

2007-015030

Klamath County, Oregon



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08/24/2007 02:56:28 PM

Fee: \$51.00

MT013916-89162
After Recording Return To:

Brandsness, Brandsness & rudd, P.C.
Attorneys at Law
411 Pine Street
Klamath Falls, Oregon 97601

1. Name(s) of the Transaction(s):

Covenants/Release of Covenant

2. Direct Party (Grantor):

Jim Caylor; Virginia R. Dowling; J.V. Michael and Associates

3. Indirect Party (Grantee):

William D. McCabe and Linda J. McCabe; Sandeb Limited Partnership;
Skylakes Medical Center, Inc.

4. True and Actual Consideration Paid:

N/A

5. Legal Description:

see attached

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

AMERITITLE, has recorded this
instrument by request as an accomodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

5/4MT

Return: Bill Brandsness
411 Pine St
City 97601

MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

PARTIES: Jim Caylor and Virginia R. Dowling, whose married name is now Virginia R. Caylor, dba J. V. Michael and Associates, an assumed business name ("Caylor")

AND: William D. McCabe and Linda J. McCabe as Trustee of the William D. McCabe Trust and Linda J. McCabe and William D. McCabe as Trustee of the Linda J. McCabe Trust ("McCabe")

AND: Sandeb Limited Partnership ("Sandeb")

AND: Sky Lakes Medical Center, Inc., which took title as Merle West Medical Center ("Sky Lakes")

RECITALS:

A. On October 10, 1973 Washburn Enterprises, Inc., an Oregon corporation, had Tract 1080 – Washburn Park, approved by Klamath County, Oregon and duly recorded in the Office of the Klamath County Clerk. The Parties hereto are the owners of Lot 1 and Portions of Lot 2 of Block 3 of Tract 1080- Washburn Park as hereinafter described.

B. Caylor is the owner of the following parcel:

PARCEL 1:

The Westerly 300 feet of the Northerly 135 feet of Lot 2, Block 3, TRACT 1080, WASHBURN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon
Tax Account 3909-003BC-01200-000

PARCEL 2:

A parcel of land situated in Lot 2 of block 3. TRACT 1080-WASHBURN PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, being more particularly described as follows:

Beginning at a 2" iron pipe on the West line of said Lot 2, from which the Northwest corner of said Lot 2 bears North 00 degrees 03' 30" East 314.74 feet; thence North 00 degrees 03' 30" East along said West line 112.50 feet to the true point of beginning; thence South 89 degrees 56' 30" East, 400.00 feet to the East line of said Lot 2; thence North 00 degrees 03' 30" East along the East line of Lot 2, 202.24 feet to the Northeast corner of said lot 2; thence North 89 degrees 56' 30" West along the North line of Lot 2, 400.00 feet to the Northwest corner of Lot 2; thence South 00 degrees 03' 30" West

1. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

along the West line of Lot 2, 202.24 feet to the point of beginning; EXCEPTING THEREFROM the Westerly 300 feet of the Northerly 135 feet thereof, with bearings based on Minor Partition No. 83-82, as filed in the Klamath county Engineer's Office.
Tax Account 3909-003BC-01300-000

C. McCabe is the owner of the following described parcel:

A parcel of land situated in Lot 2, Block 3 of Tract 1080, WASHBURN PARK, in the County of Klamath, State of Oregon, being more particularly described as follows:
Beginning at a 2" iron pipe on the West line of said Lot 2, from which the Northwest corner of said Lot 2 bears North 00° 03' 30" East 314.74 feet; thence North 00° 03' 30" East along said West line 112.50; thence South 89° 56' 30" East, 400.00 feet to the East line of said Lot 2; thence South 00° 03' 30" West along said East line 112.50 feet to a 2" iron pipe, thence North 89° 56' 30" West 400 feet to the point of beginning
Tax Account 3909-003BC-01400-000

D. Sandeb is the owner of the following parcel:

A tract of land situated in Lot 2, Block 3, TRACT 1080, WASHBURN PARK, a duly recorded plat, Klamath county, Oregon, being more particularly described as follows:

Beginning at a point on the Easterly right of way line of Washburn Way, said point being South 00 degrees 03' 30" West a distance of 314.74 feet from the Northwest corner of said Lot 2; thence South 89 degrees 56' 30" East 400.00 feet to the Easterly line of said Lot 2; thence along said Easterly line South 00 degrees 03' 30" West 185.00 feet; thence North 89 degrees 56' 30" West 400.03 feet to the Easterly right of way line of said Washburn Way, thence along said right of way line, North 00 degrees 04' 50" East 60.39 feet and North 00 degrees 03' 30" East 124.61 feet to the point of beginning, with bearings based on TRACT 1080 WASHBURN PARK
Tax Account 3909-003CB-00700-000

