

38-12011-5

77 Page 1774

This document is being re-recorded to correct the legal description as to the last bearing.

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT B. V. LEAN AND CATTLE COMPANY, AN OREGON CORPORATION, GRANTOR, FOR THE CONSIDERATION OF TEN AND NO/100 DOLLARS (\$10.00) AND OTHER good and valuable consideration, to it first by DONALD E. WAGNER and BETTY A. WAGNER, husband and wife, Grantees, receipt of which is hereby acknowledged, does hereby give and grant unto Grantees, their heirs, administrators and assigns, a perpetual exclusive easement over the following described parcel of real property, situate in Elsworth County, Oregon, to-wit:

A strip of land 20 feet wide lying first next Southerly, then next Easterly, then next Southerly, then next Easterly, and then next Northeasterly and adjacent to the following described line:

Beginning at a point on the West line of that portion of Government Lot 2, Section 31, Township 38 South, Range 11-1/2 East of the Willamette Meridian, conveyed to California-Oregon Power Company by Deed Volume 253, page 538, said point being East 108.5 feet and South 1°52' East 187.00 feet from the Northwest corner of said Lot 2; thence South, along a line 108.5 feet from and parallel to the West line of said Lot 2, to a point 60 feet South of the Southerly right of way line of the Oregon, California and Eastern Railway; thence Westerly along a line 60 feet from and parallel to the Southerly right of way of said Railway, to a point 20 feet Easterly from the West line of NE1/4SE1/4, Section 25, Township 38 South, Range 10 East of the Willamette Meridian; thence South along a line 20 feet from and parallel to the West line of the NE1/4SE1/4 and the SE1/4SE1/4 of said Section 25, to a point, said point being the intersection of the above described line and a line 20 feet from and parallel to the most Northerly and Easterly line of a portion of the NE1/4NE1/4 Section 36, Township 38 South, Range 9 East of the Willamette Meridian, conveyed to Charles Bierer in Deed M.70, page 7502; thence S. 31°47'22" E. 800.0 feet.

EXCEPTING THEREFROM that portion of the Klamath Falls-Lakeview Highway right of way and the Oregon, California and Eastern Railway right of way included in the above described strip of land,

for ingress and egress to the following described property:

Beginning at a point which is the Southwest corner of the NE1/4 of the NE1/4, running thence due East along the quarter section line between the NE1/4NE1/4 and the Southeast 1/4NE1/4 815 feet to a point; thence N 31° 47' 22" West 1547.08 feet; thence due

SMITH & LEE
ATTORNEYS AT LAW
810 NORTH 4TH STREET
KLAMATH FALLS, ORE.
935-6607

EASEMENT, PAGE ONE.

77 Feb 27, 1977

DEW
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South along the quarter section line between the NE1/4 NE1/4 and the NW1/4 NE1/4 1315.0 feet to the point of beginning, all being in the NE1/4 NE1/4 of Section 36, Township 38 South, Range 10 East of the Willamette Meridian.

SAVING AND EXCEPTING THEREFROM:

Beginning at the Southwest corner of the Northeast one-quarter of the Northeast one-quarter of Section 36, Township 38 South, Range 10 East, W.M.; thence North 31°47'22" East, 773.54 feet to a point; thence North 31°47'22" West, 773.54 feet to a point on the West line of said Northeast one-quarter; thence South along said West line a distance of 1315.00 feet to the point of beginning.

TO HAVE AND TO HOLD the said easement unto Grantees, their heirs, representatives and assigns forever.

IN WITNESS WHEREOF, Grantor has hereunto caused these presents to be signed by its President and Secretary, and its corporate seal to be hereunto affixed this 1st day of May, 1973.

B & W LAND AND CATTLE COMPANY

By Donald E. Wagner
ITS PRESIDENT

By Betty A. Wagner
ITS SECRETARY

STATE OF OREGON)
County of Klamath) ss.

Personally appeared DONALD E. WAGNER, who, being sworn, did say that he is the president of Grantor corporation, and that the seal affixed hereto is its seal and that this instrument was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors.

BEFORE ME this 1st day of May, 1973.

Alam
NOTARY PUBLIC FOR OREGON
My Commission expires: 1/24/77

STATE OF OREGON)
County of Klamath) ss.

Personally appeared Betty A. Wagner who, being sworn, did say that she is the Secretary of Grantor corporation, and

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810 NORTH 4TH STREET
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935-8907

EASEMENT, PAGE TWO.

1776

1 that the seal affixed hereto is its seal and that this instrument
2 was voluntarily signed and sealed in behalf of the corporation by
3 authority of its Board of Directors.

4 BEFORE ME this 1st day of May, 1971.

5 *Alme*
6 NOTARY PUBLIC FOR OREGON
7 My Commission expires: 1/24/77

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KENT & LYN
ATTORNEYS AT LAW
500 NORTH 4TH STREET
SEASIDE, OREGON 97138
503-6607

BASEMENT, PAGE THREE.

1777

STATE OF OREGON
County of Klamath
I, Wm D. MILNE, Clerk
and Clerk of the Court of the County of Klamath and State of
Oregon do hereby certify that the foregoing has been by me com-
pared with the original, and that it is a true and correct copy,
whole of such original as the same appears on the record in my
office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the
seal of said Court, this 1st day of JAN 21 1877 A.D. 1877
Wm D. MILNE, County Clerk
By Hazel Draper



When recorded, return:
Transamerica Title - Susan

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of TRANSAMERICA TITLE INS. CO
this 1st day of FEBRUARY A.D. 1877 10:37 o'clock A.M., and
duly recorded in Vol. M. 77 of DEEDS on Page 1774
FEE \$ 12.00
Wm D. MILNE, County Clerk
By Hazel Draper