

7061

14154

RECIPROCAL EASEMENT AGREEMENT

THIS AGREEMENT made and entered into this 8th day of October, 1974 by and between COVE POINT CORPORATION, an Oregon corporation, hereinafter called "Cove Point", and LAKE-SIDE FARMS, INC., and Oregon corporation, hereinafter called "Lakeside".

RECITALS:

A. Cove Point is a corporation consisting of home owners within the following described property and is the owner of the following described real property situate in Klamath County, State of Oregon, to-wit:

SAID DESCRIPTION IS ATTACHED HERETO, MARKED AS "EXHIBIT A"

B. Lakeside is a corporation engaged in farming operations, conservation of wildlife, and has a limited membership for hunting purposes, and is the owner of the following described real property situate in Klamath County, State of Oregon, to-wit:

SAID DESCRIPTION IS ATTACHED HERETO, MARKED AS "EXHIBIT A"

C. Cove Point Road is an established road as laid out, proceeding Westerly from U. S. Highway 97 in Section 7, Township 38 South, Range 9 E.W.M., across the Southern Pacific right of way by private crossing and continuing Westerly to the base of the hill and thence around the hill Westerly to the dike lying Easterly from Klamath Lake in Sections 1 and 12 of Township 38 South, Range 8 E.W.M. Said established road meandering generally along the Southerly boundary of the Lakeside property and the Northerly boundary of the Cove Point property.

D. Cove Point Road has heretofore been the subject of:

(i) An easement agreement dated March 22, 1946 between B. E. Eells et ux and Paul Buck et al, Recorded March 23, 1946 in Volume 186 of Deed at page 507 in the office of the Klamath County Clerk.

(ii) Reciprocal Easement Agreement dated September 2, 1957 between Lee Dixon, et ux and B. E. Eells, et ux, Recorded Sept.

1. AGREEMENT

75 NOV 18 PM 4 31

ember 12, 1957 in Volume 294 of Deeds at Page 315 in the office of the Klamath County Clerk.

(iii) Agreement dated May 16, 1964 between Cove Point Corporation and William Chernabaeff et al recorded March 29, 1968 in Volume M68 of Deed at page 2455 in the office of the Klamath County Clerk.

(iv) Litigation in the Circuit Court of the State of Oregon for the County of Klamath, Cove Point Corporation, Plaintiff vs. William Chernabaeff, et ux, No. 72-7 L.

W I N E S S E T H:

IN CONSIDERATION of the covenants hereinafter contained and in an effort to remove the uncertainties created by the matters in Paragraph D above, the parties agree as follows:

1. USE OF ROADWAY: The members of Cove Point and their guests may use Cove Point Road at all times as an access road to their homes. The members of Lakeside may use the road in their farm operations, for conservation purposes and for access to hunt wildlife.

2. MAINTENANCE: Cove Point shall primarily be responsible for the maintenance of the Cove Point Road. Lakeside shall pay \$800.00 for maintenance for past years, receipt of which is hereby acknowledged; Lakeside shall pay 1/12th of the maintenance cost for that portion of the road from the highway to the dike adjacent to the lake on or before September 1 of each year. Lakeside shall not be responsible for the costs of capital improvements nor snow removal. Lakeside shall repair any damage done to Cove Point Road caused by use of its equipment upon the road.

3. USE OF LAKESIDE PROPERTY: Lakeside shall allow members of Cove Point, their guests and pets to travel along or across the dike and fields of the Lakeside property above-mentioned, for recreational purposes so long as it does not interfere with farming, conservation or hunting activities. The determination of the above-mentioned interference shall be in the sole discretion of Lakeside

2. AGREEMENT

and it may post its land giving notice to Cove Point members accordingly. Lakeside assumes no responsibility for Cove Point members, guests or pets, upon its lands.

4. TO RUN WITH LAND: The rights and duties in this agreement shall run with the above-described properties and shall be perpetual. This agreement may be terminated by mutual agreement of the parties hereto reduced to writing or by suit in the Circuit Court of the State of Oregon for the County of Klamath if the use of either parcel of land is changed so that the use of the Cove Point Road becomes a burden to the unchanged parcel of land.

