

THIS AGREEMENT, made this 6th day of ~~JANUARY~~ February, 19 91,  
by and between JAMES R. SPEARS AND SANDRA L. SPEARS, husband and wife

\_\_\_\_\_, grantors  
and STEPHEN A. MARTISAK AND TRUDY L. MARTISAK, HUSBAND AND WIFE

WHEREAS, grantees are the owners of the following described real property in Klamath County, Oregon, To-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO

The grantors, in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey to the grantees, their heirs, successors and assigns, a nonexclusive easement described as follows, to-wit:

SEE EXHIBIT "B", "C", AND "D" ATTACHED HERETO

subject to liens and encumbrances of record, in and upon the following described real property of grantors in Klamath County, Oregon, to-wit:

SEE ATTACHED EXHIBIT "E" ATTACHED HERETO

for the construction, maintenance, use and repair of an individual water-carried on-site sewage disposal system (hereinafter called "system") appurtenant to the above described property of grantees.

Grantors, for themselves and their heirs, successors and assigns, covenant and agree to and with the grantees, their heirs, successors and assigns, that the above-described property of the grantors shall not be used for any purpose detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

IN WITNESS WHEREOF, the parties hereto have executed this agreement  
as of the date first hereinabove written.

James R. Spears  
James R. Spears  
Sandra L. Spears (Grantors)  
Sandra L. Spears

Stephen A. Martisak  
Stephen A. Martisak  
Trudy L. Martisak (Grantees)  
Trudy L. Martisak

STATE OF OREGON )  
County of Klamath ) ss.  
2/6, 19 91 )

Personally appeared the above-named James R. Spears and Sandra L. Spears, grantor,  
and acknowledged the foregoing instrument to be their voluntary act.  
Before me:

Nancy M. Minard  
Notary Public for Oregon  
My commission expires: 6/8/92

STATE OF OREGON )  
County of Klamath ) ss.  
2/8, 19 91 )

Personally appeared the above-named Stephen A. Martisak and Trudy L. Martisak, grantees,  
and acknowledged the foregoing instrument to be their voluntary act.  
Before me:

Nancy M. Minard  
Notary Public for Oregon  
My commission expires: 6/8/92

Owner  
Erwin R. Ritter, L.S.

## EXHIBIT "A"

Owner  
Dennis A. Ensor

**TRU (SURVEYING) LINE**

TELEPHONE (503) 884-3891  
2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97603

JANUARY 21, 1991

## LEGAL DESCRIPTION

OF

J.L. AND SANDRA L. SPEARS TO MARTISAK

A PARCEL OF LAND SITUATED IN THE SW1/4SE1/4 OF SECTION 12, T38 S, R8EWM, KLAMATH COUNTY, OREGON, BEING A PORTION OF PARCEL 1 OF THE TRACT OF LAND DESCRIBED IN DEED VOLUME M79 PAGE 4330 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 12; THENCE S89°54'30"E, ALONG THE SOUTH LINE OF SAID SW1/4SE1/4, 662.82 FEET TO THE SOUTHEAST CORNER OF SAID TRACT OF LAND; THENCE N26°31'58"W 649.63 FEET TO A 5/8" IRON PIN MARKING THE NORTH-EAST CORNER OF SAID TRACT OF LAND; THENCE S82°30'46"W, ALONG THE NORTHERLY LINE OF SAID TRACT OF LAND, 374.42 FEET TO A POINT ON THE WEST LINE OF SAID SW1/4SE1/4; THENCE S00°09'00"W 531.36 FEET TO THE POINT OF BEGINNING, CONTAINING 6.68 ACRES, MORE OR LESS, WITH BEARINGS AND DISTANCES BASED ON RECORD OF SURVEY No. 2894.



