

'02 NOV 13 AM 11:49

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RETURN TO:
Brandsness, Brandsness
& Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

MAIL TAX STATEMENTS:

State of Oregon, County of Klamath
Recorded 11/13/2002 11:49 a m.
Vol M02, Pg 65748-50
Linda Smith, County Clerk
Fee \$ 3/00 # of Pgs 3

'02 NOV 13 PM 2:55

RELEASE OF EASEMENT

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GRANTOR: MBK, a partnership consisting of Melvin L. Stewart, Mary Lou Stewart and Kenneth L. Tuttle, Trustee of the Kenneth L. Tuttle, M.D., P.C., Employee Pension and Profit Sharing Trust Agreement

Recitals:

A. Grantor owner of a Portion of Parcel 2 of Minor Land Partition 9-90 situated in the E½ of Section 15 and the W½ of Section 14, T38S, R9EWM, Klamath County, Oregon, caused Land Partition 39-97 to be duly approved by the Klamath County Surveyor, the Klamath County Public Works Director and the Klamath County Planning Director pursuant to law and recorded in the office of the County Clerk for Klamath County, Oregon.

B. Land Partition 39-97 provides for the declaration of a non-exclusive easement upon the following described parcel or real property:

A tract of land being the 60 foot wide non-exclusive easement created by Land Partition 39-97, being a portion of Parcel 1 of said Land Partition 39-97, situated in the SE¼ of Section 15, T38S, R9EWM, Klamath County, Oregon, being more particularly described as follows:

Beginning at the Southwest corner of Parcel 2 of said Land Partition 39-97; Thence along the arc of a curve to the right (radius point bears S10°23'33"E 130.00 feet and central angle equals 37°54'45") 84.46 feet; Thence along the arc of a curve to the left (radius point bears N27°31'11"E 70.00 feet and central angle equals 24°36'20") 30.06 feet; Thence S87°05'09" E 240.38 feet; Thence along the arc of a curve to the left (radius equals 470.00 feet and central angle equals 06°31'22") 53.51 feet; Thence N86°23'29"E 30.06 feet; Thence S03°36'31"E 60.00 feet; Thence S86°23'29"W 30.06 feet; Thence along the arc of a

* Re-recording To change wording.

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State of Oregon, County of Klamath
Recorded 11/13/2002 2:55 p m.
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curve to the right (radius equals 530.00 feet and central angle equals $06^{\circ}31'22''$) 60.34 feet; Thence $N87^{\circ}05'09''W$ 240.38 feet; Thence along the arc of a curve to the right (radius equals 130.00 feet and central angle equals $24^{\circ}36'20''$) 55.83 feet; Thence along the arc of a curve to the left (radius point bears $S27^{\circ}31'11''W$ 70.00 feet and central angle equals $37^{\circ}54'45''$) 46.32 feet; Thence $N10^{\circ}23'33''W$ 60.00 feet to the point of beginning with bearings based on the recorded map of said Land Partition 39-97, Recorded Survey No. 6267, as recorded in the office of the Klamath County Surveyor (the "Easement").

C. The Grantor is the owner of Parcel 1 of Land Partition 39-97 upon which the subservient estate of the Easement had been situated and is currently platting Parcel 1 of Land Partition 39-97 into lots and roadways under the proposed Plat of Tract 1396 - Third Addition to North Ridge Estates. The Roadway will be dedicated to the public and will become a road of Klamath County, Oregon. Klamath County, Oregon cannot accept said roadway if there are underlying easements or other outstanding interests of third parties in the roadway. Property owners, whose properties benefited from said easement, have released to Grantor their right, title and interest in and to the Easement. These Releases are recorded in Klamath County Deed Volume M 02 pgs 65306 through 65311.

D. Under the proposed Plat of Tract 1396 - Third Addition to North Ridge Estates, Scott Valley Drive will be extended through the Easement ending in a cul-de-sac for the benefit of all of the adjoining properties.

- RELEASE AND EXTINGUISHMENT OF EASEMENT -

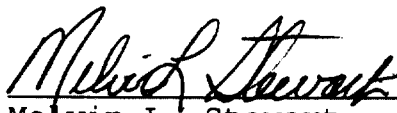
Grantor releases and recognizes the extinguishments of said Easement and any interest that Grantor may have therein.

The purpose of this Release is to release and relinquish all the right, title and interest of the Grantor in the Easement and to recognize the extinguishment thereof so that the extension of Scott Valley Drive may become a ~~county~~ ^{PUBLIC} road. This Release shall become effective only at such time as the extension of Scott Valley Drive is dedicated as a county road. In the absence of such dedication, this Release is wholly

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inoperative and ineffective and no release, relinquishment or recognition of extinguishment is made.

DATED this 13 day of November 2002.


Melvin L. Stewart

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared Melvin L. Stewart who, being duly sworn, stated he is a partner in MBK, a Partnership, and that the foregoing was signed on behalf of said partnership by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed. Before me:



Notary Public for Oregon
My Commission expires: 9.20.05

