

23044

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Aspen Title #01045029
CORRECTION/REPLACEMENT EASEMENT

THIS EASEMENT, Made this 12th day of August, 1996 between William C. and Stephanie L. Gourley, husband and wife, as Grantors and Scott Allen Fenters and Janelle Marie Fenters, husband and wife, as Grantees:

R E C I T A L

WHEREAS Gourley's are the present owners of that real property described immediately below and are successors in interest to said real property formerly owned in 1980 by Carl R. Jarschke and Patricia F. Jarschke; and

WHEREAS Grantees are the purchasers of adjacent property described in paragraph 4 below; and

WHEREAS a previous Easement was conveyed by prior owners in March, 1980, recorded in Volume M80, page 5550 of Klamath County Deed records; and

WHEREAS there was a mistake in the legal description wherein the nine (9) foot easement was referred to as the southern boundary of land owned by Grantors and should be have been the northern boundary of land owned by grantors;

WHEREAS the undersigned now wish to correct said Easement to conform with the use that has been made of said Easement and further wish to remove from the southern boundary of Grantors' property the cloud that was created by the 1980 Easement, the undersigned do hereby covenant and agree:

W I T N E S S E T H

For good and valuable consideration and the mutual covenants and agreements

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contained herein, and other valuable considerations, Grantors do hereby convey to Grantees a perpetual nonexclusive easement to use a strip of land nine (9) feet in width described as follows:

A strip of land nine (9) feet in width, parallel with and adjacent to the Northern boundary of land owned by Grantors and situated in Klamath County, Oregon, more particularly described as follows:

A tract of land situated in the NW1/4 NW1/4 of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point on the West line of said Section 28, said point being in Tingley Lane and located South 00° 01' 40" West 459.50 feet from the Northwest corner of said Section 28; thence South 85° 38' 55" East along the center line of an existing lane and its extension, 842.57 feet; thence South 00° 01' 40" West 306.41 feet; thence North 89° 58' 20" West 840.17 feet to the West line of said Section 28; thence North 00° 01' 40" East 369.94 feet to the point of beginning.

The terms of this Easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement strip for private road purposes only for ingress and egress to the property described in paragraph 4 herein, and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon.
2. This Easement shall be perpetual.
3. This Easement is granted subject to all prior Easements or encumbrances of record.
4. This Easement is for the benefit of and appurtenant to that real property owned by Grantees and described as follows:

A tract of land situated in the NW1/4 NW1/4 of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

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Beginning at a 5/8 inch iron pin on the West line of said Section 28 and in the centerline of Tingley Road, said point being South $00^{\circ} 01' 40''$ West 251.50 feet from the Northwest corner of said Section 28, marked by a 5/8 inch iron pin; thence South $89^{\circ} 58' 20''$ East 756.58 feet to a 5/8 inch iron pin; thence South $17^{\circ} 05' 05''$ East 284.10 feet to a 5/8 inch iron pin on the center line of an existing access lane extended; thence North $85^{\circ} 38' 55''$ West 842.57 feet to a 5/8 inch iron pin at the intersection of said lane and center of said Tingley Road, said point also being on the West line of said Section 28; thence North $00^{\circ} 01' 40''$ East 208.00 feet to the point of beginning.

5. The parties hereto agree that this Easement is to be considered in conjunction with a similar Easement wherein Grantees' predecessors in title herein granted to Grantors' predecessors in title herein an Easement adjoining the easement granted herein. That it is the purpose of the parties to establish a joint roadway on the boundary line between the above described parcels of property for the purpose of providing access to each of the parties' property for residential and light agricultural use. That the parties hereto hereby agree to share equally the costs of maintenance of the common Easement upon prior written mutual agreement of the parties as to what repairs and maintenance should be performed. The consent of a party shall not be unreasonably withheld.

6. Grantees do hereby quitclaim to Grantors all right, title and interest to that strip of land nine (9) feet in width described as follows:

A strip of land nine (9) feet in width, parallel with and adjacent to the Southern boundary of land owned by Grantors and situated in Klamath County, Oregon, more particularly described as follows:

A tract of land situated in the NW1/4 NW1/4 of Section 28, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point on the West line of said Section 28, said point being in Tingley Lane and located South $00^{\circ} 01' 40''$ West 459.50 feet from the Northwest corner of said Section 28; thence South $85^{\circ} 38' 55''$ East along the center line of an existing lane and its extension, 842.57 feet; thence South $00^{\circ} 01' 40''$ West 306.41 feet; thence North $89^{\circ} 58' 20''$ West

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840.17 feet to the West line of said Section 28; thence North 00° 01' 40"
East 369.94 feet to the point of beginning.

GRANTORS

GRANTEES

William C. Gourley
WILLIAM C. GOURLEY

Scott Allen Fenters
SCOTT ALLEN FENTERS

Stephanie L. Gourley
STEPHANIE L. GOURLEY

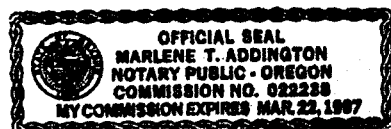
Janelle Marie Fenters
JANELLE MARIE FENTERS

STATE OF OREGON)

) ss.

County of Klamath)

Personally appeared before me on the 12th day of August, 1996 the above-named William C. Gourley and Stephanie L. Gourley, his wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



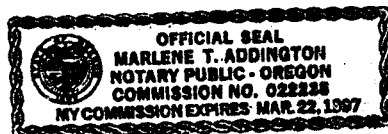
Marlene T. Addington
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-22-97

STATE OF OREGON)

) ss.

County of Klamath)

Personally appeared before me on the 12th day of August, 1996 the above-named Scott Allen Fenters and Janelle Marie Fenters, his wife, and acknowledged the foregoing instrument to be their voluntary act and deed.



Marlene T. Addington
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-22-97

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 12th day
of August A.D., 19 96 at 3:52 o'clock P.M., and duly recorded in Vol. M96,
of Deeds on Page 24756.

FEE \$45.00

Bernetha G Letsch, County Clerk
By [Signature]