

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.



EA

## EASEMENT

Between

Barney Ferris Calmes  
and Daisy Anna Calmes

And

Barney D. Calmes  
and Lorie A. Calmes

After recording, return to (Name, Address, Zip):

Barney D. Calmes  
13049 LAVA LANE  
Klamath Falls OR  
97603

2006-017410

Klamath County, Oregon



00002445200600174100060069

08/30/2006 09:00:31 AM

Fee: \$46.00

THIS AGREEMENT made and entered into on \_\_\_\_\_, by and  
 between BARNEY FERRIS CALMES AND DAISY ANNA CALMES,  
 hereinafter called the first party, and BARNEY D. CALMES AND LORIE A. CALMES husband and wife  
 \_\_\_\_\_, hereinafter called the second party, WITNESSETH:

WHEREAS: The first party is the record owner of the following described real property in Klamath  
 County, State of Oregon, to-wit:

See attached Exhibit A made a part hereof

and has the unrestricted right to grant the easement hereinafter described relative to the real estate; and the second party is the record owner of the following described real property in that county and state, to-wit:

See attached Exhibit B made a part hereof

NOW, THEREFORE, in view of the premises and in consideration of \$ 1.00 \_\_\_\_\_ by the second party to the first party paid, the receipt of which is acknowledged by the first party, it is agreed:

The first party hereby grants, assigns and sets over to the second party an easement, to-wit:

An easement for ingress, egress and utilities more particularly described in Exhibit C made part hereof.

(INSERT A FULL DESCRIPTION OF THE NATURE AND TYPE OF EASEMENT GRANTED BY THE FIRST PARTY TO THE SECOND PARTY.)

(OVER)



The second party shall have all rights of ingress and egress to and from the real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party agrees to save and hold the first party harmless from any and all claims of third parties arising from the second party's use of the rights herein granted.

The period of this easement shall be perpetuity, always subject, however, to the following specific conditions, restrictions and considerations:

*Secondary Party shall take care of any natural disaster repair, i.e. Fallen trees, road washout, etc., and both first and second parties shall maintain road in normal caretaking.*

If this easement is for a right of way over or across the real estate, the center line of the easement is described as follows:

and the second party's right of way shall be parallel with the center line and not more than \_\_\_\_\_ feet distant from either side thereof.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be the responsibility of (check one): ☐ the first party; ☒ the second party; ☐ both parties, share and share alike; ☐ both parties, with the first party responsible for \_\_\_\_\_% and the second party responsible for 100%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by its board of directors.

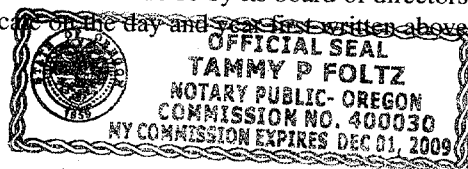
IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate <sup>on the day and year first written above</sup> of the day and year first written above.

*Barney Ferris Calmes*

Barney Ferris Calmes

*Daisy Anna Calmes*

Daisy Anna Calmes FIRST PARTY



STATE OF OREGON, County of Klamath, ss.

This instrument was acknowledged before me on \_\_\_\_\_ by Barney ~~Barney~~ Ferris Calmes and Daisy Anna Calmes

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_

*Tammy P. Foltz*

Notary Public for Oregon

My commission expires Dec 01, 2009

*Barney D Calmes*

Barney D. Calmes

*Lorie A. Calmes*

Lorie A. Calmes SECOND PARTY

STATE OF OREGON, County of Klamath, ss.

This instrument was acknowledged before me on \_\_\_\_\_

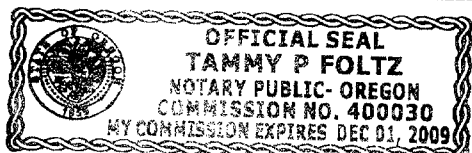
by Barney ~~Barney~~ D Calmes and Lorie A Calmes

This instrument was acknowledged before me on \_\_\_\_\_

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



*Tammy P. Foltz*

Notary Public for Oregon

My commission expires Dec 01, 2009

EXHIBIT A

A Tract of Real Property in Sections 16 and 17, Twp. 40 S.R. 8 E.W.M. Klamath County, Oregon lying Easterly of the Keno-Worden road as constructed on November 20, 1965, which is the same undivided one-half interest in the same Tract Land which was conveyed to the Barney Calmes Trust by the Deed recorded in Vol. M-68 at page 9472 pursuant to the Order Approving Final Account and Supplemental Final Account and Decreeing Distribution made in said Estate on August 5, 1968, and which is shown in the Map of Ownership, Estate of Tom Calmes, made by Julian M. Ager, Registered Surveyor, for the Estate of Tom Calmes, dated April 7, 1967 and which is more particularly described as follows:

Beginning at the Northwest Corner of Section 17, Twp. 40 S.R. 8 E.W.M.;

Thence running South  $89^{\circ}48'27''$  East along the North Boundary of said Section 17 a distance of 1342.8 feet, more or less, to the East Boundary of the  $NW\frac{1}{4}NW\frac{1}{4}$  of Section 17;

Thence, South  $0^{\circ}06'$  East along said East Boundary of said  $NW\frac{1}{4}NW\frac{1}{4}$  of Section 17 a distance of 365.5 feet, to the Easterly Right of Way Boundary of the Keno-Worden Highway as constructed on November 20, 1965;

Thence, South  $28^{\circ}53'$  East along said Keno-Worden Highway Right of Way Boundary a distance of 705.1 feet to the most Southwesterly Corner of the Tract of Land conveyed by Tom Calmes and Florence Calmes to John E. Kite by Deed dated September 21, 1960 and recorded in Vol. 357 at Page 154 of Klamath County Oregon Deed Records on October 26, 1964, and which said Tract of Land is shown in Map of Survey made by Julian M. Ager, Registered Oregon Land Surveyor, for Tom Calmes, dated September 13, 1960 and filed in the office of the Klamath County Surveyor on September 19, 1960, as Survey No. 531, and which said Corner is **THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.**

Thence running along the South Boundary of said Kite Tract of Land South  $84^{\circ}48'$  East 546.0 feet, South  $69^{\circ}33'$  East 829.5 feet to a half inch rod; and thence continuing along said Kite South Boundary Line, North  $32^{\circ}31'$  East 308.2 feet, South  $58^{\circ}53'$  East parallel to an existing Irrigation Canal 1108.8 feet, North  $31^{\circ}07'$  East 848.4 feet to the center line of said Canal, thence along the center line of said Canal South  $58^{\circ}53'$  East 2707.5 feet to the intersection of said Kite South Boundary with an existing woven wire and barbed wire fence bearing Southwesterly which fence line is the same boundary fence line described in

the Deed recorded in Vol. M-68 at page 9474 and in the Deed . 8837  
recorded in Vol. M-68 at page 9472;

Thence, leaving said Kite Boundary Line and running Southwesterly along said fence line and line extended to a point on the East Boundary of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 17, which is South 280 feet, more or less, from the Northeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Thence, North along said East Boundary Line of said Section 17 a distance of 280 feet, more or less, to the Northeast Corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17;

Thence, West along the North line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  to the Northwest Corner thereof;

Thence South along the West Line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$  to the Easterly Right of Way Boundary Line of the Keno-Worden Highway as constructed on November 20, 1965;

Thence, Northwesterly along said Right of Way Boundary Line of the Keno-Worden Highway to its intersection with the Easterly Line of the Tract of Land containing the Calmes Family House and approximately 4.4 acres upon which it is situated as shown in Map of Survey made by Julian Ager, Registered Oregon Land Surveyor, for Tom Calmes, dated November 20, 1965, and filed in the office of the Klamath County Surveyor on February 23, 1966 as Survey No. 1080, being described therein as a Tract of Real Property adjacent to that Tract of Land recorded in Volume 350 at page 490 of Deed Records and which is the same Tract of Land as the Family House and approximately 4.4 acres of which an undivided one-half interest was conveyed by the Deed recorded in Vol M68 at Page 9474, Deed Records;

Thence, North 32°31' East a distance of 523.04 feet, more or less, along said Easterly Boundary of said Calmes House Tract to a 3/4 inch galvanized iron pipe at the Northeast Corner of said Calmes House Tract;

Thence, North 69°33' West a distance of 150.3 feet along the Northerly Boundary line of said Calmes House Tract to a 3/4 inch galvanized iron pipe at the Southeast Corner of the Tract of Land recorded in Vol. 350 at Page 490 of Klamath County, Oregon Deed Records;

Thence North 32°31' East a distance of 436.0 feet along the East line of said Tract of Land recorded in Vol. 350 at Page 490 to the Northeast Corner thereof which said Northeast Corner is South 32° 31' west a distance of 30.68 feet, more or less, from said half inch iron rod on the Kite South Boundary Line which is also the North Boundary Line of this Tract of Real Property;

Thence, continuing North 69°33' West along the North line of said Tract of Land recorded in 350 at page 490 a distance of 175.0 feet to the Northwest Corner of said Tract of Land;

Thence, South 32°31' West along the East Line of said Tract 436.0 feet to its Southwest Corner, which is also the Northwest Corner of said Calmes Family House Tract of Land;

Thence, South 32°31' West along the West line of said Calmes House Tract a distance of 395.48 feet, more or less, to the Easterly Right of Way Boundary Line of the Keno-Worden Highway;

Thence, Northwesterly along said Right of Way Line of the Keno-Worden Highway to the most Southeasterly Corner of Parcel No. 2 conveyed to Theodore Buckingham and Monniette Buckingham, husband and wife, by Deed recorded in Vol. 325 at page 460 of Klamath County, Oregon Deed Records;

Thence, along the Boundaries of said Parcel No. 2, North 18°47' East 455.7 feet and North 71°13' West 700.0 feet to the Easterly Right of Way Boundary Line of the Keno-Worden Highway;

Thence, continuing Northwesterly along said Easterly Right of Way Boundary Line of the Keno Worden Highway to The True Point Of Beginning Of This Description.