5. ATTORNEY FEES: In the event that Lakeside does not pay its annual annual maintenance contribution when due or does not make repairs to Cove Point Road for damages caused by its equipment, Cove Point may bring a law action for recovery of said sums and in addition have judgment for reasonable attorney fees in the trial court and upon appeal.

IN WITNESS WHEREOF the parties have set their hands and seals the day and year first hereinabove written.

COVE POINT CORPORATION

By: Kenneth R. Sutter  
President

By: Scott C. Sutter  
Secretary

LAKESIDE FARMS INC.

By: John W. Sutter  
President

By: George Sutter  
Secretary



STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared KENNETH L. TUTTLE, M. D., who, being sworn, state that he is the President and Kenneth L. Tuttle, who being sworn, stated that he is the Secretary of Cove Point Corporation, an Oregon corporation, and that the seal affixed hereto is its seal and that the foregoing was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:

Notary Public for Oregon  
My Commission expires: 1917

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared JOHN W. TYRHOLM, who, being sworn, stated that he is the President, and GEORGE CUNHA, who, being sworn, stated that he is Secretary of Lakeside Farms, Inc., an Oregon corporation, and that the seal affixed hereto is its seal and that the foregoing was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:

Notary Public for Oregon  
My Commission expires: 1917

4. AGREEMENT

Parcel 2: All  
and excepting  
lies South 61  
marks the East  
Township 38 S.  
distance of 120  
to an iron pin;  
iron pin on the  
North along the  
meander line; the  
said tract contain  
12 Township 38 S.  
where the East right  
which point lies S  
47 1/2° East along the  
a distance of 54.4  
Sections 1 and 12 To  
Southeasterly along  
courses and distances  
84° East 475.5 feet,  
point 40 feet North of  
thence East parallel to  
therefrom a distance of  
line of a private road  
North 2°30' West along

COVE POINT CORPORATION PROPERTY  
DESCRIPTION OF PROPERTY

14108

The following described real property situate in Klamath County, Oregon:

Parcel 1: All of Lot 9 of Section 1 Township 38 South, Range 8 East, Willamette Meridian, except that portion thereof conveyed by B. E. Eells and Cardula E. Eells, husband and wife, to Jerry A. Short and Lorena L. Short, husband and wife, by deed recorded August 12, 1954, Vol. 268, page 454, Deed Records of Klamath County, Oregon, more particularly described as follows: Beginning at an iron pin which marks the one quarter section corner between Sections 1 and 12 Township 38 S.R. 8 E.W.M.; thence running West a distance of 91.52 feet along the section line; thence North 42°09' West a distance of 245 feet; thence North 66°44' West a distance of 198.6 feet to a point on the meander line; thence North 51°00' West along the meander line a distance of 575 feet; thence North 43°41' West a distance of 112 feet; thence North 54°14' West along the meander line a distance of 252.3 feet to a point on the meander line; thence North 51°00' West along the meander line a distance of 30 feet; thence North 70°30' West along the meander line a distance of 320 feet; thence North 31°22' East a distance of 30 feet; thence North 58°38' West a distance of 30 feet to low water line of canal; thence North 31°22' East along low water line a distance of 151 feet; thence North 20°40' East along low water line a distance of 186.7 feet to a point on the North line of Lot 9; thence East along the North line of Lot 9, 1356.8 feet to the Northeast corner of Lot 9; thence South along the one quarter line a distance of 1320 feet, more or less, to the point of beginning, said tract containing 27.62 acres, more or less, in Lot 9 of Section 1 Township 38 S.R. 8 E.W.M., in Klamath County, Oregon.

