

WJL 1396-9221

2008-016330

Klamath County, Oregon



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12/10/2008 11:23:04 AM

Fee: \$41.00

EASEMENT	
Between George and Kathleen Burnett	
And Adam Kleist	
After recording, return to (Name, Address, Zip): Adam Kleist 65325 73rd St. Bend, Or. 97701	

THIS AGREEMENT made and entered into on November 30th, 2008 by George Burnett and Kathleen Burnett, Husband and wife hereinafter called the first party, and Adam Kleist 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:

Beginning at a point which bears North 89 degrees 34' West 1,745.3 feet from the quarter corner between Section 24, Township 23 South, Range 9 East of the Willamette Meridian, and Section 19, Township 23 South, Range 10 East of the Willamette Meridian, which is the intersection of the East and West center line of said Section 24 and the Westerly right of way line of the Dalles-California Highway; thence North 30° 48' East, 305.98 feet along the westerly right of way line of said highway to an iron pin, thence North 89° 34' West 410.08 feet to the center of the Walker Irrigation Canal, thence South 33° 30' West 314.96 feet to a point on the said center line of Section 24, thence South 89° 34' East 428 feet to the point of beginning. All lying within the SW1/4 NE1/4 of Section 24, Township 23 South, Range 9 East of the Willamette Meridian. Klamath County, Oregon

(2309-24A-4900)

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:

A portion of the Northwest ¼ of the Southeast ¼ of Section 24, Township 23 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows

Commencing at a 2 ½" brass cap monumenting the Center ¼ corner of said Section 24, Thence South 89°05'09" East along the North line of the Northwest ¼ of the Southeast ¼ of Section 24 a distance of 556.56 feet to the INITIAL POINT of this description, Thence South 34°50'56" West a distance of 301.57 feet; thence South 89°05'09" East parallel with said North line a distance of 358.88 feet to the West right of way line of the Dalles-California Highway; Thence North 31°27'00" East along said West right of way line a distance of 290.49 feet to the North line of the Northwest ¼ of the Southeast ¼ of said Section 24; Thence North 89°05'09" West along said North line a distance of 338.12 feet to the INITIAL POINT of this description

(2309-24D-300)

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.

Al Amt

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 and easement, to-wit:

A 20.00 foot easement for access situated in the Southwest ¼ of the Northeast ¼ of Section 24, Township 23 South, Range 9 East of the Willamette Meridian.

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 eternity, always subject, however, to the following specific conditions, restrictions and considerations:

To construct a 6' Vinyl privacy along the easement access between access road and home of George and Kathleen Burnett of approximately 70' in length within 2 yrs. of this date

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

See exhibit "A" attached.

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 []%. (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 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.

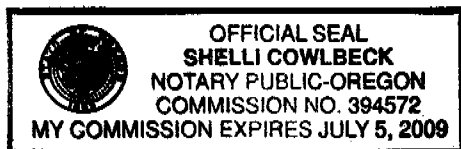
IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on the day and year first written above.

George Burnett
George Burnett
Kathleen Burnett
Kathleen Burnett

FIRST PARTY

STATE OF OREGON, County of Deschutes ss.
This instrument was acknowledge before me on December 2, 2008.
By George Burnett and Kathleen Burnett

Shelli Cowlbeck
Notary Public for Oregon
My commission expires 7-5-2009



[Signature]
Adam Kleist

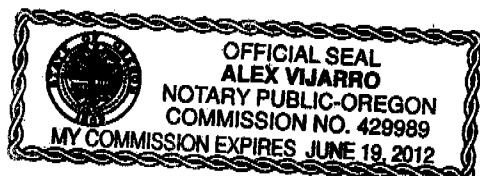
SECOND PARTY

STATE OF OREGON, County of [Deschutes] ss.

This instrument was acknowledge before me on [Dec. 4, 2008].

By [adam kleist]

This instrument was acknowledge before me on [Dec. 4, 2008].



[Signature]
Notary Public for Oregon
My commission expires [June 19, 2012]

EXHIBIT A

A 20.00 foot easement for access situated in the Southwest 1/4 of the Northeast 1/4 of Section 24, Township 23 South, Range 9 East of the Willamette Meridian more particularly described as follows,

Beginning at the Initial Point a 5/8" rebar with yellow plastic cap marked "MSC LS58541" said point being on the Northwest right-of-way line of The Dalles-California Highway bearing North 89°05'10" West along the South line of said Southwest 1/4 of the Northeast 1/4, a distance of 424.73 feet from the Center East 1/16th corner of said Section 24;

Thence; North 31°27'00" East along said Northwest right-of-way, a distance of 63.39 feet,

Thence; North 58°33'00" West, a distance of 20.00 feet,

Thence; South 31°27'00" West parallel with said Northwest right-of-way, a distance of 75.19 feet to the South line of the Southwest 1/4 of the Northeast 1/4 of said Section 24,

Thence; South 89°05'09" East along said South line, a distance of 23.22 feet to the Initial Point of this description.

Said description containing 1,386 square feet.

