

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR KLAMATH COUNTY

DANIEL BAILEY, RANDOLPH PRICE, )  
 BETTY PRICE, ERNEST R. SESSOM )  
 and DORIS C. SESSOM, )

Petitioners, )

vs. )

DON OLIPHANT, BERTHA OLIPHANT, )  
 JOSEPH T. TAYLOR, MARIE TAYLOR )  
 and MARGIE THOMPSON, )

Respondents. )

No. 80-800

ORDER

This matter having come on before the Court upon the Petition of Petitioners to establish a way of necessity, the Court having heretofore appointed a viewer by order dated June 24, 1980, and the said viewer having filed herein his report, and the Court having further heretofore entered orders finding each of the Respondents to be in default for failure to answer herein; the Court further finding that the most suitable public road to the nearest point practicable on a public road which would give Petitioners access to their property, having regard to all surrounding circumstances and conditions of the case, and so as to do the least damage to the land through which the road should be located is a road described on the attached "Exhibit A" which is by this reference incorporated herein. The Court having reviewed the Petition, the report of the viewer, and other evidence and testimony presented, and the Court now being fully advised in the premises, now, therefore,

IT IS HEREBY ORDERED because the property of the Petitioners cannot be reached conveniently by any public road provided by law and it is necessary that the Petitioners have ingress and egress to and from their said property, Petitioners and their successors

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1 in interest are hereby granted a way of necessity described as  
2 follows:

3 "A roadway, 60 feet in width, for ingress and egress, over  
4 and across the Northwest one-quarter of Section 25 and the  
5 Southwest one-quarter of Section 24, Township 35 South, Range  
6 11 East, Willamette Meridian, in Klamath County, Oregon; said  
7 right-of-way centerline being more particularly described as  
8 follows:

9 Beginning at a point on the East-West centerline of Section  
10 25, from which the 1/4 corner of Sections 25 and 26 bears  
11 N 89° 58' 14" W-1345.54 feet; thence Northwesterly through  
12 the Northwest one-quarter of Section 25 as follows:

13 thence N 49° 13' 58" W - 211.24'  
14 thence N 26° 09' 34" W - 299.44'  
15 thence N 45° 18' 37" W - 204.07'  
16 thence N 34° 35' 17" W - 514.05'  
17 thence N 26° 25' 09" W - 463.39'  
18 thence N 17° 44' 39" W - 479.95'  
19 thence N 7° 00' 59" W - 316.96'  
20 thence N 11° 47' 11" E - 174.15  
21 thence N 6° 42' 59" W - 256.84' to a point on the section  
22 line of sections 24 and 25 from which the section corner  
23 common to Sections 23, 24, 25 and 26 bears N 89° 59' 16"  
24 W - 256.33 feet; thence continuing Northeasterly through  
25 the Southwest one-quarter of section 24 as follows:

26 thence N 6° 42' 59" W - 33.03'  
27 thence N 33° 15' 36" E - 370.95  
28 thence N 60° 04' 53" E - 431.13  
thence N 58° 25' 03" E - 246.78'  
thence N 23° 56' 53" E - 189.69'  
thence N 45° 38' 37" W - 528.55'  
thence N 6° 40' 37" W - 181.62'  
thence N 9° 02' 23" E - 633.82'  
thence N 71° 27' 53" E - 475.00'  
thence N 15° 24' 10" W - 310.00', more or less, to the  
centerline of the Ivory Pines Public Road (Klamath County  
Road designation No. "S-59") per Klamath County Board of  
Commissioners Resolution dated December 10, 1975 and filed  
in deed records M 75-15793, from which the section corner  
common to Sections 23, 24, 25 and 26 bears S 36° 34' 31" W -  
3087.95 feet."

29 IT IS FURTHER ORDERED that no damages shall be assessed to  
30 Respondents to be paid by Petitioners.

31 IT IS FURTHER ORDERED that Petitioners and their successors  
32 in interest shall be responsible for the future maintenance and

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upkeep of said road, in order that it shall be kept open and passable.

IT IS FURTHER ORDERED ~~that the Petitioners shall be granted judgment against Respondents for their costs and disbursements taxed at \$1961.50.~~ To None of the parties.

Dated this 13<sup>th</sup> day of October, 1980.

Donald A. Piper  
CIRCUIT COURT JUDGE

Dan Bailey  
Description:  
R.O.W.

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A roadway, 60 feet in width, for ingress and egress, over and across the Northwest one-quarter of Section 25 and the Southwest one-quarter of Section 24, Township 35 South, Range 11 East, Willamette Meridian, in Klamath County, Oregon; said right-of-way centerline being more particularly described as follows:

Beginning at a point on the East-West centerline of Section 25, from which the  $\frac{1}{4}$  corner of Sections 25 and 26 bears N  $89^{\circ} 58' 14''$  W-1345.54 feet; thence Northwest-erly through the Northwest one-quarter of Section 25 as follows:

thence N  $49^{\circ} 13' 58''$  W - 211.24'

thence N  $26^{\circ} 09' 34''$  W - 299.44'

thence N  $45^{\circ} 18' 37''$  W - 204.07'

thence N  $34^{\circ} 35' 17''$  W - 514.05'

thence N  $26^{\circ} 25' 09''$  W - 463.39'

thence N  $17^{\circ} 44' 39''$  W - 479.95'

thence N  $7^{\circ} 00' 59''$  W - 316.96'

thence N  $11^{\circ} 47' 11''$  E - 174.15

thence N  $6^{\circ} 42' 59''$  W - 256.84' to a point on the section line of sections 24 and 25 from which the section corner common to Sections 23, 24, 25 and 26 bears N  $89^{\circ} 59' 16''$  W - 256.33 feet; thence continuing Northeasterly through the Southwest one-quarter of section 24 as follows:

thence N  $6^{\circ} 42' 59''$  W - 33.03'

thence N  $33^{\circ} 15' 36''$  E - 370.95

thence N  $60^{\circ} 04' 53''$  E - 431.13

thence N  $58^{\circ} 25' 03''$  E - 246.78'

thence N  $23^{\circ} 56' 53''$  E - 189.69'

thence N  $45^{\circ} 38' 37''$  W - 528.55'

thence N  $6^{\circ} 40' 37''$  W - 181.62'

thence N  $9^{\circ} 02' 23''$  E - 633.82'

"EXHIBIT A"

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thence N 71° 27' 53" E - 475.00'

thence N 15° 24' 10" W - 310.00'; more or less, to the centerline of the Ivory Pines Public Road (Klamath County Road designation No. "S-59") per Klamath County Board of Commissioners Resolution dated December 10, 1975 and filed in deed records M 75 - 15793, from which the section corner common to Sections 23, 24, 25 and 26 bears S 36° 34' 31" W - 3087.95 feet.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Neal G. Buchanan, Atty.

this 13th day of October A. D. 1980 at 4:11 o'clock P. M., and duly recorded in Vol. M80, of Deeds on Page 19965

Wm D. MILNE, County Clerk

By Bernetha Heltsch

Fee \$17.50

Returned to:  
Circuit Court.