

John E. Laherty

JOHN E. LAHERTY
15 SW COLORADO AVE STE 100
BEND, OR 97702

2007-001052

Klamath County, Oregon



00013312200700010520040040

01/22/2007 09:59:32 AM

Fee: \$36.00

RESERVED EASEMENT MODIFICATION

Donovan Kendall, grantor, and Oregon Resources Management, LLC, an Oregon limited liability company, grantee, under that certain statutory warranty deed recorded 3/13/2000 in Vol. M00, Page 8165, Klamath County Deed Records, from grantor to grantee a copy of which is attached hereto marked Exhibit "A", hereby modify the reserved roadway easement in such deed as follows:

Reserving therefrom a roadway easement 20 feet in width, beginning at the existing access point on Highway 97, in its actual location, providing vehicle access from Highway 97 to the property west of Highway 97 conveyed by the above-described deed to grantee, thence northerly and westerly on the existing roadway in its present location, toward the northerly boundary of the property conveyed by this deed to grantee, thence westerly along the existing roadway, along or near the northerly boundary of the real property conveyed by the described deed to grantee, and extending to and for the benefit of the real property owned by grantor lying westerly of the real property conveyed by grantor to grantee by the described deed.

Such reserved roadway easement shall remain in or near the location of the existing roadway extending from Highway 97 across the real property conveyed to grantee and to grantor's real property to the west. This roadway easement shall be as close to the northern boundary of grantee's property being acquired hereunder as the existing road will allow.

Such roadway shall not be used by grantor or his invitees, successors or assigns for commercial vehicles in excess of 20,000 pounds. Grantor's use of the road shall not constitute a nuisance substantially interfering with the use and enjoyment of grantee's

property.

Grantor or grantee, or their successors and assigns, may maintain a locked gate at or near the easterly end of the described reserved easement roadway provided that any party locking the gate shall provide a key to the other party, or the parties shall use sequential locks, so that no party is deprived of access by any lock placed on the gate by the other party.

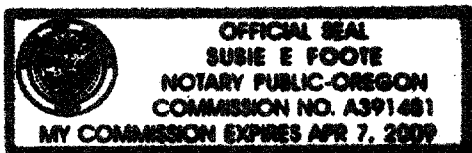
The true consideration for this easement modification is the settlement of disputes and litigation between the parties.

DATED: Sept 14, 2006


DONOVAN KENDALL

STATE OF OREGON)
)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 14th day of April, 2006.




NOTARY PUBLIC FOR OREGON

OREGON RESOURCE MANAGEMENT,
LLC, an Oregon limited liability company

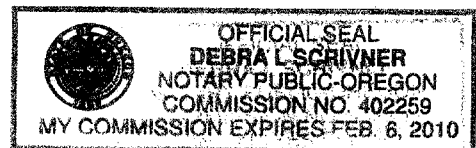
DATED: Nov. 29, 2006

By: 
Title: Partner

STATE OF OREGON)
)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 29 day of ~~April~~ ^{Nov.}, 2006,
by L. J. Levesque, Partner of Oregon Resources
Management, LLC, an Oregon limited liability company.


Notary Public for Oregon



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MTC 49431
STATUTORY WARRANTY DEEDVol. MOO Page 8165

Unless a change is requested, all tax statements shall be sent to
Grantee at the following address:
OREGON RESOURCE MANAGEMENT, LLC
PO Box 6269
Bend, OR 97708

After recording, this Deed shall be delivered to:
AMERITITLE
PO Box 752
Bend, OR 97709

The true consideration for this transfer is \$350,000.

DONOVAN KENDALL, aka **DONOVAN E. KENDALL**, Grantor, conveys and warrants to **OREGON RESOURCE MANAGEMENT, LLC**, an Oregon limited liability company, Grantee, the following described real property free of encumbrances except as specifically set forth herein located in Klamath County, Oregon:

Parcel 1: Lot 3 of Section 18, Township 23 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon. **SAVING AND EXCEPTING THEREFROM** that portion of said Lot 3 conveyed to the State of Oregon by and through its State Highway Commission by Deed recorded August 4, 1952, in Volume 256, Page 119, Deed Records of Klamath County, Oregon; and that portion of the NE1/4SW1/4 of Section 18 lying Northwest of U. S. Highway 97 as conveyed to the State of Oregon by and through its State Highway Commission by Deed recorded August 4, 1952, in Volume 256, Page 119, Deed Records of Klamath County, Oregon.
Tax Account No.: 2310 018C0 00200, Key No.: 134928, Code No.: 051

RESERVING THEREFROM a roadway easement twenty (20) feet in width along the Northerly boundary of the above described property for the benefit of the real property owned by Grantor lying Westerly of the above described property.

SUBJECT TO:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided that no right of easement or right of access to, from or across the State Highway other than expressly therein

Page 1 - STATUTORY WARRANTY DEED

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26.00
rEXHIBIT NO. APAGE 1 OF 2

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provided for shall attach to the abutting property. Recorded August 4, 1952, in Volume 256, Page 119, Deed Records of Klamath County, Oregon.

3. Right of Way Grant/Easement created by instrument, subject to the terms and provisions thereof, recorded January 12, 1993, in Volume M93, Page 867, Microfilm Records of Klamath County, Oregon, Grantor: Donovan Kendall, Grantee: Wagontrail Ranch Property Owners Association.
4. Conditional Use Permit, subject to the terms and provisions thereof, dated July 1999, recorded March 26, 1999, in Volume M99, Page 10717, Microfilm Records of Klamath County, Oregon.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

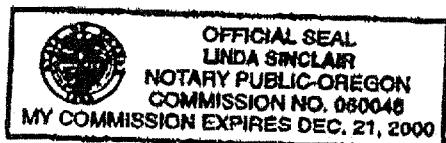
DATED: March 10th, 2000

Donovan E. Kendall
DONOVAN KENDALL, aka
DONOVAN E. KENDALL

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 10th day of March, 2000, by DONOVAN KENDALL, aka DONOVAN E. KENDALL.

Linda Sinclair
Notary Public for Oregon



State of Oregon, County of Klamath
Recorded 3/13/00, at 3:28 p. m.
In Vol. M00 Page 8165
Linda Smith,
County Clerk Fees \$26.00