

2024-002498

Klamath County, Oregon



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04/03/2024 12:01:12 PM

Fee: \$117.00

After Recording Return To:
Karna R. Gustafson
Vial Fotheringham LLP
6000 Meadows Rd., Suite 500
Lake Oswego, OR 97035

Returned at: Counter
Brian Jackson

**DECLARATION ESTABLISHING
WAGON TRAIL ACREAGES NUMBER ONE FOURTH ADDITION, TRACT NO. 1139
AND ANNEXING IT TO WAGON TRAIL RANCH**

THIS DECLARATION ESTABLISHING WAGON TRAIL ACREAGES NUMBER ONE FOURTH ADDITION, TRACT NO. 1139 AND ANNEXING IT TO WAGON TRAIL RANCH ("Fourth Addition Supplemental Declaration") is made this 2ND day of APRIL, 2024, by Brian Jackson, Kathy Jackson and Donald Huff (collectively, the "Jacksons and Huff"), with reference to the following facts:

A. By document entitled Declarations, Restrictions, Protective Covenants and Conditions for Wagon Trail Ranch recorded on August 30, 1972 in Volume M 72, Page 9766, in the Deed Records of Klamath County, Oregon, the original declarant, Brooks Resources Corporation ("Original Declarant"), created the first phase of Wagon Trail Ranch. By document entitled Declaration Subjecting Wagon Trail Acreages Number I, Second Addition, recorded on July 30, 1975 in Vol. M 75 Page 8741, in the Deed Records of Klamath County, Oregon, the Original Declarant subjected the second phase to the Declaration. By document entitled Declaration Establishing Wagon Trail Acreages No. 1 Third Addition, Tract No. 1136 and Annexing it to Wagon Trail Ranch, recorded on December 11, 1979 in Vol. M 79 Page 28494 in the Deed Records of Klamath County, Oregon, the Original Declarant subjected the third phase to the Declaration. Collectively, these declarations shall be referred to herein as the "Declaration." By document entitled Assignment of Declarant Rights, the Original Declarant assigned its declarant rights under the Declaration to The Wagon Trail Ranch Property Owners Association ("Association").

B. The owners in Wagon Trail Ranch phases one, two and three have voted to annex additional property known as Tract 1139 Wagon Trail Acreages Number One Fourth Addition Lots 1 – 24 ("Fourth Addition") to Wagon Trail Ranch and thereby make such property subject to the Declaration and Bylaws of the Association. Lots 1-24 Fourth Addition shall be referred to herein as "Lot" or "Lots." The Board of Directors of the Association have voted to annex the Fourth Addition to Wagon Trail Ranch.

C. The Jacksons and Huff desire to subject the Fourth Addition to the Declaration and Bylaws of the Association and make said property part of Wagon Trail Ranch. Except as

expressly provided herein, all provisions of the Declaration and Bylaws shall apply to owners and Lots in the Fourth Addition. Jacksons and Huff shall notify the Association upon the sale, transfer or conveyance of any Lot in Fourth Addition to a third party.

THE JACKSONS AND HUFF DECLARE as owner of the real property described in Exhibit "A" attached hereto and also described herein as the Fourth Addition, hereby annexes such real property to Wagon Trail Ranch described in the Declaration. The Association, as holder of the declarant rights, hereby consents to the annexation of the Fourth Addition to Wagon Trail Ranch. The annexed property shall hereafter be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the terms, provisions, covenants, conditions, restrictions, and easements of the Declaration, the Bylaws of the Association and this Fourth Addition Supplemental Declaration, including subsequent amendments thereto.

The following additional covenants, conditions and restrictions apply to the Lots in the Fourth Addition:

