

2011-012751

Klamath County, Oregon



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11/14/2011 03:28:31 PM

Fee: \$47.00

After recording, return to:
Catherine B. Brinkman
Schwabe, Williamson & Wyatt, P.C.
1211 S.W. Fifth Avenue, Suites 1500-1900
Portland, Oregon 97204

Returned to County

TERMINATION AND RELEASE OF EASEMENT

This Termination and Release of Easement is entered into as of this 15 day of November, 2011, between Keith C. Schultz and Linda L. Schultz (collectively, "Schultz") and Pamela J. Randall ("Randall"). Schultz and Randall are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

Recitals

A. Schultz and Randall are the owners of real properties in Klamath County, Oregon. (The real property owned by Schultz shall hereinafter be referred to as the "Schultz Property" and the real property owned by Randall shall hereinafter be referred to as the "Randall Property.")

B. On or about March 1, 1991, Donald G. Page and Yvonne F. Page, collectively, one of Schultz's predecessors in ownership of the Schultz Property, recorded a non-exclusive private easement across the Schultz Property to provide vehicular and public utility access as provided therein (the "Easement"). The Easement was recorded in the Official Records of Klamath County, Oregon, at Volume M91, Page 3957.

C. A dispute has arisen between the Parties as to the existence, validity and scope of the Easement which is evidenced by the complaint filed by Schultz in the Circuit Court of the State of Oregon for the County of Klamath on or about November 17, 2010, and the subsequent litigation involving the Easement.

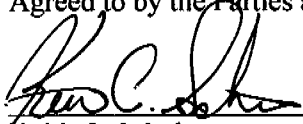
D. In an effort to resolve the dispute, the Parties have agreed, among other things, to terminate the Easement pursuant to a Release and Settlement Agreement between the Parties dated September 15, 2011 (the "Settlement Agreement"). The Parties now wish to terminate and release the Easement as provided herein.

Termination and Release

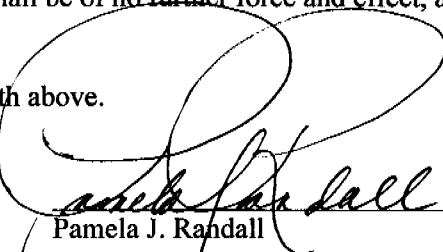
Now, therefore, in consideration of the Settlement Agreement and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Schultz and Randall

agree that the Easement shall be terminated and shall be of no further force and effect, and Randall releases any and all interest in the Easement.

Agreed to by the Parties as of the date first set forth above.



Keith C. Schultz



Pamela J. Randall

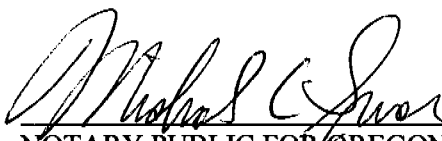


Linda L. Schultz

STATE OF OREGON)
County of Tillamook) ss.

This instrument was acknowledged before me this 27th day of October, 2011, by Keith C. Schultz.

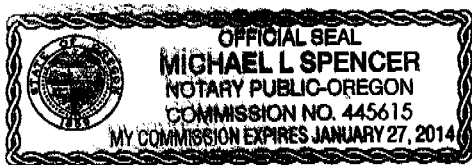




NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-27-2014

STATE OF OREGON)
County of Tillamook) ss.

This instrument was acknowledged before me this 31st day of October, 2011, by Linda L. Schultz.

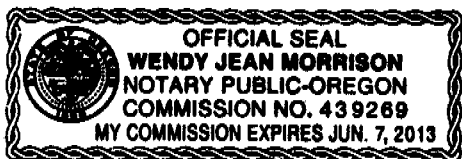




NOTARY PUBLIC FOR OREGON
My Commission Expires: 1-27-2014

STATE OF OREGON)
) ss.
County of Klamath)

This instrument was acknowledged before me this 14th day of October, 2011, by Pamela J. Randall.



Wendy Jean Morrison
NOTARY PUBLIC FOR OREGON
My Commission Expires: June 7, 2013