

39718

MTC 1396
K.F. RECREATIONAL OREGON LTD.
AND
C.P. RECREATIONAL OREGON LTD.

Vol. ^m 71 Page 23166

DECLARATION OF EASEMENT AND MAINTENANCE COVENANT

Vann Basinger,
MALIA, INC.,
FAJO, INC.,
AVAN, INC.,
Howard Pohrman & Associates, Inc.
TO
THE PUBLIC

This declaration made on the date hereinafter set forth by the undersigned, hereinafter referred to as "declarants",

WHEREAS, declarants are the owner of certain real property in Klamath County, Oregon, more particularly described in the attached Exhibit "A", and

WHEREAS, declarants desires to subject the said property to a certain Utility and Access Easement, said Easement being more particularly described in Parcels I through Parcel XVIII, attached here to.

NOW, THEREFORE, declarants hereby declares that the said property shall be held subject to a perpetual non-exclusive easement for roadway and utility purposes on, over, under, across and through that certain property as described in Parcels I through Parcel XVIII, attached here to.

The declarants hereby covenants for Parcels I through Parcel XVIII that each owner, by acceptance of a deed or contract of purchase therefore, whether or not it shall be stated or expressed in any such deed or other conveyance or agreement for conveyance, is deemed to covenant and agree to keep and maintain the common portion of any driveway or road constructed within the easement area, and pay the cost thereof, said cost and expense to be borne equally by the respective owners of said parcels, share and share alike.

The foregoing easement and covenant shall run with the land and shall be binding on all persons claiming under them and this easement and covenant shall inure to the benefit of and be limitations upon all future owners of said property or interest therein, provided, however, that said maintenance covenant shall terminate if the easement area is dedicated to the public.

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of November, 1977.

Vann M. Basinger
Vann M. Basinger

MALIA, INC

BY Howard A. Pohrman
President

FAJO, INC.

BY Howard A. Pohrman
President

AVAN, INC.

BY Howard A. Pohrman
President

Howard Pohrman & Associates, Inc.

BY Howard A. Pohrman
President

Ava N. Pohrman
Secretary

Ava N. Pohrman
Secretary

Ava N. Pohrman
Secretary

Ava N. Pohrman
Secretary

STATE OF OREGON)
) ss.
County of Multnomah)

On this 21st day of November, 1977, personally appeared Vann Basinger, Howard A. Pohrman, and Ava N. Pohrman who, being duly sworn, each for himself and not for the other, did say that Howard A. Pohrman is the President and Ava N. Pohrman is the Secretary of MALIA, INC., FAJO, INC., AVAN, INC., AND Howard Pohrman & Associates, Inc., and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Mary L. Menzies
Notary Public for Oregon
My commission expires: 6-18-78

EXHIBIT A

K.F. RECREATIONAL OREGON LTD.

Township 35 South, Range 11 East of the Willamette Meridian:

Section 1: All
Section 2: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 11: E $\frac{1}{2}$ E $\frac{1}{2}$
Section 12: All
Section 13: N $\frac{1}{2}$, EXCEPT the E $\frac{1}{2}$ NE $\frac{1}{4}$

Township 35 South, Range 12 East of the Willamette Meridian:

Section 7: NW $\frac{1}{4}$

SAVINGS AND EXCEPTING AND EXCLUDING those portions of the above described lying within the Plat of OREGON PINES, a subdivision.

C.P. RECREATIONAL OREGON LTD.

Township 35 South, Range 11 East of the Willamette Meridian.

Section 2: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$
Section 3: E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$
Section 10: NE $\frac{1}{4}$: E $\frac{1}{2}$ NW $\frac{1}{4}$; SE $\frac{1}{4}$
Section 11: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$