E. Sky Lakes is the owner of the following parcel:

PARCEL 1:

A tract of land being Lot 1 and a portion of Lot 2 in Block 3 of TRACT 1080 WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 1; thence North 00 degrees 04' 50" East 195.00 feet to the Northwest corner of said Lot 1; thence continuing North 00 degrees 04' 50" East 57.80 feet; thence South 89 degrees 25' 10" East 300.00 feet; thence South 00 degrees 04' 50" West 57.80 feet to the Northeast corner of said Lot 1; thence continuing South 00 degrees 04' 50" West 195.00 feet to the Southeast corner of said Lot 1; thence North 89 degrees 25' 10" West 300.00 feet to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation Highway Division, recorded August 16, 1976 in Deed Volume M76 at page 12646, Microfilm Records of Klamath County, Oregon.

2. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

PARCEL 2:

A tract of land situated Lot 2, Block 3 of TRACT 1080 WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the Easterly right of way line of WASHBURN WAY said point being North 00 degrees 04' 50" East 57.80 feet from the Northwest corner of Lot 1, Block 3; thence South 89 degrees 25' 10" East 300.00 feet to the true point of beginning; thence South 89 degrees 25' 10" East a distance of 100.08 feet to a point; thence South 89 degrees 56' 30" East a distance of 51.67 feet to the Northwest corner of parcel conveyed to Ronald T. Williams, et ux. By Deed Volume M77 at page 17511; thence South 0 degrees 04' 50" West along the West line of last mentioned parcel a distance of 253.26 feet to the North line of Crosby Avenue; thence North 89 degrees 25' 10" West along said North line a distance of 151.76 feet to the Southeast corner of Lot 1, Block 3; thence North 0 degrees 04' 50" East a distance of 252.8 feet, more or less, to the point of beginning.

PARCEL 3:

A tract of land being a portion of Lot 2, Block 3 of TRACT 1080 WASHBURN PARK, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence North 00 degrees 04' 50" West 57.80 feet to the true point of beginning; thence North 00 degrees 04' 50" West 96.35 feet; thence South 89 degrees 56' 30" East 400.07 feet to the East line of said Lot 2; thence South 00 degrees 03' 30" West 100.00 feet; thence North 89 degrees 25' 10" West 400.08 feet to the true point of beginning.

Tax Account 3909-003CB-00500-000

Tax Account 3909-003CB-00600-000

F. The predecessors in interest to the parties hereto made prior conveyances in deeds filed in Klamath County, Oregon in Volume M76 at page 5623, Volume M78 at page 473, Volume M78 at page 21885 and Volume M78 at page 22014, which recited conditions and restrictions as follows:

"This grant is made subject to the following conditions and restrictions: (a) Grantees, and anyone claiming by, through or under grantees, shall not cause or permit any permanent building, structure or other obstruction, other than signs, gasoline pumps or similar service facilities, to be placed or located on the Westerly 70 feet of said parcel parallel with Washburn Way. Said 70 foot strip shall be maintained in such a manner as to permit vehicular traffic to pass on either side of such permitted service facilities in the most direct Northerly and Southerly direction. (b) Said 70 foot strip shall be reserved for the use of the owners and occupants of the above described property and the owners and occupants of adjoining properties bordering on Washburn Way upon which similar conditions and restrictions are imposed for the use and enjoyment of the owners and occupants, their customers, employees and invitees, for parking of automobiles and access to and egress from said parcels. (c) Grantees, in consideration of the reservation or granting of similar conditions and restrictions upon adjoining properties, agree to maintain said 70 foot strip in safe and suitable condition for the uses and purposes herein recited. (d) The foregoing reservations and conditions are deemed to be appurtenant to the parcel herein conveyed for the use and benefit of the owners and occupants, their employees, customers and

3. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

invitees, of the subject property and the owners and occupants, their customers, employees and invitees, of the adjoining properties similarly restricted”

Which is hereinafter called the “Interior Roadway”.

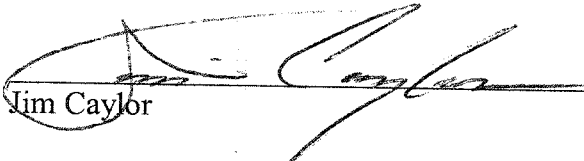
G. The entire width of the Interior Roadway has not been used as a roadway and is excessive in width.


