

04 MAY 11 PM 3:09

NTC-56329

Vol M04 Page 28854

When recorded, return to:  
Christopher McNichol  
Gust Rosenfeld P.L.C.  
201 East Washington, Suite 800  
Phoenix, Arizona 85004-2327

State of Oregon, County of Klamath  
Recorded 05/11/2004 3:09 p m  
Vol M04 Pg 28854-58  
Linda Smith, County Clerk  
Fee \$ 41.00 # of Pgs 5

Klamath Falls, Oregon/ Store No. 1772-02

**TERMINATION OF EASEMENT RIGHTS (WITH CONSENT)**

THIS TERMINATION OF EASEMENT RIGHTS (WITH CONSENT) ("Release") is made as of the 11<sup>th</sup> day of May, 2004, by WAL-MART REAL ESTATE BUSINESS TRUST, a Delaware statutory trust ("Wal-Mart").

**WITNESSETH:**

Wal-Mart is the owner of the real property located in the City of Klamath Falls, Klamath County, Oregon, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

Wal-Mart hereby terminates the following of record:

That 30 foot drainage easement located on a portion of Parcel 1 as shown on Major Land Partition 23-91, recorded on April 24, 1992, which Parcel 1 is situated in the SE ¼ NE ¼ of Section 9, Township 39 South, Range 9 East of Willamette Meridian, Klamath County, Oregon as depicted on Exhibit "B" attached hereto and made a part hereof.

***[SIGNATURE PAGE FOLLOWS]***

4/00  
Hrr

28855

**WAL-MART REAL ESTATE BUSINESS  
TRUST, a Delaware statutory trust**

By: [Signature]  
Name: JOHN E. CLARKE  
Its: Assistant Vice President

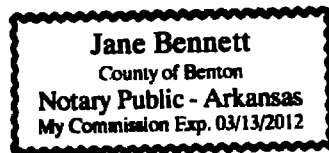
MBA

State of Arkansas

County of Benton

The foregoing instrument was acknowledged before me this 7th day of May, 2004, by John E. Clarke, an Assistant Vice President of Wal-Mart Real Estate Business Trust, a Delaware statutory trust, on behalf of the statutory trust.

(Seal and Expiration Date)



[Signature]  
Notary Public

Approved as to legal terms only  
by George Bacas  
WAL-MART LEGAL DEPT.  
Date: 5-7-04

To the extent the undersigned has any interest in the foregoing easement, it consents to such termination:

Acknowledged and agreed to by:

OZ INVESTMENT, L.L.C., an Oregon  
limited liability company

By: [Signature]  
Name: MAHES ZIMEL  
Its: MEMBER

State of Washington

County of Clark

The foregoing instrument was acknowledged before me this 7 day of  
May, 2004, by Mahes Zimel of OZ  
Investment, L.L.C., on behalf of the company.

(Seal and Expiration Date)

[Signature]  
Notary Public

**EXHIBIT "A"**

Parcel 1 as shown on Major Land Partition 23-91, recorded on April 24, 1992, which Parcel 1 is situated in the Southeast Quarter of the Northeast Quarter of Section 9, Township 39 South, Range 9 East of Willamette Meridian, Klamath County, Oregon.

**28858**

**MAJOR LAND PARTITION 23-91**

SITUATED IN LOTS 1, 2 AND 3 OF BLOCK 1 OF "TRACT 1080 - WASHBURN PARK", IN THE SE 1/4 NE 1/4 OF SECTION 9, T39S, R9EWM, KLAMATH COUNTY, OREGON

# SURVIVOR'S CERTIFICATE

- [illegible]

RECEIVED  
PROPERTY & INTR.  
LABOR 11/11/76

DO NOT  
MAIL  
PERSONAL  
MAIL

1. BEING A COURT PARTITION IN THE LAST SCHEDULE, RECENTLY CARRY THAT I HAVE CURRENTLY SCHEDULE, PARTITIONED AND PLACED UNDER SCHEDULE 10-1. SCHEDULED IN LETTERS 1, 2, AND 3 OF SCHEDULE 10-1. THAT THE RECENTLY SCHEDULED PARTITION AND BEING IN THE SCHEDULED OF SECTION 1, THAT BEING RECENTLY COURT, UNDER THE PARTITION, AND BEING AS FOLLOWS:

[illegible]

**DECLARATION**

STATE OF OREGON  
COUNTY OF ALBANY

[illegible]

**MAL-MART STORES, INC.**

INTERVIEWED BY NAME AND SEX: Mr. A. J. April 1942

**WILLIAM J. BRYAN**

STATE OF ARIZONA  
COUNTY OF DEWATER

[illegible]

BY COMMANDER EDWARD J. 7-36-99

**NARRATIVE**

MAJOR LAND PORTION 23-01 WAS SUBMITTED TO MEET THE CONDITIONS OF APPROVAL. MOVEMENTS SHOWN AS FOLLOU WERE USED FOR CONTROL TO SET THE MOVEMENTS AS SHOWN ON THE ABOVEZ MAP.

