

After recording return to:  
Whisky Creek Solar, LLC  
3519 NE 15<sup>th</sup> Ave., #106  
Portland, OR 97212

2022-013791

Klamath County, Oregon

11/29/2022 02:44:01 PM

Fee: \$87.00

## RESTRICTIVE COVENANT

### (Right to Farm)

The undersigned, Daryl Lee Malvern and Sara Marie Palomino, being the record owner of all of the real property described as follows Map Tax Lot No. R-3612-022A0-00400; Assessor Parcel Number 357312 and further identified by "Exhibit A" attached hereto, do hereby make the following restrictive covenant for the above-described real property, specifying that the covenant 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 11-20) to construct a solar facility on property designated by the Klamath County Assessor's Office as Tax Lot 400 in Township 36 South, Range 12 East, Section 22AO the following restrictive covenant 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 Planning 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 contained herein by judicial or administrative proceeding. This covenant is made pursuant to the provisions of the Klamath County Land Development Code.

Dated this 13 day of June, 2022.

Daryl Malvern  
Record Owner Sign

Sara Palomino  
Record Owner Sign

Print Name: Daryl Malvern

Print Name: SARA PALOMINO

STATE OF Oregon )  
County of Klamath ) ss.

Personally appeared the above names Sara Palomino & Daryl Malvern and acknowledged the foregoing instrument to be his/her voluntary act and deed before me this 13<sup>th</sup> day of June, 2022.



Paige Lynne Basurto  
Notary Public for State of Oregon  
My Commission Expires: April 16, 2023

## **EXHIBIT A**

### **PROPERTY LEGAL DESCRIPTION**

**All that portion of the NE1/4 NE1/4, Section 22, Township 36 South, Range 12 East, Willamette Meridian, lying Southerly of the right of way of the Klamath Falls-Lakeview Highway No. 66, SAVING AND EXCEPTING therefrom the following described two parcels:**

**A portion of the E1/2 of the NE1/4 of the NE1/4 of Section 22, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly describes as follows:**

**Beginning at the Northeast corner of the NE1/4 NE1/4 of said Section 22, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon; thence South along the East line of said NE1/4 NE1/4 a distance of 264 feet; thence West a distance of 330 feet; thence North parallel to the East line of said NE1/4 NE1/4 a distance of 264 feet to the North line of said Section 22; thence East a distance of 330 feet to the point of beginning.**

**SAVING AND EXCEPTING THEREFROM a portion of the E1/2 of the NE1/4 of the NE1/4 of Section 22, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:**

**Beginning at the Northeast corner of Section 22, thence South 240 feet along the Eastern boundary of Section 22, thence West 300 feet, thence South 75 feet, thence East 300 feet, thence North 75 feet to the point of beginning.**

**EXCEPTING THEREFROM that portion lying within the right of way of Yellow Jacket Spring Road.**