

M06-02341

Klamath County, Oregon

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Pages 3 Fee: \$31.00

After Recording Return to:

Paradise Hill Development, LLC

PO Box 223

Klamath Falls, OR 97601

MTC 69805-PS

AMENDED FIRE POND EASEMENT AGREEMENT

Paradise Hill Development, LLC and Paradise Hill Homeowners Association, being parties to that certain Fire Pond Easement Agreement recorded on October 20, 2005 in Klamath County Deed Records volume No. M05 at Page 66986, hereby amend said Easement as follows:

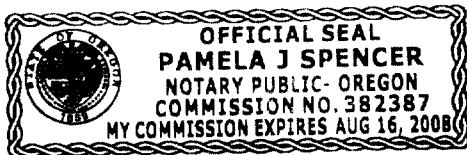
Paradise Hill Development, LLC, on behalf of itself and its assigns and successors, hereby grants and dedicates to Paradise Hill Homeowners Association a permanent, non-exclusive easement over, under and on the area described in Exhibit "A" attached hereto, for the purposes of developing and maintaining a water-well and fire protection pond. The ownership of the well shall be shared by the property owner, Paradise Hill Development, LLC, or its successor, and the maintenance and operation of said well shall be conducted pursuant to a Shared Well Agreement. The purpose of the well is to provide water for the fire pond and to provide domestic water as set out in the Shared Well Agreement. It is further agreed that Klamath County Fire District No. 1, or its successors, shall have the perpetual right to take water from the pond for fire protection purposes and that the Paradise Hill Homeowners Association shall bear the responsibility and the cost of operation and maintenance of the pond, its fixtures and landscaping in such a way as to facilitate the Fire District's use of the pond. Said pond shall be constructed by Paradise Hill Development, LLC at its cost. Design of the pond shall be at the LLC's discretion, however, improvements to the pond shall include a minimum 110,000 gallon capacity, a waterproof liner, a cascading waterfall at least 8 feet high measured from the mean water level, attractive landscaping and appropriate plumbing and/or design for required fire truck use. No party shall install any fencing around the pond without the express written consent of all other parties. Each party shall be responsible for its own liability insurance.

Mark B. Wendt

Mark Wendt, Member, Paradise Hill Development, LLC

STATE OF OREGON, County of Klamath) ss.

SUBSCRIBED AND SWORN to before me this 7th day of Feb, ~~2004~~ ^{2006 (MP)} by Mark Wendt, Member, Paradise Hill Development, LLC.



Pamela J. Spencer

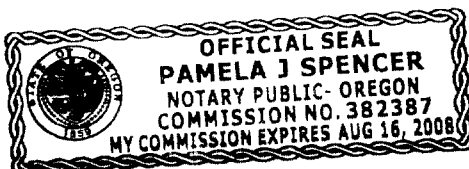
Notary Public for Oregon

My Commission Expires: 8/16/2008

L. Frank Goodson
L. Frank Goodson, Member, Paradise Hill Development, L.L.C.

STATE OF OREGON, County of Klamath) ss.

SUBSCRIBED AND SWORN to before me this 7th day of Feb, ~~2004~~ ^{2006 MP} by L. Frank Goodson, Member of Paradise Hill Development, LLC.



Pamela J. Spencer

Notary Public for Oregon

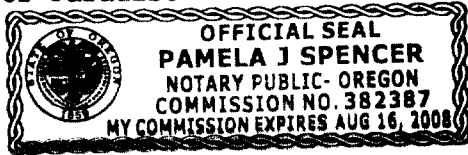
My Commission Expires: 8/16/2008

Mark R. Wendt

Mark Wendt, President Paradise Hill Homeowners Assoc.

STATE OF OREGON, County of Klamath) ss.

SUBSCRIBED AND SWORN to before me this 7th day of Feb, 2004 2006 (np) by Mark Wendt, President of Paradise Hill Homeowners Assoc.



Pamela J. Spencer

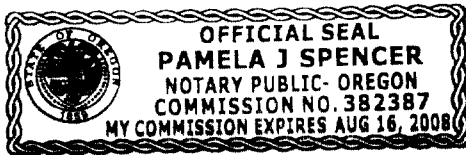
Notary Public for Oregon

My Commission Expires: 8/16/2008

L. Frank Goodson
L. Frank Goodson, Vice Pres. Paradise Hill Homeowners Assoc.

STATE OF OREGON, County of Klamath) ss.

SUBSCRIBED AND SWORN to before me this 7th day of Feb, 2004 2006 np by L. Frank Goodson, Vice President of Paradise Hill Homeowners Assoc.



Pamela J. Spencer

Notary Public for Oregon

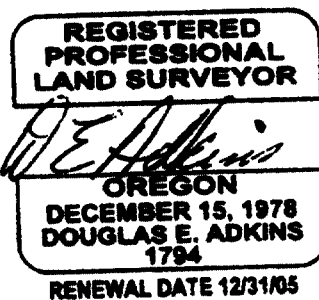
My Commission Expires: 8/16/2008

EXHIBIT A

DESCRIPTION FOR FIRE POND EASEMENT

A parcel of land situated in the NE1/4 of Section 6, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point which bears N78°11'47"W a distance of 1612.32 feet from the Quarter Corner common to Sections 5 and 6 of said Township 38 South, Range 9 East; thence N30°24'15"W a distance of 54.46 feet; thence N64°30'20"W a distance of 50.01 feet; thence N68°58'22"W a distance of 43.47 feet; thence S69°58'07"W a distance of 61.76 feet to the Easterly Right of Way line of Peregrine Heights; thence along said Right of Way line S05°00'00"W a distance of 143.41 feet; thence leaving said Right of Way line N66°29'51"E a distance of 200.43 feet to the point of beginning, said parcel containing 0.41 acres, more or less.



October 18, 2005
1909-0203