PARCEL I

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A non-exclusive easement for ingress, egress and all utility purposes over a tract of land situated in Sections 2 and 11, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at the Northwest corner of said Section 2; thence South $88^{\circ}59'04''$ East along the Northerly line of said Section 2, a distance of 276.30 feet to an intersection with the centerline of an existing Indian Service Road; thence South $33^{\circ}06'52''$ West along the centerline of said road, a distance of 35.00 feet to the true point of beginning of the centerline herein to be described; thence South $59^{\circ}41'57''$ East a distance of 2030.72 feet to the Northeasterly corner of a tract of land described in a Contract to Charles A. Greene recorded October 27, 1977 in Volume M-77, Page 20594, Deed Records herein after referred to as Point A; thence South $59^{\circ}41'57''$ East a distance of 1310.08 feet to the Northeasterly corner of a tract of land described in a Contract to Keith R. Shannon recorded October 19, 1977 in Volume M-77, Page 20008, Deed Records; thence South $40^{\circ}53'10''$ East along the boundary line of said Shannon tract a distance of 340.00 feet to a point herein after referred to as Point B; thence continuing along the boundary line of said Shannon tract South $40^{\circ}53'10''$ East a distance of 1157.75 feet; thence South $16^{\circ}40'58''$ East along the boundary line of said Shannon tract a distance of 446.58 feet to the most Easterly corner thereof; thence South $08^{\circ}13'29''$ East along the Westerly line of a tract of land described as Parcel I in a Contract to Charles A. Greene recorded November 4, 1977 in Volume M-77, Page 21077, Deed Records a distance of 1014.21 feet to a point herein after referred to as Point C; thence continuing along the Westerly line of the second mentioned Greene tract South $08^{\circ}13'29''$ East a distance of 1083.53 feet, more or less, to the Northwest corner of a tract of land described as Parcel I in a Contract to Ava N. Pohrman recorded October 27, 1977 in Volume M-77, Page 20602, Deed Records; thence South $0^{\circ}40'51''$ West along the Westerly line of said Pohrman tract a distance of 1325.42 feet to a point on the Southerly line of the Northeast one-quarter of the Northeast one-quarter of said Section 11, said point herein after referred to as Point D; thence continuing along the Westerly line of said Pohrman tract South $0^{\circ}40'51''$ West a distance of 1325.42 feet to the Northwest corner of a tract of land described in a Contract to Temple Naylor, recorded November 4, 1977 in Volume M-77, Page 21081, Deed Records; thence South $22^{\circ}02'13''$ West along the Westerly line of said Naylor tract a distance of 835.21 feet to a point on the Northerly line of OREGON PINES, a duly recorded plat, and the terminus of the herein described centerline. The sidelines at the Southerly end of the above described easement are to be lengthened or shortened to intersect with the Northerly line of said OREGON PINES.

EXCEPTING THEREFROM that portion of the above described tract of land lying within the boundaries of public roads.

PARCEL II

23170

A non-exclusive easement for ingress, egress and all utility purposes over a tract of land situated in Sections 2 and 11, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at Point A of the above described Parcel I; thence along the Easterly line of a tract of land described in a Contract to Charles A. Greene recorded October 27, 1977 in Volume M-77, Page 20594, Deed Records the following courses: South $28^{\circ}30'24''$ West a distance of 1330.04 feet; thence South $11^{\circ}43'00''$ West a distance of 997.83 feet; thence South $19^{\circ}37'38''$ East a distance of 2249.01 feet; thence South $0^{\circ}41'27''$ West a distance of 1491.56 feet; thence South $24^{\circ}11'30''$ West a distance of 1130.00 feet to the Northerly line of OREGON PINES, a duly recorded plat, and the terminus of the herein described centerline.

PARCEL III

A non-exclusive easement for ingrees, egress and all utility purposes over a tract of land situated in Section 2, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at Point B of previously described Parcel I; thence North $38^{\circ}52'11''$ East a distance of 1445.78 feet to the Southwesterly line of a tract of land described as Parcel II in a Contract to Temple Naylor, recorded October 19, 1977 in Volume M-77 Page 20295, Deed Records and the terminus of the herein described centerline. The sidelines at the Northerly end of the above described easement are to be shortened or lengthened to intersect with the Southwesterly line of said Naylor tract.

PARCEL IV

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A non-exclusive easement for ingress, egress and all utility purposes over a tract of land situated in Section 2, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline.

Beginning at Point C of the previously described Parcel I; thence North $74^{\circ}39'05''$ East a distance of 868.30 feet to the Northeast corner of the Southeast one-quarter of the Southeast one-quarter of said Section 2 and the terminus of the here described centerline. The sidelines at the Northeasterly end of the above described easement are to be lengthened or shortened to intersect with the Easterly line of said Section 2.

PARCEL V

A non-exclusive easement for ingress, egress and all utility purposes over a tract of land situated in Section 11, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at Point D of the previously described Parcel I; thence South $89^{\circ}04'42''$ East along the Southerly line of the Northeast one-quarter of the Northeast one-quarter of said Section 11, a distance of 661.56 feet to the Southeast corner thereof and the terminus of the herein described centerline. The sidelines on the Easterly end of the above described easement are to be lengthened or shortened to intersect with the Easterly line of said Section 11.

PARCEL VI

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A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Sections 11 and 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 60.00 feet in width, the Southerly line of which is described as follows:

Beginning at a point on the Northerly line of OREGON PINES, a duly recorded plat, which is South 73°25'33" East a distance of 375.00 feet from the most Northerly corner of Lot 8, Block 35 of said plat; thence South 73°25'33" East along the Northerly line of said plat a distance of 242.00 feet; thence continuing along the Northerly line of said plat, South 52°13'27" East a distance of 411.08 feet; thence South 69°56'12" East a distance of 330.00 feet to the most Westerly corner of a tract of land described in a Contract to Vann M. Basinger recorded November 4, 1977 in Volume M-77, Page 21086, Deed Records said corner herein after referred to as Point E; thence South 69°56'12" East along the Southerly line of said Basinger tract a distance of 318.44 feet to the terminus of the herein described Southerly line of said easement.

PARCEL VII

A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Sections 11 and 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at Point E of the above described Parcel VI; thence North 59°28'23" East along the Westerly line of a tract of land described in a Contract to Vann M. Basinger recorded November 4, 1977 in Volume M-77, Page 21086, Deed Records, a distance of 305.00 feet; thence continuing along the Westerly line of said Basinger tract, North 0°54'16" East a distance of 351.68 feet to the terminus of the herein described easement.

