# Vol.<u>0.92</u> Page 1594 Vol.<u>mt9</u> Page 14587

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MITC-21524P

THIS INSTRUMENT BEING RE-RECORDED TO CORRECT LEGAL DESCRIPTION ON EXHIBIT "B" PARCEL 2 DESCRIPTION ON EXHIBIT "B" PARCEL 2 PREVIOUSLY RECORDED IN Vol M89 Page 14587

THIS AGREEMENT AND WELL EASEMENT Made and entered into this <u>2014</u> day of \_\_\_\_\_\_\_, 1989, by and between ERIC R.-T. ROOST, Trustee for the Bankruptcy Estate of Norma E. Waggoner, Case No. 686-07971, L.A. SWETLAND, M.D., P.C, Pension and Profit Sharing Trust and R.H. OTTEMAN M.D., P.C, Pension and Profit Sharing Trust, and GARRET D. HILYARD and BETTY JEAN HILYARD, Grantors, and CHAD WHITTON AREY, Grantee,

#### WITNESSETH:

WHEREAS, Grantors are the owners of a tract of land described in Exhibit "A" attached hereto;

WHEREAS, there is a well located on said property, and by agreement 1/3 interest in said well was transferred to THOMAS A. AYRES, including easement for water delivery line, said easement in well was reflected in a document recorded in Vol. M80 Page 2417, Deed Records of Klamath County, Oregon; and

WHEREAS, the Grantors have agreed to grant a 1/3 interest and easement in said well to Grantee for the benefit of Grantee's property, more particularly described in Exhibit "B" attached hereto; and the parties being fully advised; now therefore,

FOR IN CONSIDERATION of One Dollar (\$1.00) and other valuable consideration receipt whereof is hereby acknowledged by Grantors. Grantors does by these presents grant, set over, and convey unto Grantee, his heirs, personal representatives, and assigns one-third (1/3) interest in the well situated on the property owned by Grantors together with an easement for water line 10 foot in width location to be on the same described easement in said document recorded at M80 Page 2417 Deed Records of Klamath County, Oregon, or portion thereof located on real property of Grantors.

Grantee shall have the right to maintain a buried pipeline (buried a minimum of twenty-four inches), on the said easement; the right to install a pump and water delivery line and right to maintain such at Grantee's own costs and expense; however, this agreement is subject to the agreement referred to as being recorded in Vol. M80, Page 2417, including installation prorates, and Grantee shall be responsible for reaching an agreement with the existing user of the well for sharing costs and expenses including pumping costs and maintenance of the shared well.

This agreement shall be perpetual. To have and to hold the above described grant and easement under the

EASEMENT IN WELL

KETLIEN: MR - aldn' Jean

PROCTOR & FAIRCLO ATTORNEYS AT LAW 280 MAIN STREET KLAMATH FALLS. OREGON 97601

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Grantee, his heirs, personal representative, and assigns forever.

Grantors:

Dated the day and first year herinabove, set forth.

ERIC R. -T. ROOST, Trustee for the Bankruptcy of Norma E. Waggoner

L.A. SWETLAND, M.D., P.C., Pension and Profit Sharing Trust

By:

R.H. OTTEMAN, M.D., P.C., Pension and Profit Sharing Trust

By ion Wipe

Grantee:

STATE OF OREGON LANE lss. County of <del>Klamath</del> 1

On this <u>31st</u> day of 1988, personally appeared before me the above named ERIC R. -T ROOST, Trustee for the Bankruptcy of Norma E. Waggoner, and acknowledged the above to be his voluntary act and deed.

Notary Public for Oregon

My Commission expires: 10-31-92

EASEMENT IN WELL

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> PROCTOR & FAIRCLO ATTORNEYS AT LAW 280 MAIN STREET KLAMATH FALLS. OREGON 97601

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| County of Klamath<br>On this 44 day of AUGUST, 1989, personally<br>on this 44 day of AUGUST, 1989, personally<br>appeared before me the above-named GARRET D. HILYARD and<br>appeared before me the above here to be the first f   |
| On this 44h day of 400 Marker D. HILYARD and appeared before me the above named GARRET D. HILYARD and appeared before me the above to be their 2 0 Marker JEAN HILYARD, and acknowledged the above to be their 2 0 Marker Jean Hilyard, and acknowledged the a   |
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| PROCTOR & FAIRCLO Page - 3-<br>ATTORNEYS AT LAW  |
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| EASEMENT IN WELL KLAMATH FALLS. OREGON DIG   |
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| ounty of Klamath 1<br>On this <u>25th</u> day of <u>July</u> , 1989, personally<br>ppeared before me the above named CHAD WHITTON AREY,<br>nd acknowledged the above to be his voluntary act and deed.<br><i>Mulayfunce</i><br>Notary Public for Oregon<br>My Commission expires:<br><i>Notary Public for Oregon</i><br><i>Notary </i> | STATE OF OR | 1  | 성의 성격 가능 관측적 관계가 관계하는 것이다.<br>이 것은 것은 것은 전쟁에서 가지 않는 것은 것을 하는 것이다.   |   |
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| On this 25th day of July<br>ppeared before me the above named CHAD WHITTON AREY,<br>nd acknowledged the above to be his voluntary act and deed.   | County of M | clamath ]                                | 1000 personally   |   |
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PROCTOR & FAIRCLO ATTORNEYS AT LAW 280 MAIN STREET EASEMENT IN WELL KLAMATH FALLS, OREGON 97601