DENNIS A. ENSOR O.L.S. 2442

Reference \_\_\_\_\_

Evaluator: \_\_\_\_\_

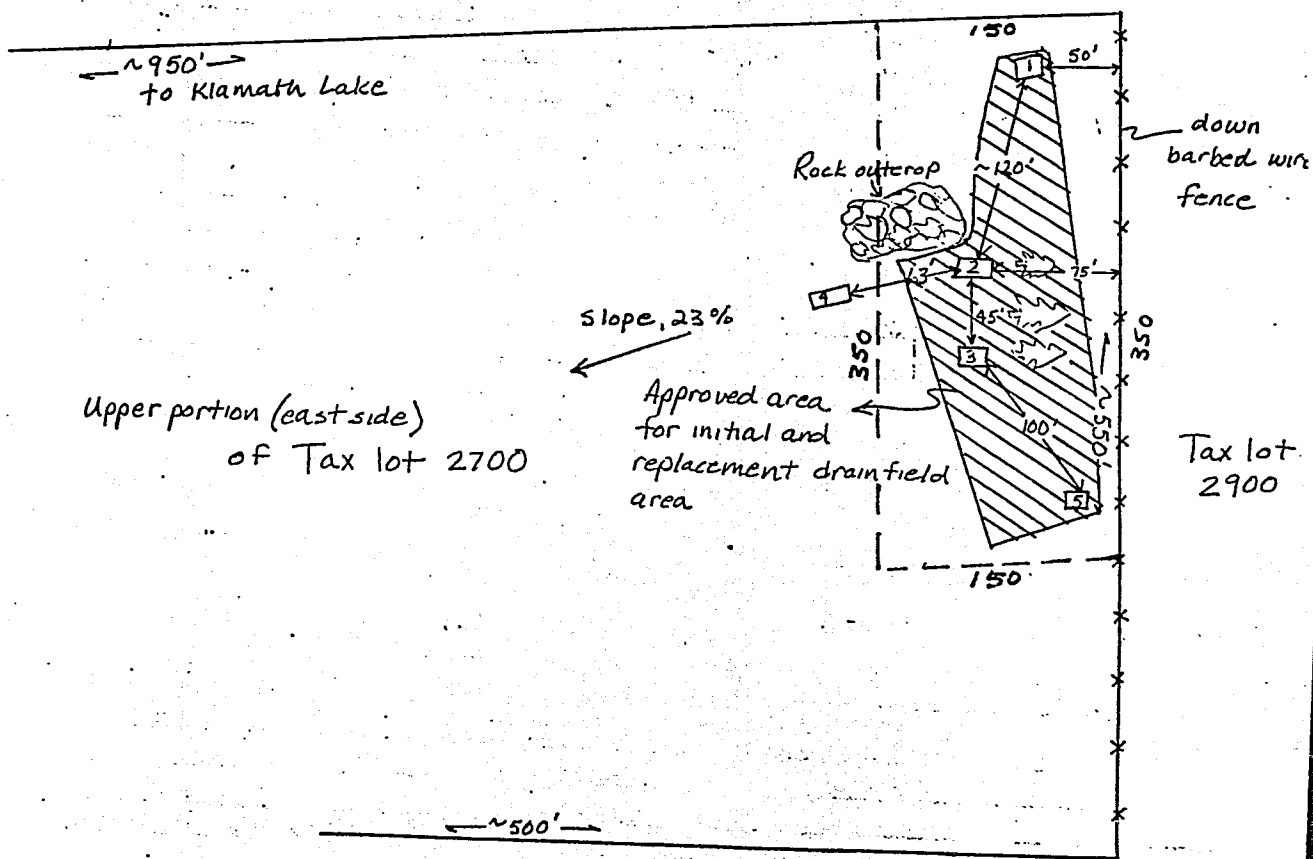
2439

Applicant \_\_\_\_\_

Date: \_\_\_\_\_

EXHIBIT "B"

Tax lot 2700



## SITE EVALUATION FIELD WORKSHEET

Tax Reference T385, R8E, S12; T1 2700 Evaluator C. Foster  
 Applicant Jim Spears Date 1-8-91 Parcel Size 7.6 acres

Soil Matrix Color and Mottling (Notation), % Coarse Fragments, Roots, Structure, Layer Limiting Effective Soil Depth, etc.

Depth	Texture	
ole 1	0-24"	vcob L
	24-60"	vcob SiCL
	60"	Hard rock
ole 2	0-14"	st. L
	14-29"	st. SiCL
	29-50"	vst. SiC
	50"	Hard rock
ole 3	0-18"	L
	18-28"	SiCL
	28-33"	SiC
	33-55"	Hard fractured rock w/ Mn stains; lf roots.
ole 4	0-15"	L
	15-55"	vst CL
	55"	Hard rock
ole 5	0-21"	st. L
	21-38"	st. SiCL

Landscape Notes Scattered juniper, sagebrush, annual grasses

Slope 23% Aspect S30°W Groundwater Not present

Other Site Notes Approval is for tax lot 2900 (upper lot). See "Special Conditions" below.

## SYSTEM SPECIFICATIONS

Type System: Alternative Design Flow 450 gpd Disposal Field Size 200 Linear Feet  
 Initial Conventional Sand System Sizing 50 / 150 g. Max. Depth Absorption Facility (in) 30; Minimum depth 24  
 Replacement Conventional Sand System Sizing 50 / 150 g. Max. Depth Absorption Facility (in) 30; Minimum depth 24  
 Filter-serial

Special Conditions 1) Recorded easements must be obtained prior to permit issuance.