Parcel 2: All of Lots 1, 2, 3, and 4 of Section 12 Township 38 S.R. 8 E.W.M., saving and excepting therefrom that portion described as follows: Beginning at an iron pin which lies South 61° East along the meander line a distance of 126.8 feet from the iron pin which marks the Easterly meander corner on the most Northerly line of Lot 1 of Section 12 Township 38 S.R. 8 E.W.M., in Klamath County, Oregon, and running thence: South 29° West a distance of 120.4 feet to an iron pin; thence South 46° East a distance of 213.5 feet to an iron pin; thence South 69½° East a distance of 158.2 feet, more or less, to an iron pin on the Westerly right of way line of the Central Pacific Railroad; thence North along the above mentioned railroad right of way line to its intersection with the meander line; thence North 61° West along the meander line to the point of beginning, said tract containing 1.1 acres, more or less, in the Northeast corner of Lot 1 Section 12 Township 38 S.R. 8 E.W.M. Also saving and excepting therefrom beginning at a point where the East right-of-way line of the Cove Point Road intersects the meander line, and which point lies South along the one-quarter line a distance of 142.76 feet and South 47½° East along the meander line a distance of 555.3 feet and East along the meander line a distance of 54.4 feet from the iron pin which marks the one-quarter corner common to Sections 1 and 12 Township 38 S.R. 8 E.W.M., in Klamath County, Oregon, and running thence: Southeasterly along the Easterly right of way line of the Cove Point Road, the following courses and distances: South 39° East 94.47 feet, South 68°30' East 318 feet, South 84° East 475.5 feet, South 66°30' East 560.2 feet, South 45°30' East 428.3 feet to a point 40 feet North of the South line of Lot 1 Section 12 Township 38 S.R. 8 E.W.M.; thence East parallel to the South line of Lot 1 and 40 feet Northerly at right angles therefrom a distance of 235.4 feet to an iron pin; thence along the Westerly right of way line of a private road North 42°10' East a distance of 78.4 feet to an iron pin; thence North 2°30' West along the West right of way of a private road a distance of 122.25 feet to

"EXHIBIT A"

Parcel  
except  
Somers  
Hazel  
and Mar  
Donald  
deed to  
of Deeds  
November  
Jacqueline  
of Klamath  
June 16, 1  
to James W  
page 149;  
Vol. 321 of  
August 15,  
Black, record  
County, Oregon  
the Section 1  
and North 7°0  
corner common  
and running the  
North 9°55' West

an iron pin; thence North 28°12' West along the West right of way of a private road a distance of 227.8 feet to an iron pin; thence along the West right of way of a private road North 23°22' East a distance of 92.65 feet to an iron pin which marks a corner of that certain tract described in Vol. 132, page 381, Deed Records of Klamath County, Oregon; thence following the boundaries of the above mentioned tract North 46° West a distance of 213.5 feet to an iron pin; thence North 29° East a distance of 120.4 feet to an iron pin marking the most Northerly corner of the above mentioned tract; thence North 61° West along the meander line a distance of 126.8 feet to the iron pin which marks the Easterly meander corner on the North line of Lot 1 Section 12 Township 38 S.R. 8 E.W.M., thence West along the meander line a distance of 1767.2 feet, more or less, to the point of beginning, said tract containing 16.17 acres more or less, in Lots 1 and 2 Section 12 Township 38 S.R. 8 E.W.M. Also saving and excepting beginning at an iron pin on the Westerly right of way line at the Central Pacific Railroad, which lies South 61° East a distance of 126.8 feet and South 29° West a distance of 120.4 feet, and South 46° East a distance of 213.5 feet and South 23°13' East a distance of 55.9 feet and South 69°08' East a distance of 143 feet from the iron pin which marks the Easterly meander corner on the North line of Lot 1 Section 12 Township 38 S.R. 8 E.W.M. in Klamath County, Oregon, and running thence: North 69°08' West a distance of 143 feet to an iron pin; thence South 16°31' West a distance of 55.5 feet to an iron pin; thence South 31°43' East a distance of 156.58 feet to an iron pin; thence South 7°57' East a distance of 225.4 feet to an iron pin which lies on a line parallel to and 40 feet North of the South line of Lot 1 Section 12 Township 38 S.R. 8 E.W.M., thence Easterly along this parallel line a distance of 94.2 feet to the Westerly right of way line of the Central Pacific Railroad; thence Northerly along the Westerly right of way line of the Central Pacific Railroad to the point of beginning, said tract containing 0.91 acre, more or less in Lot 1 Section 12 Township 38 S.R. 8 E.W.M., in Klamath County, Oregon. ALSO SAVING AND EXCEPTING from Lot 1 the right of way of the Central Pacific Railroad (Oregon Eastern Railway Co.)

