

2011-013215

Klamath County, Oregon

After recording send to:
Bruce Kellington
P O Box 1583
Medford, OR 97501



00110686201100132150050051

11/29/2011 11:56:13 AM

Fee: \$57.00

DEED OF EASEMENT

For good and valuable consideration, ALBERT E. WAMPLER and HELEN M. WAMPLER, trustees of the ALBERT & HELEN WAMPLER TRUST, uta 11/24/92 (hereinafter "WAMPLERS"), BEVERLY ANN WAMPLER DEMETRAKOS (hereinafter "DEMETRAKOS"), and WILLIAM D. LEAVENS and EILEEN COLE LEAVENS (hereinafter "Leavens") (all collectively referred to as "Grantors") and hereby convey to ALBERT E. WAMPLER and HELEN M. WAMPLER, trustees of the ALBERT & HELEN WAMPLER TRUST, uta 11/24/92 (hereinafter "WAMPLERS"), BEVERLY ANN WAMPLER DEMETRAKOS (hereinafter "DEMETRAKOS"), and WILLIAM D. LEAVENS and EILEEN COLE LEAVENS (hereinafter "Leavens") (all collectively referred to as "Grantees"), their heirs, successors and assigns, a non exclusive easement for ingress and egress to and from Varney Creek Road, and for construction, use and maintenance of private utilities, over, across and under the roadway described on **Exhibit A**, attached hereto and by this reference made a part hereof.

The easement created by this deed of easement is for the benefit of the following properties:

- a. Lots 1, 2, 3, 4 & 5 of Block 1, of MOUNTAIN LAKE HOMESITES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.
- b. Parcels 2 and 3 of Land Partition 26-08, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, as No. ~~2011-013213~~ 2011-013213

The Grantors and Grantees agree upon the following terms and limitations of the of the easement created by this deed:

- a. The easement shall be appurtenant to all of the above described parcels of real property and run with the land.
- b. No gates shall be installed across the easement, however, if all of the owners of the parcels benefited by this easements created by this deed consent to installation of a gate, or gates, such gate, or gates may then be constructed, and closed. In such event all owners shall be provided with a means of opening the gates (such as keys to padlock) if any padlocks are used to lock the gate, or gates.

- c. No vehicles shall be stored upon the easement, as it is limited to ingress and egress to and from the benefited parcels of real property.
- e. The easement for construction, use, maintenance and repair of utilities includes the right to construct, use, maintain and repair electrical lines, water lines, sewer lines, television cable lines, and other utilities over and under the roadway described on Exhibit A.
- f. The cost of construction, maintenance and repair of the roadway and utilities shall be shared by the owners of each parcel benefited in proportion to the amount of benefit received by each parcel. If the owner of a parcel is not using the roadway, or not using, or going to use, a particular utility being installed, such owner shall not be required to share in the cost of construction, maintenance and repair.

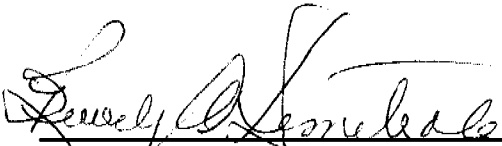
Until a change is requested, all tax statements shall be sent to the following address: No change.

Pursuant to ORS 93:040 (1) grantees are advised: BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 3 day of OCT, 2011


Albert E. Wampler, Trustee


Helen M. Wampler, Trustee


Beverly Ann Wampler Demetrakos


William D. Leavens

Eileen Cole Leavens
Eileen Cole Leavens

STATE OF CALIFORNIA)
)ss.
County of SAN LUIS OBISPO)

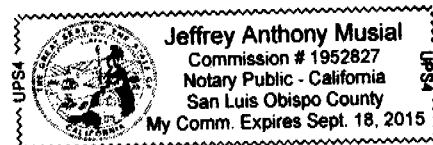
On OCTOBER 03, 2011, before me, personally appeared Albert E. Wampler, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jeffrey Anthony Musial
Notary Public for CALIFORNIA

STATE OF CALIFORNIA)
)ss.
County of SAN LUIS OBISPO)



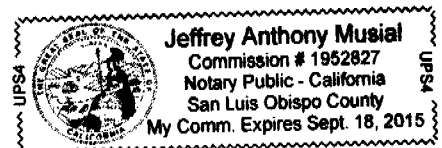
On OCTOBER 03, 2011, before me, personally appeared Helen M. Wampler, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of CALIFORNIA that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jeffrey Anthony Musial
CALIFORNIA

3 - DEED OF EASEMENT



Notary Public for _____

STATE OF OR)
)ss.
County of Klamath)

On October 12, 2011, before me, personally appeared Beverly Ann Wampler Demetrakos, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Oregon that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Belinda Kay Reno
Notary Public for Oregon

STATE OF OREGON)
)ss.
County of Jackson)

On the 10 day of October, 2011, personally appeared William D. Leavens and Eileen Cole Leavens and acknowledged the foregoing Deed of Easement to be their voluntary act and deed.

Before me:

Penny Collishaw
Notary Public for Oregon

