

FILED
STATE OF OREGON
CLERK OF COURT
1986 MAY 30 AM 10:20

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

BY Cathy [Signature]

ARTHUR E. ANDERSON and LUCILLE
R. ANDERSON, husband and wife,
Plaintiffs,

vs.

Case No. 84-403 CV

STUART L. BROWN, GEORGE I.
LINDEMANN, TOM LINDEMANN,
WARREN L. WOLFSEN, dba
BITTERBRUSH LAND & CATTLE CO.,
DOUGLAS REID, JR. and E.
ROSE REID

ORDER GRANTING
WAY OF NECESSITY

Defendants.

THIS MATTER came regularly before the Court on trial in the merits on February 11, 1986, and the Plaintiffs appearing in person and through attorney, Mike Ratliff of Parks & Ratliff, Defendants STUART L. BROWN, GEORGE T. LINDEMANN, TOM LINDEMANN, WARREN L. WOLFSEN, dba BITTERBRUSH LAND & CATTLE CO., appearing through their attorney Steve Zamsky, and the Defendants DOUGLAS REID, JR. and E. ROSE REID failing to appear and the parties having conferred with the Court and agreed in light of the report and recommendation furnished by Francis Roberts of the Klamath County Public Works Department no controversy actually exists between the parties, now therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiffs' statutory right of way of necessity is hereby granted, more particularly described as follows:

1. Over the property of Defendants, BROWN, LINDEMANN,

1 LINDEMANN, WOLFESSEN, dba BITTERBRUSH LAND & CATTLE CO., the
2 following portion:

3 Starting at the Southeast quarter of the
4 Northwest quarter of Section seven, township
5 thirty-seven South, Range fifteen East,
6 Willamette Meridian, thence North thirty
7 feet, thence West thirty feet, thence South
8 thirty feet, then East to the point of
9 beginning.

10 2. Over the property of Defendants DOUGLAS REID, JR
11 and E. ROSE REID as follows:

12 Thirty feet wide immediately adjacent to the
13 parcel described in Section one, continuing
14 South along the common boundary of Section
15 seven and eight and intersecting with the
16 Northerly boundary of Oregon highway number
17 140.

18 3. This right of way shall be to provide access to the
19 Plaintiffs', their heirs, assigns, and designees, for residential
20 and recreational purposes on the parcel of property owned by the
21 Plaintiffs, more particularly described as:

22 The Southeast quarter of the Northwest quarter
23 and the Southerly three hundred thirty feet
24 of the Southwest quarter of the Northwest
25 quarter, Section eight, Township thirty-seven
26 North, South, Range fifteen East, Willamette
Meridian in Klamath County, Oregon, and shall
run off the land.

4. Plaintiffs shall be required to pay the costs and
reasonable attorneys fees incurred by the owner of land, subject
to this way of necessity, and further to compensate the Defen-
dants for the land use. The Defendants shall follow the proce-
dure set out in ORCP Rule 86 to determine these values.

5. Any costs incurred by the County as a result of

1 this Petition not already reimbursed by the Plaintiffs shall be
2 so reimbursed.

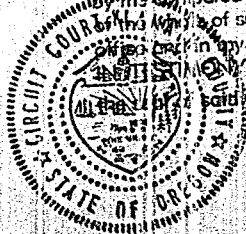
3 6. Plaintiffs shall be required to bear all costs of
4 construction and maintenance of the roadway easement described
5 above, and shall be obligated to construct adequate fencing to
6 separate their property, and the easement contained herein from
7 the property belonging to BITTERBRUSH LAND & CATTLE CO. immedi-
8 ately adjacent to the easement.

9 DATED this 29 day of May, 1986.

10
11 Ted Abram
12 TED ABRAM
13 CIRCUIT COURT JUDGE
14

15 STATE OF OREGON)
16 County of Klamath)

17 I, LYN G. HARDY Clerk of the Circuit Court of the County of Klamath
18 and the State of Oregon do hereby certify that the foregoing copy has been
19 compared with the original, and that it is a transcript therefrom, and
20 by this copy of such original as the same appears on file or of record in my
21 office and in my care and custody.



22 WHEREOF, I have hereunto set my hand and affixed
23 this 29 day of Nov A.D. 1987
24 LYN G. HARDY, Clerk of Court
25 By: [Signature]
26

CERTIFICATE OF MAILING

I, LAURIE L. HOFF, hereby certify that I deposited in the
 United States Post Office at Klamath Falls, Oregon, on this 27
 day of May, 1986, postage prepaid, a copy of the Order Granting
 Way of Necessity to the following:

Enver Bozgoz
 Attorney at Law
 1135 Pine Street
 Klamath Falls, OR 97601

Douglas and E. Rose Reid
 1201 Gallatine Place
 Oxnard, CA 93030

Steven A. Zamsky
 Attorney at Law
 601 Main Street
 Klamath Falls, OR 97601

Laurie L. Hoff
 LAURIE L. HOFF, Secretary

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Lucille Anderson
 of Nov. A.D., 19 89 at 11:30 o'clock AM., and duly recorded in Vol. M89
 of Deeds on Page 23093

FEE \$23.00

Return: Lucille Anderson
 6621 Eberlein, Klamath Falls, Or. 97603

Evelyn Biehn
 By Laurie L. Hoff County Clerk