

52145



RELEASE OF EASEMENT
VOLUME M78 AT PAGE 10974
MICROFILM RECORDS OF KLAMATH COUNTY, OREGON
AND
CREATION OF ACCESS EASEMENT

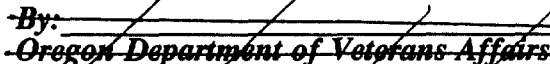
This Agreement to Release and extinguish an easement created by instrument recorded in Volume M78 at Page 10974, Microfilm Records of Klamath County, Oregon and Creation of Access Easement is made this 2nd day of August, 2001 by ROBERT A. STEWART and MARILYN J. STEWART, Husband and Wife, EVERETT D. SAMPLE and REGINA N. SAMPLE, Husband and Wife and the ~~Oregon Department of Veterans Affairs~~. Upon the Recording of Tract - 1386 VALE HEIGHTS The parties now desire to extinguish said easement as it is no longer necessary and is a burden to the respective parcels. And further desire to create a replacement easement.

By the signatures below the parties are extinguishing the easement recorded in Volume M78 at Page 10974 originally created by Eugene Wayne Cunningham and Robert J. Gilder and Linda S. Gilder, Husband and Wife for ingress and egress. By extinguishment of this easement the respective parcels shall no longer be burdened by the easement and the respective parcel owners will have the full enjoyment of the real property as if the easement never existed. Said easement being extinguished is attached hereto as Exhibit "A". This extinguishment of easement shall be binding to the respective parties and their heirs, successors and assigns.

Upon finalizing said subdivision the parties further wish to create an Access and Public Utility Easement as a replacement for the extinguished easement. Said Access easement is delineated on the Plat of Tract 1386 - Vale Heights and is 30 feet in width and lying within lots 4 and 5 of said subdivision. See attached Exhibit "B" as to the location of the new easement.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 2nd day of August, 2001.


Robert A. Stewart
Everett D. Sample
Marilyn J. Stewart
Regina N. Sample

By: 
~~Oregon Department of Veterans Affairs~~

43999

State of Oregon
County of Klamath

Signed before me this 2nd of August, 2001 by Robert A. Stewart and
Marilyn J. Stewart to be their voluntary act and deed.
Before me

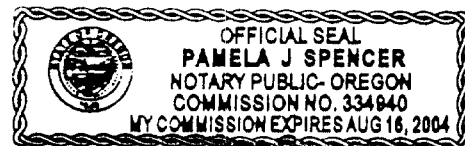

Notary Public for Oregon



State of Oregon
County of Klamath

Signed before me this 7th of August, 2001 by Everett D. Sample and
Regina N. Sample to be their voluntary act and deed. Before me


Notary Public for Oregon



State of Oregon
County of _____

Signed before me this _____ of August, 2001 by
as _____ of the Oregon Department of Veterans Affairs.
Before me

Notary Public for Oregon

Return after recording:

Robert A. Stewart
2918 Edison Ave.
Klamath Falls, Oregon 97603

48868

44000

WARRANTY DEED TO CREATE ESTATE BY THE ENTIRETY

THIS INDENTURE WITNESSETH, That EUGENE WAYNE CUNNINGHAM, hereinafter known as Grantor, for the consideration hereinafter stated has bargained and sold, and by these presents does grant, bargain, sell and convey unto ROBERT J. GILDER and LINDA S. GILDER, husband and wife, grantees the following described premises, situated in Klamath County, Oregon, to-wit:

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin from which the Northeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ bears North 00°04' 39" West 641.65 feet and North 89° 46' 35" East 755.00 feet; thence South 00°04' 39" East 335.59 feet to a 5/8 inch iron pin on a line which is North 00°04' 39" West 350 feet from the Southerly line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 89°45' 36" East, parallel to said Southerly line, 245.00 feet to a 5/8 inch iron pin; thence North 00°04' 39" West 335.59 feet to a 5/8 inch iron pin; thence South 89°45' 36" West 245.00 feet to the point of beginning, with bearings based on a solar observation;

TOGETHER WITH a non-exclusive easement 30 feet in width, over and across the Southerly boundary of that tract of land as described in Deed Volume M-76 at page 1324, as recorded in the Klamath County Deed Records, to the Southeast corner of said Deed Volume M-76 at page 1324; ALSO a 30 foot easement along the Easterly line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 6, from the Southerly line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ to the center line of the Enterprise Irrigation District canal, for ingress and egress to the above described tract of land.

SUBJECT TO:

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Enterprise Irrigation District.

2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Klamath Basin Improvement District.

Subject to the terms and provisions of that certain instrument recorded July 24, 1970 in Volume M-70 at page 6187 as "Notice to persons intending to Flat Lands within the Klamath Basin Improvement District."

3. Rights of the public in and to any portion of said premises lying within the limits of roads and highways.

Right of way for ingress and egress, including the terms and conditions thereof, granted to El Paso Natural Gas Company, a corporation, by that certain instrument recorded October 12, 1961, in Book 333 at page 143, Deed Records of Klamath County, Oregon.

Easement and right of way 20 feet in width granted to the Enterprise Irrigation District by Quitclaim Deed recorded March 29, 1966 in Book M-66 at page 2711, Microfilm Records.

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44001

6. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

7. No mobile home shall be placed upon the premises.

8. The Grantor and Grantees shall mutually agree on all necessary maintenance of the road over the above granted easement. The cost of the maintenance shall be shared equally by Grantor and Grantees.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$17,000.00.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees as an estate by the entirety. And the said grantor does hereby covenant, to and with the said grantees, and their assigns, that he is the owner in fee simple of said premises; that they are free from all incumbrances, except those above set forth, and that he will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, he has hereunto set his hand and seal this 23rd day of May, 1978.

STATE OF OREGON, County of Klamath ss.

Personally appeared the above named Eugene Wayne Cunningham and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Notary Public for Oregon

My Commission Expires: 4-5-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.

on the 24th day of May, A. D. 1978 at 11:34 clock A M., and

is hereby recorded in Vol. 1128 of Records on Page 10974

Wm. D. MILNE, County Clerk

Fee \$6.00

