

2009-013477

Klamath County, Oregon



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10/16/2009 08:40:54 AM

Fee: \$47.00

After recording:
Return to: C and M Ehlers
1401 Pacific Terrace
Klamath Falls, OR 97601

EASEMENT

KNOW ALL MEN BY THESE PRESENTS, THAT the Stephen and Trudy Martisak Trust, Grantor, for and in consideration of Ten and 00/100 Dollars and other good and valuable consideration to them in hand paid by CHARLES C. EHLERS and MAURENE W. EHLERS, husband and wife, Grantees, receipt of which is hereby acknowledged, do hereby give and grant unto Grantees, their heirs, administrators and assigns, a perpetual non-exclusive twenty ft. easement for the use and maintenance of an access road over the real property situate in Sections 12 and 13, Twp. 38 S., Range 8, E.W.M. , Klamath County, Oregon, said road here and after referred to as Sunset Ridge Road as per Volume M80 Page 5331 is situate on the Easterly border on Grantor's real property more particularly described as follows:

PARCEL 1:

A parcel of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being a portion of Parcel 1 of the tract of land described in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon and being more particularly described as follows:

Beginning at the South $\frac{1}{4}$ corner of Section 12; thence South 89° 54' 30" East, along the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, 662.82 feet to the Southeast corner of said Tract of land; thence North 26° 31' 58" West 649.63 feet to a 5/8 inch iron pin marking the Northeast corner of said tract of land; thence South 82° 30' 46" West, along the Northerly line of said Tract of land, 374.42 feet to a point on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence South 00° 09' 00" West, 531.36 feet to the point of beginning, with bearings and distances based on record of survey no. 2894.

TOGETHER WITH a 10 foot wide walkway casement situated in the SE $\frac{1}{4}$ SW $\frac{1}{4}$

of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

A 10 foot wide strip of land lying Southerly of and adjacent to the Northerly line of Parcel 1 of that parcel of land described in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon. The North line of said easement being further described as follows: Beginning at a point on the East line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, said point being North 00° 09' 00" East 531.36 feet from the South $\frac{1}{4}$ corner of said Section 12; thence South 82° 30' 46" West 930 feet, more or less to Klamath Lake.

ALSO TOGETHER WITH an easement for septic purposes lying within a 150 foot by 350 foot parcel of land situate in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

A 150 foot wide strip of land lying Westerly of and adjacent to the Northerly 350 feet of the East line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$, lying within that tract of land described as Parcel 1 in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon. Said East line being further described as follows: Beginning at the South $\frac{1}{4}$ corner of said Section 12; thence North 00° 09' 00" East, along said East line, 531.36 feet to a point on the North line of said tract of land.

Parcel 2:

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of that tract of land described as Parcel 1 in Deed Volume M79, page 4330, Microfilm Records of Klamath County, Oregon, said point being on the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$, from which the South $\frac{1}{4}$ corner of said Section 12 bears North 89° 54' 30" West 662.82 feet; thence North 26° 31' 58" West, along the Easterly line of said tract, 649.63 feet; thence North 82° 30' 46" East to the center line of a 40 foot wide existing road easement (Sunset Ridge Road) as described in Deed Volume M77, page 10279, Microfilm Records of Klamath County, Oregon; thence Southerly along said center line, to a point on the South line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 89° 54' 30" West to the point of beginning.

This easement is for the sole use and benefit of the owners of the following-described
Parcels their heirs, grantees and invitees:

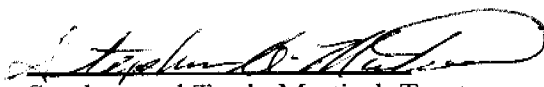
Parcel A: S ½ of Lot 6, Section 12, Twp. 38 S., R. 8 EWM, less and excepting that certain property situated in the S ½ SW ¼ of Lot 6, Section 12, Twp. 38 S., Range 8 EWM, in the County of Klamath, State of Oregon, shown on Property Line Adjustment 9-95 and more particularly described as follows:

Commencing at the center quarter corner as per CS No. 471; thence South 00 degrees 10' 37" West 653.16 feet; thence North 89 degrees 32' 23" West 914.77 feet; thence South 17 degrees 24' 31" East 350.98 feet; thence North 89 degrees 36' 37" West 677.96 feet to a point which is the true point of beginning; thence South 24 degrees 06' 06" East 199.66 feet; thence North 89 degrees 36' 20" West 281.55 feet, to a point on the Westerly boundary of Lot 6; thence North along said Westerly boundary North 24 degrees 06' 06" West 127.04 feet; thence North 72 degrees 05' 20" East 210.37 feet; thence South 89 degrees 36' 37" East 51.72 feet to the true point of beginning.

In consideration of the granting this easement, Charles C. Ehlers and Maurene W. Ehlers covenant and agree that not more than three single family dwellings shall be constructed on Parcel A above described, excepting any dwellings solely accessed by Sunset Beach Road.

TO HAVE AND TO HOLD the said easement unto Grantees, their heirs, representatives and assigns, forever.

IN WITNESS WHEREOF, the parties have signed this agreement on this 30th day of July, 2009.



Stephen and Trudy Martisak Trust
By Stephen A. Martisak, Trustee



Stephen and Trudy Martisak Trust
By Trudy L. Martisak, Trustee

On this 30 day of July, 2009, personally appeared the above-named Stephen A. Martisak and Trudy L. Martisak and acknowledge the foregoing instrument to be her voluntary act and deed.




Notary Public for Oregon

(SEAL)

My Commission Expires: June 2, 2012

