

## INDENTURE

THIS INDENTURE, Made and entered into this 11 day of April, 1990, by and between RICHARD A. SMITH and GENEVA A. SMITH, husband and wife, herein called "Smiths", and DAN R. KURTZ and SYDNEY R. KURTZ, husband and wife, herein called "Kurtzes";

## W I T N E S S E T H:

WHEREAS, the parties hereto are the record title holders of adjoining parcels of real property situated in the S $\frac{1}{2}$ , Section 8, SW $\frac{1}{4}$ , Section 9, and the NW $\frac{1}{4}$ , Section 16, Township 40 S., R. 14 E.W.M., Klamath County, Oregon, and

WHEREAS, it is the intention of the parties to adjust the common boundaries between their present land holdings.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration paid by each to the other, it is agreed as follows:

Smiths hereby grant, bargain, sell and convey to Kurtzes, their heirs, successors and assigns, those certain parcels of land situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, SW $\frac{1}{4}$ , Section 9, and the NW $\frac{1}{4}$ , Section 16, all in Township 40 S., R. 14 E.W.M., Klamath County, Oregon, lying easterly of the common boundary described on Exhibit A attached hereto and by this reference made a part hereof.

Kurtzes hereby grant, bargain, sell and convey to Smiths, their heirs, successors and assigns, that certain parcel of land situated in the NW $\frac{1}{4}$ , Section 16, Township 40 S., R. 14 E. W.M., Klamath County, Oregon, lying westerly of the common boundary described on Exhibit A attached hereto and by this reference made a part hereof.

Kurtzes hereby grant, bargain, sell and convey to Smiths, their heirs, successors and assigns, all that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 8, Township 40 S., R. 14 E.W.M., Klamath County, Oregon, lying South of the boundary line described on Exhibit B attached hereto and by this reference made a part hereof.

The above conveyances are adjustments of property lines by relocation of common boundaries. No additional units of land are hereby created and the existing units of land reduced in size by the adjustments comply with all applicable zoning ordinances.

Smiths hereby grant, bargain, sell and convey to Kurtzes, their heirs, successors and assigns, a non-exclusive, perpetual right of way and easement 30 feet in width, for access to and exit from grantees' adjoining lands, along and upon the existing roadway running in an easterly and westerly direction across and upon the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 8, Township 40 S., R. 14 E.W.M., Klamath County, Oregon.

Smiths hereby release and quitclaim to Kurtzes all their right, title and interest in and to that certain right of way along the South boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and extending into the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 9, Township 40 S., R. 14 E.W.M., Klamath County, Oregon, as recorded in Volume M-70, Page 639, deed records of Klamath County, Oregon.

Each party hereto reserves to themselves, their heirs, successors and assigns all ditches, canals and waterworks for irrigation upon the lands herein conveyed, together with the right of access thereto for maintaining and repairing said ditches and canals and to control the water therein.

1990 APR 22 AM 11:57

It is understood and agreed that all water rights, if any, appurtenant to the lands hereinabove conveyed shall not be transferred to the grantees nor shall such rights remain appurtenant to the lands conveyed.

The true and actual consideration paid for the transfers hereinabove recited, stated in terms of dollars, is \$ 0. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the parties hereto have caused this indenture to be executed the day and year first hereinabove written.

Richard A. Smith  
Geneva A. Smith  
Dan R. Kurtz  
Sydney R. Kurtz

STATE OF OREGON } ss.  
 County of KLAMATH }

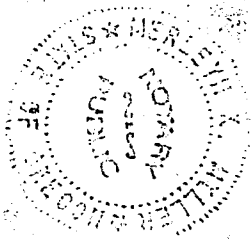
The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of April, 1990, by RICHARD A. SMITH and GENEVA A. SMITH, husband and wife.

Herman F. Smith  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 12-13-90

STATE OF OREGON } ss.  
 County of KLAMATH }

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of April, 1990, by DAN R. KURTZ and SYDNEY R. KURTZ, husband and wife.

Douglas H. Miller  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 9-16-93



After recording, return to:  
 H. F. Smith, Attorney at Law  
 540 Main Street  
 Klamath Falls, Oregon 97601

## BOUNDARY LINE DESCRIPTION

Beginning at the quarter corner common to Sections 8 and 9, Township 40 S., R. 14 E.W.M., Klamath County, Oregon, as marked by a Klamath County Surveyor brass capped monument; thence, along the following-described line with the angle points being marked by a 5/8" iron pin with a Tru-Line Surveying plastic cap, S. 89°50'43" W. 214.22 feet, S. 00°09'17" E. 466.83 feet, N. 89°50'43" E. 214.22 feet, S. 00°09'17" E. 154.57 feet, S. 62°01'52" E. 1173.37 feet, S. 27°19'17" E. 624.58 feet and S. 00°09'17" E. 909.83 feet; thence S. 26°43'11" E. 3028 feet, more or less, to a point on the East-West center section line of Section 16, Township 40 S., R. 14 E.W.M., with bearings based on a time method solar observation.

Owner  
Erwin R. Ritter, L.S.

7902  
Owner  
Dennis A. Ensor

# TRU (SURVEYING) LINE

TELEPHONE (503) 884-3691  
2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97603  
MARCH 20, 1990

## LEGAL DESCRIPTION

That portion of the NW1/4SE1/4 and the NE1/4SW1/4 of Section 8, T40S, R14EWM, Klamath County, Oregon lying South of the following described line.

Beginning at a 5/8" iron pin with a Tru-Line Surveying plastic cap, in an existing fence line, from which the South 1/4 corner of said Section 8 bears S36°01'05"W 1613.43 feet; thence N49°53'34"W 1149.62 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence along a line which is 20 feet southerly of the center line of an existing road the following courses and distances, S69°27'36"W 503.72 feet, along the arc of a curve to the left (radius equals 1480.00 feet, central angle equals 14°13'55" and the tangent equals 184.76 feet) 367.62 feet, S55°13'41"W 168.98 feet, along the arc of a curve to the right (radius equals 420.00 feet, central angle equals 28°27'30" and the tangent equals 106.50 feet) 208.61 feet, S83°41'11"W 102.11 feet, along the arc of a curve to the left (radius equals 180.00 feet, central angle equals 39°33'51" and the tangent equals 64.74 feet) 124.29 feet and S44°07'20"W 70 feet, more or less to a point on the West line of said NE1/4SW1/4, with bearings based on a time method solar observation.

*Erwin R. Ritter*

ERWIN R. RITTER O.L.S. 658

## EXHIBIT B

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of H. F. Smith the 27th day  
of April A.D., 19 90 at 11:57 o'clock A.M., and duly recorded in Vol. M90  
of Deeds on Page 7899

FEE \$43.00

Evelyn Biehn County Clerk

By *Dennis A. Ensor*