GRAPHIC SCALE

SITUATED IN THE NW1/4 OF THE SE1/4 AND THE SW1/4 OF THE NE1/4 OF SECTION 24, TOWNSHIP 23 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON

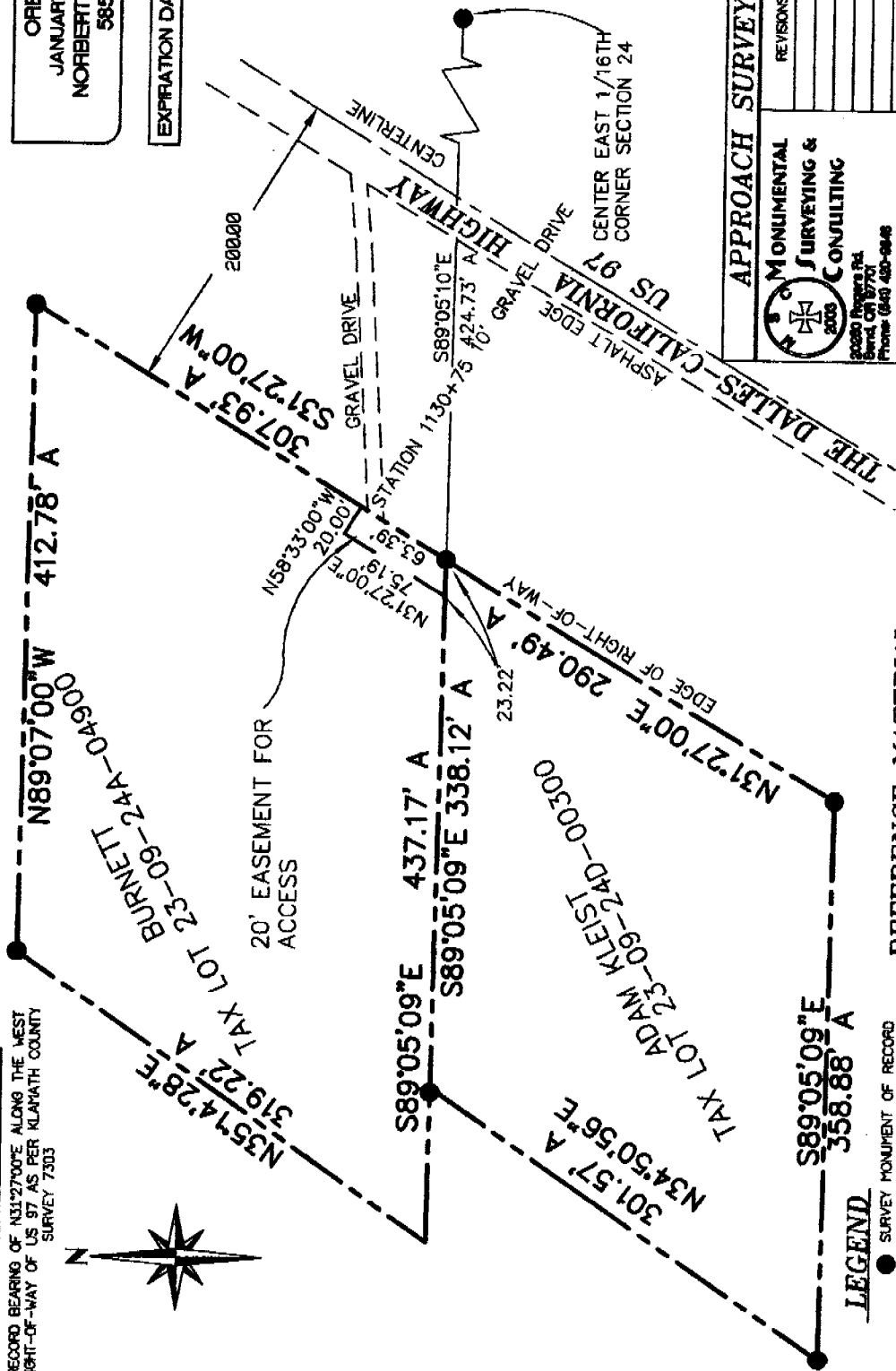
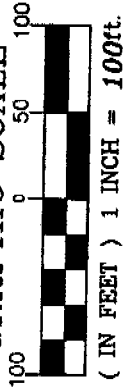
BASIS OF BEARING

RECORD BEARING OF N31°27'00"E ALONG THE WEST
RIGHT-OF-WAY OF US 97 AS PER Klamath County
SURVEY 7303

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

OREGON
JANUARY 14, 2003
NORBERT W. VOLNY
58541LB

EXPIRATION DATE: 6/30/2010



LEGEND

- SURVEY MONUMENT OF RECORD
 A RECORD MEASUREMENT OF A AND B
 EASEMENT LINE
 PROPERTY LINE
 EDGE OF ROAD SURFACE
- REFERENCE MATERIAL
 A - KLANATH COUNTY SURVEY C57303, BY NORBERT W. VOLNY, FILED 10/26/2008
 B - KLANATH COUNTY SURVEY C57267, BY NORBERT W. VOLNY, FILED 8/16/2008

REFERENCE MATERIAL

A - KLAMATH COUNTY SURVEY CS7303, BY NORBERT W. VOLNY, FILED 10/26/2006
B - KLAMATH COUNTY SURVEY CS7287, BY NORBERT W. VOLNY, FILED 8/16/2006

APPROACH SURVEY



20280 Rogers Rd.
Evanston, OH 43731
Phone: (614) 420-9346

PROJECT NAME: KLEIST APPROACH

FOR: ADAM KLEST

SURVEYED BY: ROBERT W. VOLNY

DRAWN BY: NORBERT W. VOLNY

SCALE: 1" = 100 FT.