



AFTER RECORDING RETURN TO:
BRYANT EMERSON & FITCH
✓ PO BOX 457
REDMOND, OR 97756

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Whereas the undersigned WILLIAM MILES hereinafter referred to as "Declarant," is owner in fee simple of the property described in Exhibit A attached hereto and by this reference incorporated herein (the property); and

Whereas, Declarant has received approval to site a dwelling in the Exclusive Farm Use (EFU) zone on the property described herein pursuant to land use decision No. TP-06-978, MA-06-22 for an 8-lot subdivision on a 42-acre parcel zoned EFU-TRB, issued by Deschutes County pursuant to Section 18.16.050 of the Deschutes County Code;

Whereas Section 18.16.050 requires as a condition of approval the recording of a deed restriction in favor of Deschutes County requiring that any dwelling in the EFU zone sited under said permit be subject to the restriction binding the landowner, and the landowner's successors in interest, prohibiting them from pursuing a claim for relief or cause of action alleging injury from farm or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937; and

Whereas the Declarant desires to declare his/her intention to create covenants, conditions and restrictions necessary to effectuate and comply with the requirements of Section 18.16.050 of the Deschutes County Code;

Declarant hereby declares that all of the property described in Exhibit A shall be held, sold and conveyed subject to the following covenants, conditions and restrictions in favor of Deschutes County:

Declarant shall cause to be a restriction on each dwelling sited pursuant to Deschutes County land use Land Use No. TP-06-978, MA-06-22, issued by Deschutes County pursuant to Section 18.16.050 of the Deschutes County Code, the prohibition on the landowner, and the landowner's successors in interest, from pursuing a claim for relief or cause of action alleging injury from farming or forest practices for which no action or claim is allowed under ORS 30.936 or 30.937;

Declarant's obligations under this covenant shall not be extinguished by any subsequent conveyance made in disregard of these covenants, conditions and restrictions.

EXHIBIT "A"
LEGAL DESCRIPTION

A parcel of land described as the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) and also that portion of the Northwest Quarter of the Northeast Quarter (NW1/4NE1/4) lying West of the right of way of Vosberg Road, Section Twenty-five (25), Township Fifteen (15) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING:

Commencing at a 1" pin at the 1/4 corner common to said Sections Twenty-four (24) and Twenty-five (25), Township Fifteen (15) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, the initial point; thence South 89°54'40" West along the Northerly line of said Northwest Quarter (NW1/4), 1391.19 feet to a 1/2" pin on the West 1/16th corner and the true point of beginning; thence North 89°54'50" East along the Northerly line of said NW1/4, 160.00 feet; thence South 01°17'34" West along an existing fence line, 1318.86 feet; thence South 89°53'32" West along the Southerly line of said NE1/4NW1/4, 135.50 feet to a 5/8" pin at the Northwest 1/16th corner; thence North 00°13'42" East along the Westerly line of said NE1/4NW1/4, 1318.54 feet to the point of beginning.