**EXHIBIT "B"**  
**LEGAL DESCRIPTION**

PARCEL 1

A tract of land in the SE1/4 NW1/4 of Section 17, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Northwest corner of that tract of land conveyed to Jack Wegner and Cheri Wegner, as tenants by the entirety, by deed recorded February 13, 1968 in Volume M68, page 1108, Microfilm Records of Klamath County, Oregon, said point described as follows:

Beginning at a 5/8" iron pin on the Easterly right-of-way line of the Keno-Worden County Road, said point being South 00° 09' 31" East, 1940.23 feet and East, 2316.47 feet from the Northwest corner of said Section 17; thence North 18° 43' 06" East, 283.60 feet; thence South 71° 16' 54" East, 8.00 feet; thence North 18° 43' 06" East, 6.00 feet; thence North 71° 16' 54" West, 8.00 feet; thence North 18° 43' 06" East, 110.40 feet; thence North 71° 16' 54" West, 175.00 feet to said Northwest corner of said Wegner tract; thence South 18° 43' 06" West 9.04 feet to the True Point of Beginning of the tract herein described; thence North 28° 50' 54" West 118.55 feet; thence South 71° 16' 54" East 300.20 feet to the Northeasterly corner of the tract herein described; thence South 18° 43' 06" West 70.89 feet to the Northeast corner of that tract of land conveyed to Jack Wegner and Cheri Wegner, husband and wife, by deed recorded August 4, 1994 in Volume M94, page 24099, Microfilm Records of Klamath County, Oregon; thence North 71° 16' 54" West 212.67 feet along the Northerly line of said Wegner tracts; thence South 18° 43' 06" West 9.04 West to the True Point of Beginning.

Tax Account No: 4008-017BD-00300-000

Key No: 623276

PARCEL 2

A portion of that tract of land in the N1/2 of Section 17, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described in deeds recorded May 22, 1987 in Volume M87, page 8836 and July 29, 1988 in Volume M88, page 12211, Microfilm Records of Klamath County, Oregon, described as follows:

Beginning at the Northeasterly corner of that tract of land conveyed to Jack Wegner and Cheri Wegner, husband and wife, by deed recorded August 4, 1994 in Volume M94, page 24099, Microfilm Records of Klamath County, Oregon; thence North 18° 43' 06" East 70.89 feet to the True Point of Beginning; thence North 71° 16' 54" West 300.20 feet to the Southeasterly corner of that tract of land conveyed to Robert Sherman and Mary Ann Sherman, husband and wife, by deed recorded March 8, 1994 in Volume M94, page 7213, Microfilm Records of Klamath County, Oregon; thence North 28° 50' 54" West along the Easterly line of said Sherman Tract 231.45 feet to a point; thence South 72° 58' 58" East 530.77 feet; thence South 32° 29' 20" West to the Northeasterly corner of said Wegner tract; thence North 18° 43' 06" East 70.89 feet to the True Point of Beginning.

Tax Account No: 4008-01700-00600-000  
(Covers other property also)

Key No: 739473

EXHIBIT "C"

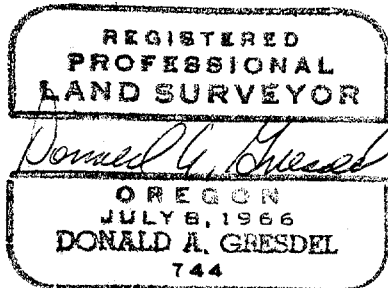
LEGAL DESCRIPTION OF EASEMENT

FOR

DOUG CALMES

A 15 foot wide easement for ingress, egress and utilities situated in the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, T 40 S R 8 E, W.M. and being more particularly described as follows:

Beginning at a point on the Northeast right of way line of the Keno-Worden County Road said point being S 00°09'31" E 1940.23 feet; EAST 2316.47 feet and S 46°57'59" E 20.00 feet from the Northwest Corner of said Section 17; thence N 32°31' E, 81.40 feet; thence N 18°43'06" E, 414.97 feet; thence S 71°16'54" E, 15.00 feet; thence S 18°43'06" W, 416.80 feet; thence S 32°31' W, 85.98 feet to said Northwestern right of way line; thence N 46°57'59" W on said Northwestern right of way line, 15.26 feet to the point of beginning.



*EXP. 6/30/07*