

2023-000864

Klamath County, Oregon

02/08/2023 12:30:01 PM

Fee: \$112.00

**After Recording Return To:**

Kendra Smith  
WinCo Foods LLC  
650 N. Armstrong Pl.  
Boise, ID 83704

This Space Reserved for Recording Purposes

KLAMATH COUNTY, OREGON

**TERMINATION OF EASEMENTS, COVENANTS CONDITIONS AND  
RESTRICTIONS BY AND BETWEEN LOWE'S HIW, INC. AND NEWMAN  
DEVELOPMENT GROUP OF KLAMATH FALLS, LLC**

THIS TERMINATION OF EASEMENTS, COVENANTS CONDITIONS AND RESTRICTIONS BY AND BETWEEN LOWE'S HIW, INC. AND NEWMAN DEVELOPMENT GROUP OF KLAMATH FALLS, LLC ("Termination") is made this 8<sup>th</sup> day of February, 2023 by and between LOWE'S HOME CENTERS LLC, a North Carolina limited liability company, successor-in-interest to LOWE'S HIW, INC, a Washington corporation ("Lowe's") and NEWMAN DEVELOPMENT GROUP OF KLAMATH FALLS, LLC, a Washington limited liability company ("Developer") with reference to the following facts and is as follows:

**RECITALS**

A. WHEREAS, on or about June 24, 2008, Lowe's and Developer entered into that certain Easements, Covenants Conditions And Restrictions By And Between Lowe's HIW, Inc. And Newman Development Group Of Klamath Falls, LLC, which was recorded on September 11, 2008, as Instrument Number 2008-012703, in the Official Public Records of Klamath County, Oregon, and which was re-recorded on September 16, 2008, as Instrument Number 2008-012933 (the "CCRs") affecting certain real property located in the City of Klamath Falls, County of Klamath, State of Oregon (the "Property"), and more particularly described in **Schedule I and Schedule II** attached hereto and by this reference incorporated herein;

B. WHEREAS, the parties have decided to sell their respective interests in the Property and thus desire to terminate the CCRs and remove them as an encumbrance against the Property.

**AGREEMENT**

FIRST AM NCS-1138890-OR

NOW, THEREFORE, Lowe's and Developer hereby agree to terminate the CCRs and agree that the CCRs are terminated effective as of the recording of this document and thereafter the CCRs shall cease to be an encumbrance against the Property.

IN WITNESS WHEREOF, Lowe's and Developer have executed this Termination as of the date above written.

LOWE'S HOME CENTERS LLC,  
a North Carolina limited liability company

By: [Signature]  
Name: Richard Goodman  
Title: Vice President

SL RWK CD  
TJS JG

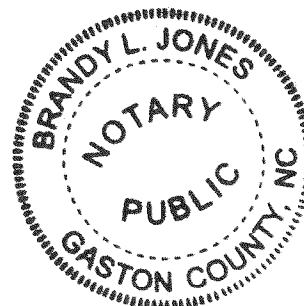
STATE OF North Carolina  
County of Iredell )ss.

On this 3rd day of February, 2023, before me, a Notary Public, personally appeared Richard Goodman, known or proved to me to be the Vice President of LOWE'S HOME CENTERS LLC, a North Carolina limited liability company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same on behalf of said company.

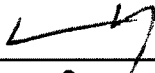
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public  
Residing at Gaston County, North Carolina  
Comm. Expires 3-20-2027

[Signatures continued on following page]



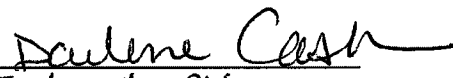
NEWMAN DEVELOPMENT GROUP OF  
KLAMATH FALLS, LLC  
a Washington limited liability company

By:   
Name: Marc Newman  
Title: Member

STATE OF New York )  
 )ss.  
County of Broome )

On this 3<sup>rd</sup> day of February, 2023, before me, a Notary Public, personally appeared Marc Newman, known or proved to me to be the Member of and NEWMAN DEVELOPMENT GROUP OF KLAMATH FALLS, LLC, a Washington limited liability company, the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public   
Residing at Endicott, NY  
Comm. Expires 3/9/2025

DARLENE CASH  
Notary Public, State of New York  
NO. 01CA6202200  
Qualified in Broome County  
Commission Expires March 9, 2025

## **SCHEDULE I**

### Legal Description of Lowe's Parcel(s)

Parcel 2 of Land Partition 19-08, Being a Re-Plat of Lots 37, 38A, 41B and 42 of Enterprise Tracts, situated in the SW  $\frac{1}{4}$  of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

## **SCHEDULE II**

### Legal Description of Developer Parcel

Parcel 3 of Land Partition 19-08, Being a Re-Plat of Lots 37, 38A, 41B and 42 of Enterprise Tracts, situated in the SW ¼ of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.