

AFTER RECORDING RETURN TO:
Boivin & Uerlings, P.C.
110 North Sixth Street
Klamath Falls OR 97601

Vol. m88 Page 8043

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DECLARATIONS OF RIGHT-OF-WAY

David M. Griffith and Nora Griffith, husband and wife, the owners of the real property described as:

A tract of land situated in Government Lots 2, 3, 4, 8, and 9 of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin monument (monuments are a 5/8 inch iron pin with plastic cap marked Tru-Line Surveying, unless otherwise noted) from which the Northeast corner of said Section 17 bears N. 66° 19' 58" E. 1444.16 feet; thence S. 01° 04' 57" W. 1142.28 feet to a monument; thence S. 29° 02' 57" W. 567.71 feet to a monument; thence S. 20° 59' 21" W. 901.22 feet to a monument marking the centerline of a road easement as described in Deed Volume M88 page 2525 of the Klamath County Deed Records; thence N. 54° 46' 27" W., along said road easement, 647.30 feet to a monument marking the end of said easement; thence N. 35° 13' 33" E. 30.00 feet to a monument; thence N. 26° 07' 00" W. 201.55 feet to a Railroad Spike driven into sandstone; thence N. 02° 51' 48" W. 323.68 feet to a "U" Bolt on the West side of a willow tree; thence N. 02° 18' 49" W. 1119.07 feet to a Railroad Spike driven into the root on the West side of a willow tree; thence continuing N. 02° 18' 49" W. 25 feet, more or less, to the Mean High Water Line of the Klamath River; thence Northeasterly, along said Water Line, 1520 feet, more or less, to a point N. 01° 04' 57" E. of the point of beginning; thence S. 01° 04' 57" W. 65 feet, more or less, to the point of beginning, containing 52 acres, more or less, and with bearings based on a solar observation.

Subject to an Easement, including the terms and provisions thereof, recorded February 23, 1988 in volume M88 page 2525, Deed records of Klamath County, Oregon.

hereinafter referred to Parcel A.

Marjorie and Victor R. Divine, husband and wife, are the owners of the real property described as:

A tract of land situated in Government Lots 6, 7, 8 and 9 of Section 8, the SW1/4SW1/4 of Section 9 and in Government Lots 2, 3, 4, 8 and 9 of Section 17, Township 39 south, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

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Beginning at a point on the Section line 1025.5 feet North (by deed) of the corner common to Sections 8, 9, 16 and 17; thence S. 54° 05' E. (by deed) 930 feet, more or less, to a point on the Northwesterly right-of-way line of the Southern Pacific Railroad; thence S. 34° 35' 38" W., along said right-of-way line, 569 feet to a point on the line common to Sections 9 and 16; thence Westerly to the corner common to Sections 8, 9, 16 and 17; thence Southerly, along the line common to Sections 16 and 17 to its intersection with said Northwesterly right-of-way line; thence S. 34° 35' 38" W., along said right-of-way line to a monument (monuments are a 5/8 inch iron pin with Tru-Line Surveying plastic cap) that bears S. 28° 47' 57" W. 3642.74 feet from the corner common to said Sections 8, 9, 16 and 17 and being the point of beginning of Parcel 1 of Major Land Partition 43-87 and that Road Easement described in Deed Volume M88 page 2525, Klamath County Deed Records; thence N. 54° 46' 27" W., along said road easement, 230.00 feet to a monument; thence N. 20° 59' 21" E. 901.22 feet to a monument; thence N. 29° 02' 57" E. 567.71 feet to a monument; thence N. 01° 04' 57" E. 1142.28 feet to a monument marking the point of beginning of Parcel 2 of Major Land Partition 43-87 from which said common Section corner bears N. 66° 19' 58" E. 1444.16 feet; thence continuing N. 01° 04' 57" E. 65 feet, more or less, to the Mean High Water Line of the Klamath River; thence Northerly, along said water line 2760 feet, more or less, to a point that bears N. 54° 05' W. (by deed) from the point of beginning; thence S. 54° 05' E. 1720 feet, more or less, to the point of beginning, containing 105 acres, more or less, with bearings based on a solar observation, unless otherwise noted.

Subject to an Easement, including the terms and provisions thereof, recorded February 23, 1988 in volume M88 page 2525, Deed records of Klamath County, Oregon.

hereinafter referred to as Parcel B.

Gary E. Griffith and Karen Griffith, husband and wife, are the owners of the of the real property described as:

A tract of land situated in Government Lots 3, 4, 7 and 8 and the N1/2 S1/2 of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a monument (all monuments are 5/8 inch iron pins with Tru-Line Surveying plastic cap, unless otherwise noted) on the Northwesterly right-of-way line

of the Southern Pacific Railroad, from which the corner common to Sections 8, 9, 16 and 17 bears N. 28° 47' 57" E. 3642.74 feet and also being the point of beginning of that Road Easement described in Volume M88 page 2525 Klamath County Deed records; thence N. 54° 46' 27" W., along said road easement 877.30 feet to a monument marking the end of said easement; thence N. 35° 13' 33" E. 30.00 feet to a monument; thence N. 26° 07' 00" W. 201.55 feet to a railroad spike driven into sandstone; thence N. 02° 51' 48" W. 323.68 feet to a "U" bolt on the West side of a willow tree; thence N. 02° 18' 49" W. 1119.07 feet to a railroad spike driven into the root on the West side of a willow tree; thence continuing N. 02° 18' 49" W. 25 feet, more or less, to the Mean High Water Line of Klamath River; thence Southwesterly, along said water line, to the Northwest corner of said Lot 8; thence Southerly to the SW 1/16 corner; thence Southeasterly, towards the South 1/4 corner, to a point on the Northwesterly right-of-way line of the Southern Pacific Railroad; thence along said right-of-way line to a point which bears S. 34° 35' 38" W. 300.00 feet from the point of beginning; thence N. 54° 46' 27" W. 198.00 feet; thence N. 34° 35' 38" E. 270.00 feet; thence S. 54° 46' 27" E. 198.00 feet to a point on said railroad right-of-way line; thence N. 34° 35' 38" E. 30.00 feet to the point of beginning, containing 108 acres, more or less, and with bearings based on a solar observation.