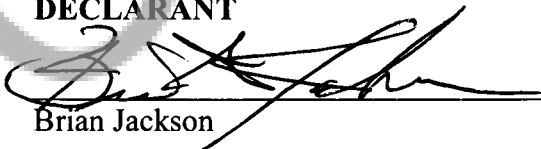
1. Transfer Assessment. Upon the sale, transfer or conveyance of a Lot in Fourth Addition from the Jacksons and Huff to a third party, an assessment of two thousand five hundred dollars (\$2,500.00) ("Transfer Assessment") shall be immediately due and payable to the Association by the transferee at closing. If the sale, transfer or conveyance occurs outside of escrow, the Transfer Assessment shall be paid upon recording of the deed. In addition, the Transfer Assessment shall be immediately due and payable if Jacksons and Huff, individually or collectively, construct a residence on a Lot upon the issuance of a certificate of occupancy or final inspection from Klamath County. Conveyances to a limited liability company or trust, the principals of which include the Jacksons and Huff, shall not be subject to the assessment until the Lot is sold, transferred or conveyed to a third party, or unless said entity constructs a residence thereon, then the Transfer Assessment will be immediately due and payable upon the issuance of a certificate of occupancy or final inspection from Klamath County. Provided, however, if the Lot in the Fourth Addition has not been sold, transferred or conveyed to a third party within fifteen (15) years from the date this Fourth Addition Supplemental Declaration is recorded, said Transfer Assessment shall be immediately due and payable on said date. Said Transfer Assessment shall be the personal obligation of the owner of the Lot and shall be a charge on the land and shall be a continuing lien on the Lot against which each such assessment is made. Recording of this Fourth Addition Supplemental Declaration shall constitute record notice of said lien.
2. Regular Assessments. Regular assessments of the Association, including any special assessments, shall commence upon the sale, transfer or conveyance of a Lot in the Fourth Addition from the Jacksons and Huff to a third party, or if Jacksons and Huff, individually or collectively, construct a residence on a Lot, then said assessments shall commence upon the issuance of a certificate of occupancy or final inspection from Klamath County. Said assessments shall be assessed and collected as provided for in the Declaration. Conveyances to a limited liability company or trust, the principals of which include the Jacksons and Huff, shall not be subject to the

assessment unless said entity constructs a residence thereon, then the assessments shall commence upon the issuance of a certificate of occupancy or final inspection from Klamath County. Provided, however, if the Lot in the Fourth Addition has not been sold, transferred or conveyed to a third party within fifteen (15) years from the date this Fourth Addition Supplemental Declaration is recorded, said assessments shall commence and be immediately due and payable from that date forward.

3. Voting. Lots in the Fourth Addition shall not be entitled to a vote as provided in Article IV of the Declaration until the Lot is sold, conveyed or transferred to a third party from the Jacksons and Huff. Conveyances to a limited liability company or trust, the principals of which include the Jacksons and Huff, do not constitute a sale, conveyance or transfer to a third party for the purposes of voting.
4. Road Ownership. Jacksons and Huff shall convey ownership of the roads in the Fourth Addition to the Association no later than thirty (30) days from the sale of the first Lot in the Fourth Addition.
5. Maintenance of Roads in Fourth Addition. The Association will begin maintaining the roads in Fourth Addition as Lots are sold, transferred or conveyed therein as provided in this section. The Association will maintain the shortest distance of road to the sold, transferred or conveyed Lot from the existing Stirrup Drive in First Addition to the Lot in Fourth Addition. Once all Lots in Fourth Addition are sold, transferred or conveyed to a third party, the Association will maintain the entirety of the roads in Fourth Addition.
6. Application and Conflict. All other provisions of the Declaration and Bylaws of the Association, and any amendments thereto, shall apply to the owners of Lots in the Fourth Addition. In the event of a conflict, this Fourth Addition Supplemental Declaration shall control.

IN WITNESS WHEREOF, the Jacksons and Huff have executed this Fourth Addition Supplemental Declaration on the date set forth above.

DECLARANT

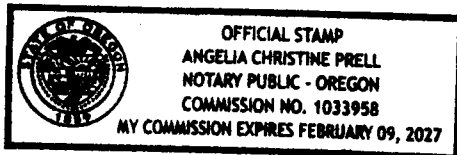

Brian Jackson


Kathy Jackson


Donald Huff

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me April 2, 2024 by
Brian Jackson.



Angelia Christine Prell
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)

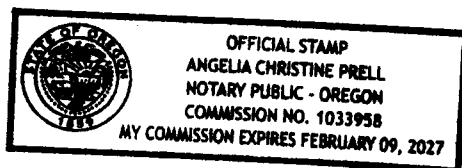
This instrument was acknowledged before me April 2, 2024 by
Kathy Jackson.



Angelia Christine Prell
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me April 2, 2024, 20__ by
Donald Huff.



Angelia Christine Prell
Notary Public for Oregon

CONSENT

The Wagon Trail Ranch Property Owners Association, an Oregon nonprofit corporation, holder of the declarant rights of Wagon Trail Ranch, hereby consents to the annexation of the additional property known as Tract 1139 Wagon Trail Acreages Number One Fourth Addition Lots 1-24 to Wagon Trail Ranch.