H. The Parties hereto are all of the adjoining property owners affected by the conditions and restrictions creating the interior roadway and mutually desire to limit the width of the interior roadway.

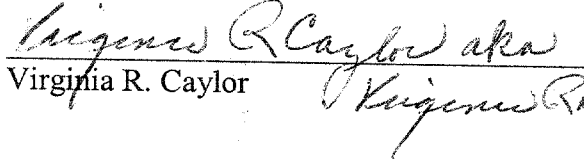
NOW THEREFORE in consideration of their mutual agreement, the Parties hereto agree to reduce the Interior Roadway to a width of 45 feet on the Westerly portion of their properties parallel with Washburn Way.


J.V. MICHAEL AND ASSOCIATES

WILLIAM D. MCCABE TRUST


Jim Caylor



William D. McCabe, Trustee


Virginia R. Caylor


Linda J. McCabe, Trustee

SANDEB LIMITED PARTNERSHIP

LINDA J. MCCABE TRUST

By: 
Lino J. Bailo, General Partner


Linda J. McCabe, Trustee

SKY LAKES MEDICAL CENTER, INC.

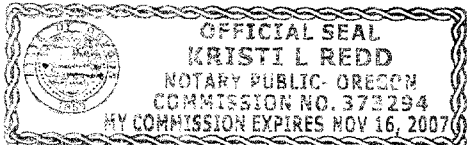

William D. McCabe, Trustee

By: 
Authorized Representative

4. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

STATE OF OREGON)
) ss. August 7, 2007
County of Klamath)

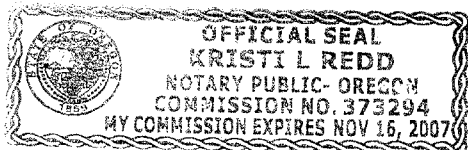
Personally appeared before me the above-named Jim Caylor and Virginia R. Caylor, dba J.V. MICHAEL AND ASSOCIATES and acknowledged the foregoing instrument to be their voluntary act.



Kristi L. Redd
Notary Public for Oregon
My Commission expires: 11/16/2007

STATE OF OREGON)
) ss. August 8, 2007
County of Klamath)

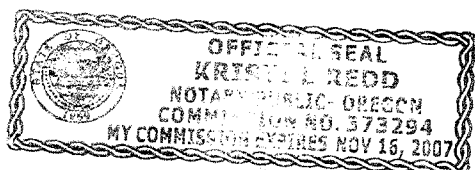
Personally appeared before me the above-named Lino J. Bailo, as General Partner of SANDEB LIMITED PARTNERSHIP and acknowledged the foregoing instrument to be his voluntary act.



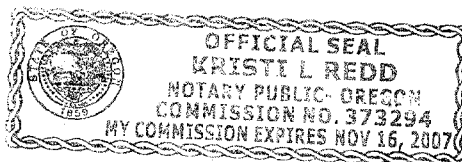
Kristi L. Redd
Notary Public for Oregon
My Commission expires: 11/16/2007

STATE OF OREGON)
) ss. August 8, 2007
County of Klamath)

Personally appeared before me the above-named Paul Stewart, as authorized representative of the SKY LAKES MEDICAL CENTER, INC. and acknowledged the foregoing instrument to be his/her voluntary act.



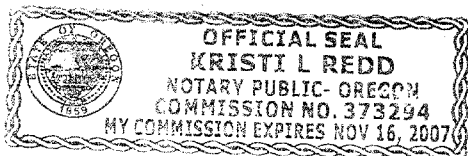
Kristi L. Redd
Notary Public for Oregon
My Commission expires: 11/16/2007



5. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION

STATE OF OREGON)
) ss. August 9, 2007
County of Klamath)

Personally appeared before me the above-named William D. McCabe and Linda J. McCabe, as Trustees of the WILLIAM D. MCCABE TRUST and acknowledged the foregoing instrument to be their voluntary act.



Kristi L. Redd
Notary Public for Oregon
My Commission expires: 11/16/2007

STATE OF OREGON)
) ss. August 9, 2007
County of Klamath)

Personally appeared before me the above-named Linda J. McCabe and William D. McCabe, as Trustees of the LINDA J. MCCABE TRUST and acknowledged the foregoing instrument to be their voluntary act.



Kristi L. Redd
Notary Public for Oregon
My Commission expires: 11/16/2007

6. MUTUAL RELEASE OF A PORTION OF A CONDITION AND RESTRICTION