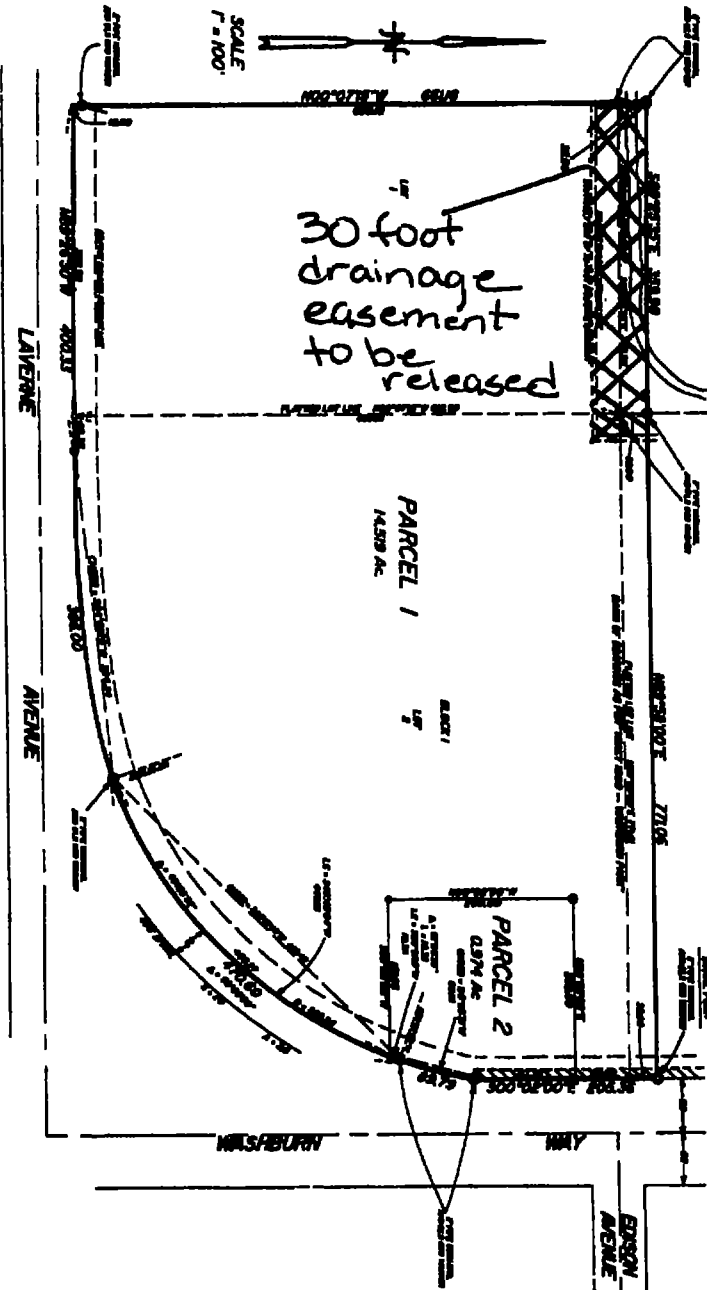
APPROVED BY \_\_\_\_\_  
KIDNEY COUNTY CLERK  
DATE 7-24-92

APPROVED BY \_\_\_\_\_  
KIDNEY COUNTY TREASURER  
DATE 7/20/92

APPROVED BY \_\_\_\_\_  
KIDNEY COUNTY DIRECTOR  
DATE 8/16/92

FILED FOR RECORD THIS 24<sup>TH</sup> DAY OF \_\_\_\_\_ 1992

Clerk \_\_\_\_\_  
KIDNEY COUNTY CLERK BY \_\_\_\_\_  
DEPUTY



**SCALE**  
**r = 100'**