3-19-2015

Note: A copy of the recorded instrument must be returned to Community Development before permits can be issued.
\\mady\cdd\shared\PLANNING\Planning Forms\Covenant-CUP.doc

After recording return to:

Tru-Line Surveying Inc.

**RESTRICTIVE COVENANT
Conditional Use Permit**

The undersigned, being the record owners of all of the real property described as follows; Parcel 1 + 2 of
Land Petition 7-11 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 1009101 in Township 40 South, Range 9 East,
Section 11, 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.

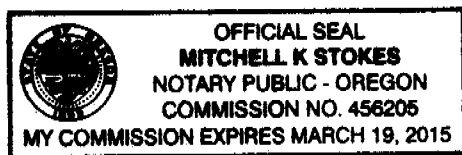
Dated this 4 day of OCT, 20 11.

Gary T. Cheyne
Record Owner

Denise L Cheyne
Record Owner

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above names GARY T. Cheyne and Denise L Cheyne and acknowledged the
foregoing instrument to be his/her voluntary act and deed before me this 4 day of October, 2011.
By Mitchell K Stokes



Mitchell K Stokes
Notary Public for State of Oregon
My Commission Expires: 3.19.2015

Note: A copy of the recorded instrument must be returned to Community Development before permits can be issued.
\\mady\cdd\shared\PLANNING\Planning Forms\Covenant-CUP.doc

SURVEYOR'S CERTIFICATE

I, JOHN M. HEATON, A REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, HEREBY CERTIFY THAT I HAVE PARTITIONED, PLATTED AND SURVEYED PARCEL 2 OF "LAND PARTITION 7-11", BEING A REPLAT OF PARCELS 1 AND 2 OF "LAND PARTITION 40-85", BEING SITUATED IN THE NE1/4 OF SECTION 11, T40S, R9EWM, KLAMATH COUNTY, OREGON; CONTAINING 81.4 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1: (MINOR LAND PARTITION #40-85)
THE N1/2 OF THE NE1/4 OF SECTION 11, T40S, R9EWM, KLAMATH COUNTY, OREGON, EXCEPTING THEREFROM:

A TRACT OF LAND SITUATED IN THE NW1/4 NE1/4 OF SECTION 11, T40S, R9EWM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 11, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 11 BEARS S89°38'26"W 498.37 FEET; THENCE N89°38'26"E ALONG THE SAID SECTION LINE, 318 FEET; THENCE S00°21'34"E 80 FEET; THENCE N89°38'26"E 14 FEET; THENCE S00°21'34"E 580 FEET; THENCE S89°38'26"W 332 FEET; THENCE N00°21'34"W 660 FEET TO THE POINT OF BEGINNING WITH BEARINGS BASED ON SURVEY NO. 3769, AS RECORDED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

PARCEL 2: (MINOR LAND PARTITION #40-85)
A TRACT OF LAND SITUATED IN THE NW1/4 NE1/4 OF SECTION 11, T40S, R9EWM, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 11, FROM WHICH THE NORTH QUARTER CORNER OF SAID SECTION 11 BEARS S89°38'26"W 498.37 FEET; THENCE N89°38'26"E ALONG THE SAID SECTION LINE, 318 FEET; THENCE S00°21'34"E 80 FEET; THENCE N89°38'26"E 14 FEET; THENCE S00°21'34"E 580 FEET; THENCE S89°38'26"W 332 FEET; THENCE N00°21'34"W 660 FEET TO THE POINT OF BEGINNING WITH BEARINGS BASED ON SURVEY NO. 3769, AS RECORDED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.