Parcel 3: All of Lot 3 in Section 1 Township 38 S.R. 8 E.W.M., Klamath County, Oregon, except the following: Those portions contained in deed to F. L. Somers and Cecile G. Somers, recorded May 11, 1945, Deed Vol. 176, page 210; in deed to Donald L. Sloan and Hazel I. Sloan recorded April 24, 1945, Vol. 175, page 464; in deed to Richard B. Maxwell and Mary R. Maxwell recorded April 24, 1945, Vol. 175 of Deeds, page 462; in Deed to Donald L. Sloan and Hazel Sloan, recorded August 3, 1950, Vol. 241 of Deeds, page 22; in deed to Arthur Andrew Rickbeil and Annie Helen Rickbeil, recorded August 2, 1945, Vol. 178 of Deeds, page 398; in Deed to Arthur Andrew Rickbeil and Annie Helen Rickbeil, recorded November 21, 1950, Vol. 243 of Deeds, page 424; in deed to Robert F. Starbuck and Jacqueline F. Starbuck, recorded June 17, 1966, Vol. M-66, page 6286, Microfilm records of Klamath County, Oregon; in deed to James W. Pinniger and Dorothy C. Pinniger, recorded June 16, 1966, Vol. M-66, page 6220, Microfilm records of Klamath County, Oregon; in deed to James W. Pinniger and Dorothy C. Pinniger, recorded June 3, 1947, Vol. 207 of Deeds, page 149; in deed to Willard K. Ostlund and Harriet P. Ostlund, recorded June 6, 1960, Vol. 321 of Deeds, page 623; in deed to Merle H. Swansen and Mildred R. Swansen, recorded August 15, 1946, Vol. 197 of Deeds, page 111; and in deed to Neil F. Black and Ruth G. Black, recorded February 8, 1955, Vol. 272 of Deeds, page 207, all records of Klamath County, Oregon. ALSO SAVING AND EXCEPTING beginning at an iron pin which lies West along the Section line a distance of 1398.6 feet and North 44°30' West a distance of 784.9 feet and North 7°00' East a distance of 136.8 feet from the iron pin which marks the  $\frac{1}{4}$  section corner common to Sections 1 and 12 Township 38 S.R. 8 E.W.M. in Klamath County, Oregon, and running thence: North 3°15' East a distance of 224.15 feet to an iron pin; thence North 9°55' West a distance of 94.6 feet and South 77°36' West a distance of 154.75 feet

Section  
iron pin  
38 S.R.  
the Sect  
distance  
an iron pin  
Lots 3 and



14110

to an iron pin; thence South 4°37' West a distance of 236.2 feet to an iron pin; thence South 74°28' East a distance of 180.3 feet, more or less, to the point beginning, said tract containing 1.09 acres, more or less, in Government Lot 3 Section 1 Township 38 S.R. 8 E.W.M.

Parcel 4: Beginning at an iron pin which lies on the South line of Government Lot 3, 76.23 feet West of the Southeast corner of Government Lot 3, Section 12 Township 38 S., R. 8 E.W.M., in Klamath County, Oregon, and running thence West along the South line of said Lot 3, a distance of 169.27 feet to an iron pin; thence South 34°12' East of 1040.17 feet to an iron pin; thence North 55°48' East a distance of 140 feet to an iron pin; thence North 34°12' West a distance of 945.03 feet, more or less, to the point of beginning, said tract containing 3.19 acres, in the SE¼NW¼ and SW¼NE¼ of Section 12 Township 38 SR. 8 E.W.M., in Klamath County, Oregon.

