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File#: CUP B-18

After recording return to:

AL Shirk  
PO Box 2846  
Lupine OR 97739

### RESTRICTIVE COVENANT Conditional Use Permit

The undersigned, being the record owners of all of the real property described as follows:

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 100 in Township 23 South, Range 09 East, Section 13, 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 10<sup>th</sup> day of April, 2019.

[Signature]  
Record Owner

Kelly Fisher  
Record Owner

STATE OF Oregon )  
County of Deschutes ) ss.

Personally appeared the above names Albert Shirk + Kelly Fisher and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 10<sup>th</sup> day of April, 2019.



[Signature]  
Notary Public for State of Oregon  
My Commission Expires: 6/5/2021

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

282.

EXHIBIT A

LEGAL DESCRIPTION

Tax Lot 100 in Township 23 South,  
Range 09 East, Section 13.

R-2309-01300-00100