### EXHIBIT "A" LEGAL DESCRIPTION

A tract of land situated in the NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows: Beginning at the NW corner of said Section 18; thence South 00 degrees 01' 10" West 2132.47 feet; thence South 89 degrees 51' 42" East 629.83 feet to the true point of beginning of this description thence North 00 degrees 02' 42" West 354.17 feet; thence South 64 degrees 56' 14" East 116.01 feet; thence South 42 degrees 55' 14" East 339.64 feet; thence Easterly along the arc of a curve to the left (radius = 100 feet, central angle = 113 degrees 45' 00") 198.53 feet; thence North 23 degrees 19' 46" East 74.72 feet; thence Northeasterly along the arc of a curve to the right (radius = 135.77 feet, central angle = 42 degrees  $41^{\circ}$  30") 101.16 feet; thence North 66 degrees 01' 16" East 91.43 feet; thence Northeasterly along the arc of a curve to the left (radius = 400 feet, central angle = 26 degrees 15, 37") 183.33 feet; thence South 89 degrees 55, 23" East 576.41 feet; thence South 00 degrees 00' 23" West 373.10 feet; thence North 89 degrees 51, 42" West 1405.07 feet to the true point of beginning with bearings based on recorded Survey No. 2026, as recorded in the Klamath County Surveyor's Office.

EXCEPTING THEREFROM

All the following described real property situated in Klamath County, A tract of land situated in the NW1/4 of Section 18, Township 39 Oregon:

South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of said Section 18, thence South 00 degrees 01' 10" West 2132.47 feet; thence South 89 degrees 51' 42" East 1525.28 feet to the true point of beginning of this description: Thence North 00 degrees 00' 22" East 372.55 feet; thence South 89 degrees 55' 23" East 509.62 feet; thence South 00 degrees 00' 23" West 373.10 feet; thence North 89 degrees 51, 42" West 509.62 feet to the true point of beginning, with bearings based on recorded Survey No. 2026, as recorded in Klamath County Surveyor's Office.

Tax Account No: 3910 01880 01700

#### EXHIBIT "B" LEGAL DESCRIPTION

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#### PARCEL 1

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32" East 102.63 feet to a point on the arc of a 50-foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve, said point being the True Point of Beginning of this description; thence along the arc of a curve to the left (central angle = 42 degrees 41' 30" and radius = 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle = 113 degrees 45' 00" and radius = 100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Easterly along the arc of said curve to the left (central angle = 55 degrees 42' 33" and radius = 205.06 feet) 199.38 feet; thence North 65 degrees 48' 00" East 53.06 feet to the True Point of Beginning of this description.

Tax Account No: 3910 01880 01200

#### PARCEL 2

A tract of land situated in the SW1/4 NW1/4 of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the East right-of-way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point being located South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, as set and shown by record of survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 89 degrees 47' 40" East along the Westerly extension of an old existing fence line and along said fence line 1001.20 feet; thence South 293.25 feet; thence North 70 degrees 49' 32' East 102.63 feet to a point on the arc of a 50 foot radius curve; thence Southeasterly along the arc of said curve (central angle = 102 degrees 21' 44") 90.25 feet; thence South 31 degrees 36' 12" East 104.55 feet; thence South 65 degrees 48' 00" West 10.00 feet; thence South 24 degrees 12' 00" East 180.00 feet; thence South 65 degrees 48' 00" West 91.43 feet to the beginning of a curve; thence along the arc of said curve to the left (central angle=42 degrees 41' 30" and radius= 135.77 feet) 101.16 feet; thence South 23 degrees 06' 30" West 74.72 feet; thence along the arc of a curve to the right (central angle=113 degrees 45' 00" and radius=100 feet) 198.53 feet; thence North 43 degrees 08' 30" West 65.00 feet to the true point of beginning of this description; thence North 31 degrees 30' 33" East 130.72 feet to a point on the arc of a curve; thence Northwesterly along the arc of said curve to the right (central angle=15 degrees 20' 37" and radius=205.06 feet) 54.93 feet; thence North 43 degrees 08' 30" West 31.12 feet; thence South 46 degrees 51' 30" West 118.75 feet; thence 54.93 feet; thence North 43 degrees 08' 30" West 31.12 feet; thence South 46 degrees 51' 30" West 118.75 feet; thence 43 degrees 08' 30" East 120.00 feet to the true point of beginning of this description. thence South 42 degrees 55'14" East 120 feet to the point of beginning of this description.

Tax Account No: 3910 018B0 01300

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