



After recording return to:

MTC 1396-12790

Jean David
Driggs Energy
800 Brockwell Ave, suite 1100
Miami, FL 33131

2016-013376

Klamath County, Oregon

12/15/2016 02:24:01 PM

Fee: \$57.00

RESTRICTIVE COVENANT Conditional Use Permit

The undersigned, being the record owners of all of the real property described as follows: 22330 Drazil Road in Malin, Klamath County, Oregon 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 ("CUP") to construct a solar power generating facility on property designated by the Klamath County Assessor's Office as Tax Lot 900 in Township 41 South, Range 12 East, Section 9, 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; provided that this covenant shall terminate immediately and automatically without further action by any party upon the date that the CUP is no longer active and valid.

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 8 day of December, 2016.

OR SOLAR 6A, LLC

By: ET Cap OR Holdings LLC, its Sole Member

By: ET Capital Solar Partners (USA), Inc., its Managing Member

Record Owner

Name: Boris Schubert

Title: President

Please return a copy of the recorded covenant to the Klamath County Planning Department.

AMERITITLE has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

STATE OF _____)
County of _____) ss.

Personally appeared the above names _____ and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this _____ day of _____, 20____.

See Attached

Notary Public for State of Oregon

My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Alameda

On 12/08/2016

Date

before me, Michelle Romero

Here Insert Name and Title of the Officer

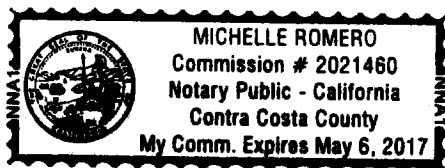
personally appeared Boris Schubert

Name(s) of Signer(s)

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.



Signature

Michelle Romero

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Restrictive Covenant

Document Date: 12/08/2016

Number of Pages: 3

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

- ☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

EXHIBIT A

LEGAL DESCRIPTION

The S1/2 SW1/4, Section 9, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

SAVING AND EXCEPTING THEREFROM that portion thereof conveyed to the United States of America by deed recorded August 4, 1930 in Book 91 at page 553, deed records of Klamath County, Oregon.

EXCEPTING that portion lying within the boundaries of USBR 10-D-1 Drain.

ALSO SAVING AND EXCEPTING THEREFROM that portion lying within the boundaries of Demeritt County Road 1168 and Turkey Hill County Road 1167.