2) The sand filter shall utilize a reinforced concrete filter container.

3) All transport piping shall be adequately bedded for pipe protection.

4) Backfill material shall be of the same textural class as that of the ground surface (loam, silt loam, or clay loam), and shall be approved by the agent prior to transport to the site.

5) Pressure manifold to the sand filter is to be supplied by either a pump or a dosing siphon depending on plan of system.

6) Recommend that filter fabric be used to cover top of filter material (drainrock)

Plot Plan on Reverse Side

EXHIBIT "D"  
LEGAL DESCRIPTION

An easement for septic purposes lying within a 150 foot by 350 foot parcel of land situate in the SE1/4 SW1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

A 150 foot wide strip of land lying Westerly of and adjacent to the Northerly 350 feet of the East line of said SE1/4 SW1/4, lying within that tract of land described as Parcel 1 in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon. Said East line being further described as follows:

Beginning at the S1/4 corner of said Section 12; thence North 00 degrees 09' 00" East, along said East line, 531.36 feet to a point on the North line of said tract of land.

EXHIBIT "E"  
LEGAL DESCRIPTION

A parcel of land situated in the S1/2 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the S1/4 corner of Section 12; thence Easterly 662.82 feet along the South section line of Section 12 to a point; thence North 26 degrees 31' 58" West 649.63 feet, more or less, to a 5/8" iron rod; thence South 82 degrees 30' 46" West, 1300.84 feet to a 5/8" iron rod on the East shore line of Upper Klamath Lake; thence Southeasterly along the East shore line of Upper Klamath Lake to the Northwest corner of SUNSET BEACH, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence running Northeasterly and Southeasterly along the Northerly and Easterly boundary lines of said plat of SUNSET BEACH, to a point at the intersection with the South section line of Section 12; thence Easterly along the South section line of Section 12 to the point of beginning.

SUBJECT TO a non-exclusive easement for ingress and egress over and across a 60 foot strip along the West boundary defined by the East shore line of Upper Klamath Lake and along the South boundary defined by the Northerly line of SUNSET BEACH plat herein described.

EXCEPTING THEREFROM a parcel of land situated in the SW1/4 SE1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Parcel 1 of the tract of land described in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon and being more particularly described as follows:

Beginning at the South 1/4 corner of Section 12; thence South 89 degrees 54' 30" East, along the South line of said SW1/4 SE1/4, 662.82 feet to the Southeast corner of said Tract of land; thence North 26 degrees 31' 58" West 649.63 feet to a 5/8" iron pin marking the Northeast corner of said tract of land; thence South 82 degrees 30' 46" West, along the Northerly line of said Tract of land, 374.42 feet to a point on the West line of said SW1/4 SE1/4; thence South 00 degrees 09' 00" West, 531.36 feet to the point of beginning, with bearings and distances based on record of survey no. 2894.

TOGETHER WITH a 10 foot wide walkway easement situated in the SE1/4 SW1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Exhibit "E" continued on next page

## LEGAL DESCRIPTION

A 10 foot wide strip of land lying Southerly of and adjacent to the Northerly line of Parcel 1 of that parcel of land described in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon. The North line of said easement being further described as follows: Beginning at a point on the East line of said SE1/4 SW1/4, said point being North 00 degrees 09' 00" East 531.36 feet from the South 1/4 corner of said Section 12; thence South 82 degrees 30' 46" West 930 feet, more or less, to Klamath Lake.

ALSO TOGETHER WITH an easement for septic purposes lying within a 150 foot by 350 foot parcel of land situate in the SE1/4 SW1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

A 150 foot wide strip of land lying Westerly of and adjacent to the Northerly 350 feet of the East line of said SE1/4 SW1/4, lying within that tract of land described as Parcel 1 in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon. Said East line being further described as follows: Beginning at the South 1/4 corner of said Section 12; thence North 00 degrees 09' 00" East, along said East line, 531.36 feet to a point on the North line of said tract of land.

STATE OF OREGON,  
County of Klamath ss.

Filed for record at request of:

Mountain Title Co.

on this 8th day of Feb. A.D., 19 91  
at 3:01 o'clock p M. and duly recorded  
in Vol. M91 of Deeds Page 2436

Evelyn Biehn - County Clerk  
By Pauline Mullendare

Fee, \$63.00

Deputy.

After recording return to:

Mountain Title Company  
222 So. 6th Street  
Klamath Falls, Oregon 97601

attention: Jean

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