DATED: 4-2-2024

THE WAGON TRAIL RANCH PROPERTY OWNERS ASSOCIATION, an Oregon nonprofit corporation

By: Timothy Murny
Chairperson

By: Linda Schaefer
Secretary

STATE OF OREGON)

) ss.
County of Deschutes)

April 2, 2024

Personally appeared before me the above-named Timothy Murny who, being duly sworn, did say that ___ is the Chairperson of The Wagon Trail Ranch Property Owners Association, an Oregon nonprofit corporation, and that said instrument was signed in behalf of said Association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.



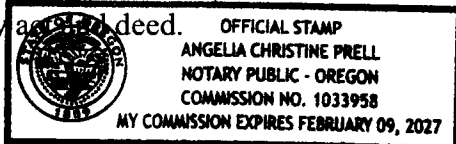
Angelia Christine Prell
Notary Public for Oregon

STATE OF OREGON)

) ss.
County of Deschutes)

April 2, 2024

Personally appeared before me the above-named Linda Schaefer who, being duly sworn, did say that ___ is the Secretary of The Wagon Trail Ranch Property Owners Association, an Oregon nonprofit corporation, and that said instrument was signed in behalf of said Association by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.

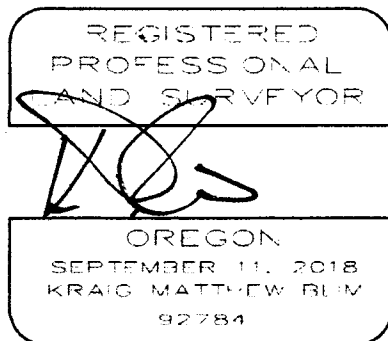


Angelia Christine Prell
Notary Public for Oregon

EXHIBIT A

AN AREA OF LAND IN THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 23 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3" BRASS CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 1, THENCE FOLLOWING THE CENTER QUARTER LINE OF SAID SECTION 1, NORTH 89°46'53" WEST A DISTANCE OF 1357.89 FEET; THENCE LEAVING SAID CENTER QUARTER LINE NORTH 06°11'45" WEST A DISTANCE OF 698.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STIRRUP DRIVE MARKED WITH A 5/8" IRON ROD; THENCE FOLLOWING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STIRRUP DRIVE ALONG A CURVE TO THE RIGHT WITH A 639.84 FOOT RADIUS, 312.76 FEET (CHORD BEARS SOUTH 73°03'26" EAST 309.65 FEET); THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, NORTH 30°56'46" EAST, 60.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF STIRRUP DRIVE, MARKED WITH A 5/8" IRON ROD; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY, NORTH 11°09'41" EAST, 640.84 FEET TO A POINT MARKED WITH A 5/8" IRON ROD; THENCE SOUTH 89°05'24" EAST, 489.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF STIRRUP DRIVE MARKED WITH A 5/8" IRON ROD; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY, NORTH 89°58'24" EAST, 60.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF STIRRUP DRIVE MARKED WITH A 5/8" IRON ROD; THENCE FOLLOWING SAID EASTERLY RIGHT-OF-WAY, NORTH 00°01'36" WEST, 249.69 FEET TO A POINT MARKED WITH 5/8" IRON ROD; THENCE FOLLOWING SAID RIGHT-OF-WAY ALONG A CURVE TO THE LEFT WITH A 570.14 FOOT RADIUS, 327.59 FEET (CHORD BEARS NORTH 16°29'11" WEST, 323.11 FEET) TO A POINT MARKED WITH A 5/8" IRON ROD; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, NORTH 62°41'28" EAST, 234.43 FEET TO A POINT MARKED WITH A 5/8" IRON ROD; THENCE NORTH 48°08'34" EAST, 425.48 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 1 MARKED WITH A 5/8" IRON ROD, SAID POINT BEARING SOUTH 00°01'50" WEST A DISTANCE OF 404.54 FEET FROM A 3" BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 1; THENCE FOLLOWING SAID EAST LINE, SOUTH 00°01'50" WEST A DISTANCE OF 2232.39 FEET TO THE POINT OF BEGINNING.



EXPIRES 12/31/25

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR ROAD PURPOSES OVER AND ACROSS STIRRUP DRIVE AND WAGON TRAIL ROAD AS SHOWN ON THE OFFICIAL PLATS OF WAGON TRAIL ACREAGES NUMBER ONE, KLAMATH COUNTY, OREGON AND WAGON TRAIL ACREAGES NUMBER ONE FIRST ADDITION, KLAMATH COUNTY OREGON.