PARCEL VIII

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the North-South centerline of Section 3, T.35 S., R.11 E., in the County of Klamath and State of Oregon. The sidelines at the Southerly end of the above described easement are to be lengthened or shortened to intersect with the Southerly line of said Section 3.

EXCEPTING THEREFROM the Northerly 659.49 feet of the above described easement.

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A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the North-South centerline of the North one-half of Section 10, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The diselines of the above described easement are to be lengthened or shortened to intersect with the Northerly and Southerly line of the North one-half of said Section 10.

PARCEL IX

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the North-South centerline of Sections 1 and 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Northerly and Southerly to intersect with the Northerly line of said Section 1 and the Southerly line of said Section 12.

PARCEL X

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the East-West 16th section line of the Northeast one-quarter and the Northwest one-quarter of Section 1, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Easterly and Westerly to intersect with the Easterly and Westerly lines and said Section 1.

PARCEL XI

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side on the East-West 16th Section line of the Southwest one-quarter and the Southeast one-quarter of Section 1, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Easterly and Westerly to intersect with the Easterly and Westerly lines of said Section 1.

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PARCEL XII

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the East-West 16th section line of the Northeast one-quarter and the Northwest one-quarter of Section 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Easterly and Westerly to intersect with the Easterly and Westerly lines of Section 12.

PARCEL XIII

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the East-West 16th section line of the Southeast one-quarter of Section 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Easterly and Westerly to intersect with the Easterly and Westerly lines of said Section 12.

PARCEL XIV

A non-exclusive easement for ingress, egress and all utility purposes being 30.00 feet on each side of the East-West 16th section line of the Northwest one-quarter of Section 7, T.35 S., R.12 E., of the W.M., in the County of Klamath and State of Oregon. The sidelines of the above described easement are to be extended Easterly and Westerly to intersect with the Easterly and Westerly lines of said Section 7.

XV

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A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Section 11, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 60.00 feet in width of which the Southerly line is described as follows:

Beginning at the Northeast corner of Lot 9, Block 37, OREGON PINES, a duly recorded plat; thence South $41^{\circ}14'19''$ East along the Northerly line of said plat a distance of 66.21 feet; thence continuing along the Northerly line of said plat, South $66^{\circ}15'20''$ East a distance of 375.00 feet to the most Southerly corner of a tract of land described in a Contract to MALIA, INC. recorded November 3, 1977 in Volume M-77, Page 21088, Deed Records and the terminus of Southerly line herein described.

XVI

A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Sections 11 and 12, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at the most Northerly corner of Lot 22, Block 47, OREGON PINES, a duly recorded plat; thence North $20^{\circ}03'48''$ East along the Easterly line of a tract of land described in a Contract to MALIA, INC. recorded November 3, 1977 in Volume M-77, Page 21088, Deed Records, a distance of 1221.25 feet to a point in the Southerly line of a tract of land described in a Contract to Vann M. Basinger, recorded November 3, 1977 in Volume M-77, Page 21086, Deed Records, and the terminus of the centerline herein described. The sidelines on the Southerly end of the above described easement are to be lengthened or shortened to intersect with the Northerly line of said OREGON PINES.

XVII

A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Section 13, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at the Northwest corner of the Northeast one-quarter of said Section 13; thence South $0^{\circ}13'24''$ East a distance of 864.24 feet to a point on the Northerly line of OREGON PINES, a duly recorded plat, said point being South $80^{\circ}54'20''$ West a distance of 30.00 feet

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from the Northwest corner of Lot 1, Block 46 of said plat and the terminus of the centerline herein described. The sidelines of the above described easement are to be lengthened or shortened to intersect with the Northerly line of said Section 13 and the Northerly line of said plat.

XVIII

A non-exclusive easement for ingress, egress, and all utility purposes over a tract of land situated in Section 10, T.35 S., R.11 E., of the W.M., in the County of Klamath and State of Oregon being 30.00 feet on each side of the following described centerline:

Beginning at the Northeast corner of the Southwest one-quarter of said Section 10; thence South $0^{\circ}51'44''$ West along the Easterly line of the Southwest one-quarter of said Section 10, a distance of 1399.71 feet; thence South $13^{\circ}26'37''$ East a distance of 358.27 feet to a point on the Northerly line of OREGON PINES, a duly recorded plat, said point being North $76^{\circ}33'23''$ East a distance of 30.00 feet from the Northeast corner of Lot 1, Block 15 of said plat and the terminus of the herein described centerline. The sidelines of the above described easement are to be lengthened or shortened to intersect with the East-West centerline of said Section 10 and the Northerly line of said plat.

Return to
Haward Palmer & Assoc.
11300 N.E. Halsey, Suite 108
Portland OR 97220

STATE OF OREGON; COUNTY OF KLAMATH; ss.
led for record at request of Mountain Title Co.
his 30th day of November 1977 at 1:02 clock A.M., and
duly recorded in Vol. M77, of Deeds on Page 23166

Wm D. MILNE, County Clerk

Fee \$33.00

By Bernice L. Felich