

13916-11830

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**After recording return to:**

ET Solar Inc

Attn: Michael Eden

4900 Hopyard RD Ste 310

Pleasanton, CA 94588

**2017-001491**

**Klamath County, Oregon**

02/13/2017 11:07:01 AM

Fee: \$57.00

**RESTRICTIVE COVENANT  
Conditional Use Permit**

The undersigned, being the record owners of all of the real property described as follows: vacant land in Merrill, 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 1100 in Township 41 South, Range 10 East, Section 2, 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shall terminate immediately and automatically without further action by any party upon the date that the CUP is no longer active and valid.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<sup>th</sup> day of February, 2017.

OR SOLAR 5, LLC

By: ET Cap OR Holdings LLC, its Sole Member

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

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.

Record Owner

Name: Linhui Sui

Title: President

Approved by Legal

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

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 \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

Unofficial Copy

**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 02/08/2017

Date

before me, Michelle Romero

Here Insert Name and Title of the Officer

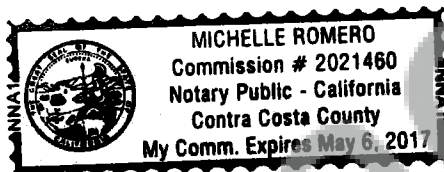
personally appeared Linhui Sui

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

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: 2/8/2017

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

A tract of land situate in Section 2, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

That portion of the N1/2 of said Section lying Easterly of the Northeasterly boundary of the D-1-C Lateral deeded to the United States of America in Deed Volume 111, page 183, Deed Records of Klamath County, Oregon and South of the 6-C-1 Drain deeded to the United States of America in Volume 111, page 183, Deed Records of Klamath County, Oregon; and West of the Westerly right of way line of the Great Northern Railway, recorded October 13, 1932, in Volume 99, page 109, Deed Records of Klamath County, Oregon. SAVING AND EXCEPTING therefrom the right of way of the K.I.D. No. 6 Drain recorded January 13, 1915, in Volume 43, page 239, Deed Records of Klamath County, Oregon.

AND ALSO that portion of the S1/2 of said Section 2 lying Easterly of the Northeasterly right of way of Highway No. 39 and Westerly of the Westerly boundary of the K.I.D. No. 6 Drain, recorded January 13, 1915 in Deed Volume 43, page 239, Deed Records of Klamath County, Oregon, SAVING AND EXCEPTING that portion conveyed to the United States of America for the D-1-C Lateral in Volume 111, page 183, Deed Records of Klamath County, Oregon.

EXCEPTING THEREFROM that portion of Tracts 19, 20, 35 and 40 and Second Street adjacent thereto of MERRILL TRACTS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, lying Northeasterly of the Dalles – California Highway (State Highway 39)