

2009-008114

Klamath County, Oregon



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06/11/2009 03:30:50 PM

Fee: \$31.00

MC 1396-9576

**DECLARATION AND AGREEMENT  
FOR RECIPROCAL ROADWAY EASEMENT**

After recording return to:

Steven V. Bates and Christina M. Bates,  
Trustees of the Bates Family Trust, 2007  
P.O. Box 365  
Coarsegold, CA 93614

This declaration and agreement for reciprocal roadway easement is made this 11 day of June, 2009, by and between Steven V. Bates and Christina M. Bates, Trustees of the Bates Family Trust, 2007, Connie Elaine Scott, aka Connie Elaine Mogle and Connie Elaine Hackman, Stephen P. Rapalyea, Trustee for the Rapalyea Family Trust, Dated February 23, 1999 and George W. Beaubien and Cheryl L. Ritter, Trustees of the George W. Beaubien and Cheryl L. Ritter Family Trust, Dated 24 May 1995.

**RECITALS**

A. WHEREAS, George W. Beaubien and Cheryl L. Ritter, Trustees of the George W. Beaubien and Cheryl L. Ritter Family Trust, Dated 24 May 1995, are the fee simple owners of Lot 8 in Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.  
Excepting therefrom the South 507 feet of Lot 8.

B. WHEREAS, Stephen P. Rapalyea, Trustee for the Rapalyea Family Trust, Dated February 23, 1999, is the fee simple owner of:

Parcel 1

Lot 9 in Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Excepting therefrom the following:

Beginning at the Northeast corner of Lot 9, Block 1, TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence Southerly along the Easterly lot line of said lot 1098.84 feet to the Southeast corner of said lot; thence Westerly 200 feet to a point; thence North 1098.84 feet, more or less, to the North line of said lot; thence Easterly along said North line to the point of beginning.

Parcel 2

Lot 9 in Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Excepting therefrom the following:

Beginning at the Northeast corner of Lot 9, Block 1, TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon; thence Southerly along the Easterly lot line of said lot 1098.84 feet to the Southeast corner of said lot; thence Westerly 200 feet to a point; thence North 1098.84 feet, more or less, to the North line of said lot; thence Easterly along said North line to the point of beginning.

TOGETHER WITH an Easement for ingress and egress recorded June 29, 1976 in Book M-76, Page 9837 and recorded March 28 1977 in Book M-77 at Page 5087, Microfilm Records of Klamath County, Oregon.

C. WHEREAS, Connie Elaine Scott, aka Connie Elaine Mogle aka Connie Elaine Hackman, is the fee simple owner of The East ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon.

D. WHEREAS, Steven V. Bates and Christina M. Bates, Trustees of the Bates Family Trust, 2007, are the fee simple owners of The West ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon.

E. WHEREAS, Each of the above Parcels share a common roadway for ingress and egress and the parties desire by this instrument to create reciprocal roadway easements.

NOW THEREFORE, In consideration of the rights in each of the parties to grant and receive a common roadway for ingress and egress which is hereby acknowledged by the parties, and in consideration of the terms, covenants and conditions contained herein, the Parties declare, establish, and agree upon reciprocal roadway easements for ingress and egress as follows:

1. WIDTH OF EASEMENT: The easement created by this agreement is thirty feet (30')
2. LOCATION OF EASEMENT: The north line of said easement begins at the Northwest corner of the West ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, and proceeds from West to East across the north boundary of said West ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, for 660 feet to the Northwest corner

31 June

of East ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, and proceeds from West to East across the north boundary of said East ½ Northeast 1/4 Northeast 1/4 of Section 35, Township 34 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, for 660 feet to the Northwest corner of Lot 9 in Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, for 820 feet to the Northwest corner of Lot 8 in Block 1 of TRACT 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, for 612.24 feet, more or less, to a point on the Westerly right of way of the existing Nine Mile Road.

3. EASEMENT RUNS WITH THE LAND: The easement created by this instrument is permanent and perpetual in nature, shall be appurtenant to and run with the Parcels, and shall be binding upon the heirs, successors in title, and assigns of the Parties. The easements created by this instrument burden and benefit each Parcel.
4. NON-EXCLUSIVE: The easements created by this instrument are non-exclusive.
5. REPRESENTATION: This instrument has been drafted by the legal counsel for Steven V. Bates and Christina M. Bates, Trustees of the Bates Family Trust, 2007, as one of the parties, and said legal counsel does not represent any of the other Parties in this matter.

Steven V. Bates

Steven V. Bates, Trustee

Christina M. Bates

Christina M. Bates, Trustee

STATE OF OREGON, County of Klamath )ss.

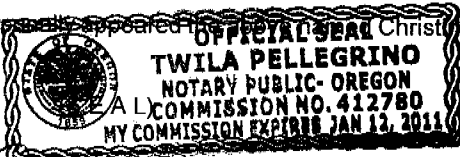
Personally appeared the above named Steven V. Bates, and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: Twila Pellegrino  
Notary Public for Oregon  
My Commissioner Expires: 1-12-2011

STATE OF OREGON, County of Klamath )ss.

Personally appeared the above named Christina M. Bates, and acknowledged the foregoing instrument to be her voluntary act and deed.



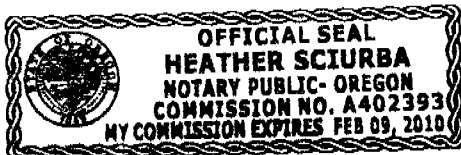
Before me: Twila Pellegrino  
Notary Public for Oregon  
My Commissioner Expires: 1-12-2011

Connie Elaine Scott  
Connie Elaine Scott

STATE OF OREGON, County of Klamath )ss.

Personally appeared the above named Connie Elaine Scott, and acknowledged the foregoing instrument to be her voluntary act and deed.

(SEAL)



Before me: Heather Sciurba  
Notary Public for Oregon  
My Commissioner Expires: FEB 9, 2010

Stephen P. Rapalyea  
Stephen P. Rapalyea, Trustee

STATE OF OREGON, County of Klamath )ss.

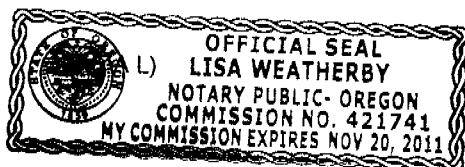
Personally appeared the above named Stephen P. Rapalyea, and acknowledged the foregoing instrument to be his voluntary act and deed.



George W. Beaubien, Trustee

STATE OF OREGON, County of Klamath )ss.

Personally appeared the above named George W. Beaubien and acknowledged the foregoing instrument to be his voluntary act and deed.



STATE OF OREGON, County of Klamath )ss.

Personally appeared the above named Cheryl L. Ritter and acknowledged the foregoing instrument to be her voluntary act and deed.



Trustee of the Rapalyea Family Trust  
dated February 23, 1999

Before me: Heather Sciorba  
Notary Public for Oregon

My Commissioner Expires: Feb. 9, 2010

Cheryl L. Ritter  
Cheryl L. Ritter, Trustee

Trustee of the George W. Beaubien and Cheryl L. Ritter Family Trust dated 24 May 1995

Before me: Lisa Weatherby  
Notary Public for Oregon

My Commissioner Expires: 11/20/2011

Trustee of the George W. Beaubien and Cheryl L. Ritter Family Trust dated 24 May 1995

Before me: Lisa Weatherby  
Notary Public for Oregon

My Commissioner Expires: 11/20/2011

AMERITITLE has recorded this instrument by request as an accommodation 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.