Also beginning at a point where the South line of Lot 1 of Section 12 Township 38 S.R. 8 E.W.M. intersects the Westerly right of way line of the S.P. Railroad (as marked by the Railroad fence), which point is 104 feet West of the Section line; and running thence West along the South line of said Lot 1, a distance of 548.7 feet to an iron pin; thence South 33°29' East a distance of 1017 feet to an iron pin on the Westerly right of way line of the S. P. Railroad; thence Northerly and Easterly following the Westerly right of way of the S. P. Railroad to the point of beginning, said tract containing 4.9 acres, more or less, in the SE¼NE¼ of Section 12 Township 38 S.R. 8 E.W.M. in Klamath County, Oregon.

SAVING AND EXCEPTING FROM PARCEL 2 the following: Beginning at an iron pin on the Section line which lies West along the Section line a Distance of 1153.1 feet from the iron pin which marks the quarter section corner common to Sections 1 and 12 Township 38 S.R. 8 E.W.M., in Klamath County, Oregon, and running thence: continuing West along the Section line a distance of 245.5 feet to an iron pin; thence South 32°10' East a distance of 145.5 feet to an iron pin; thence South 76°09' East a distance of 122.7 feet to an iron pin; thence North 17°45' East a distance of 160.2 feet, more or less in Government Lots 3 and 4 Section 12 Township 38 S.R. 8 E.W.M., Klamath County, Oregon.

be  
W  
al  
fe  
on  
a di  
feet  
252.3  
along  
West  
22' East  
of 30 f  
low water  
low water  
of Lot 9  
the North  
line a di

Rec'd  
- Wm B Brown  
11 June  
1892  
STATE OF OREGON; COUNTY OF  
Filed for record at request of  
this 10th day of NOVEMBER  
Vol. M 75 of DEEDS

The following described real property in Klamath County, Oregon:

In Township 38 South, Range 8 East of the Willamette Meridian

PARCEL 1

Section 1: All, EXCEPTING THEREFROM Lots 3, 9 and that portion of Lots 1 and 2 lying East of State Highway.

Section 12: All of Lots 8 and 9

EXCEPTING from the above described property that portion lying within the railroad right of way, the State Highway right of way and that portion within Upper Lake Garden Acres.

PARCEL 2

Section 1: That portion of Lot 9 described as follows:

Beginning at an iron pin which marks the one quarter section corner between Sections 1 and 12, Township 38 South, Range 8 East of the Willamette Meridian; thence running West a distance of 91.52 feet along the section line; thence North 42° 09' West a distance of 245 feet; thence North 66° 44' West a distance of 198.6 feet to a point on the meander line; thence North 51° 00' West along the meander line a distance of 575 feet; thence North 43° 41' West a distance of 112 feet; thence North 54° 14' West along the meander line a distance of 252.3 feet to a point on the meander line; thence North 51° 00' West along the meander line a distance of 30 feet; thence North 70° 30' West along the meander line a distance of 320 feet; thence North 31° 22' East a distance of 30 feet; thence North 58° 38' West a distance of 30 feet to low water line of canal; thence North 31° 22' East along low water line a distance of 151 feet; thence North 20° 40' East along low water line a distance of 186.7 feet to a point on the North line of Lot 9; thence East along the North line of Lot 9, 1356.8 feet to the Northeast corner of Lot 9; thence South along the one quarter line a distance of 1320 feet, more or less, to the point of beginning.

"EXHIBIT B"

Rec'd  
- Wm B Brandsness  
111 Pine  
142

STATE OF OREGON; COUNTY OF KLAMATH: ss.  
Filed for record at request of WILLIAM P. BRANDSNESS ATTY  
this 10th day of NOVEMBER A.D., 1975 at 4:31 o'clock P.M., and duly recorded in  
Vol. M 75 of DEEDS on Page 14104

FEES \$ 24.00

WM. D. MILNE, County Clerk  
By *Wm D Milne* Deputy

together with  
Witness

STATE OF O  
County of  
before me, the un

Sac  
MOR  
John

M. May  
Sandra

AFTER RECORDING  
M. Mayna  
840 Pac  
Klamath

No.

725