Subject to an Easement, including the terms and provisions thereof, recorded February 23, 1988 in volume M88 page 2525, Deed records of Klamath County, Oregon.

hereinafter referred to as Parcel C.

All the above parties own an interest in the real property described as:

That portion of the SW1/4 Section 9, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more fully decribed as follows:

A strip of land 60 feet in width the center line of which extends from a point on the North boundary line of the right of way of the U.S. Government Irrigation Canal or lateral F. 14, which point is 30 feet distant from the intersection of said North boundary line with the West boundary line of right of way of the California Northeastern (Southern Pacific) Railway; thence in a Northeasterly direction for a distance of approximately 930 feet to the center of the approach and the overhead bridge crossing said railway right of way; but including the right to use said approach and

bridge on said railroad right of way in conjunction with others; and also a strip of land 50 feet in width, the center line of which extends from a point on West boundary of said railroad right of way which point is 25 feet distant Northeasterly from the intersection of said West boundary line with the North boundary line of the said canal, and runs thence in a Northwesterly direction for a distance of approximately 1300 feet to a point on the line running North and South between Sections 8 and 9, which point is 37 feet North of the intersection of the North boundary line of said irrigation canal with said section line.

hereinafter referred to as Parcel D.

The parties intend to grant easements to each other to allow access by David M. Griffith and Nora Griffith and Gary E. Griffith and Karen Griffith, respectively, across Parcel A and B to Parcel D.

Now and therefore in exchange for the mutual promises and covenants contained herein and those contained in the Family Settlement Agreement between the parties dated April 21, 1988 in the Estate of Russell Griffith:

- 1) David M. Griffith and Nora Griffith grant, husband and wife, bargain, sell and convey to Gary E. Griffith and Karen Griffith, husband and wife, their heirs, executors and assigns the right to use as a means of ingress and egress to and from Parcels C and D, described herein, the present farm road located on Parcel A leading from the pump house located on Parcel C northeasterly for approximately 1/2 mile following along the east side of the existing drainage ditch on Parcel A to the border between Parcels B and A. This easement is for the benefit of and appurtenant to the land or any portion thereof as described above as Parcels C and D.
- 2) Marjorie Divine and Victor R. Divine, husband and wife, hereby grant, bargain, sell and convey unto David M. Griffith and Nora Griffith, husband and wife, their heirs, executors, and assigns, the right to use as means of ingress and egress to and from Parcels A and D the present farm road located on Parcel B running from the border between Parcels B and D in a southwesterly direction to the border between Parcels B and A. The easement is for the benefit of and appurtenant to Parcels A and D.
- 3) Marjorie Divine and Victor R. Divine, husband and wife, hereby grant, bargain, sell and convey unto Gary E. Griffith and Karen Griffith, husband and wife, their heirs, executors and assigns the right to use as means of ingress and egress to and from Parcels C and D the present farm road located on Parcel B and running from the border between Parcel D and B in a southwesterly direction over Parcels B and A to the pump house

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located on Parcel C, said existing road following along the east side of the existing drainage ditch on Parcels A and B. This easement is for the benefit of and appurtenant to Parcels D and C.

In witness hereof the parties have set their hands this 24 day of May, 1988.

Marjorie Divine
MARJORIE DIVINE

Victor R. Divine
VICTOR R. DIVINE

Gary E. Griffith
GARY E. GRIFFITH

Karen Griffith
KAREN GRIFFITH

David M. Griffith
DAVID M. GRIFFITH

Nora Griffith
NORA GRIFFITH

STATE OF OREGON)
) SS.
County of Klamath)

Personally appeared the above named Marjorie Divine and Victor R. Divine and acknowledged the foregoing instrument to be their voluntary act and deed.

Jean R. Uerling
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2-20-91

STATE OF OREGON)
) SS.
County of Klamath)

Personally appeared the above named Gary E. Griffith and Karen Griffith and acknowledged the foregoing instrument to be their voluntary act and deed.

Jean Uerling
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2-20-91

STATE OF OREGON)
) SS.
County of Klamath)

Personally appeared the above named David M. and Nora Griffith and acknowledged the foregoing instrument to be their voluntary act and deed.

Jean Uerling
NOTARY PUBLIC FOR OREGON
My Commission Expires: 2-20-91

STATE OF OREGON: COUNTY OF KLAMATH: SS.

Filed for record at request of Boivin & Uerlings, P.C. the 24th day of May A.D. 1988 at 2:18 o'clock P. M., and duly recorded in Vol. M88 of Deeds on Page 8043

FEE \$25.00

Evelyn Biehn County Clerk
By Bernetha H. Letcho