

UTC 92155-LW

2012-000177

Klamath County, Oregon



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Fee: \$62.00

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference - Escrow No. MT92155-LW
Title Order No. 0092155

Please print or type information.

1. AFTER RECORDING RETURN TO -

Required by ORS 205.180(4) & 205.238:

Name: **A+ LAND COMPANY, LLC, AN OREGON LIMITED LIABILITY COMPANY**

Address: **13751 HILL RD**

KLAMATH FALLS, OR 97603

City, ST Zip: **KLAMATH FALLS, OR 97603**

2. TITLE(S) OF THE TRANSACTION(S) - Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the conveyance instrument:

Document Title(s): IRRIGATION PIPE EASEMENT

3. DIRECT PARTY / GRANTOR Names and Addresses - Required by ORS 205.234(1)(b)

Seller Name & Address: **BORN PROPERTIES, A PARTNERSHIP, 4093 BARRETT ST. S, SALEM, OR 97302**

4. INDIRECT PARTY / GRANTEE Names and Addresses - Required by ORS 205.234(1)(b)

Buyer Name & Address: **A+ LAND COMPANY, LLC, AN OREGON LIMITED LIABILITY COMPANY, 13751 HILL RD., KLAMATH FALLS, OR 97603**

5. For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Name: **A+ LAND COMPANY, LLC, AN OREGON LIMITED LIABILITY COMPANY**

Address: **13751 HILL RD.**

City, ST Zip: **KLAMATH FALLS, OR 97603**

6. TRUE AND ACTUAL CONSIDERATION - Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:

-0-

621211

RETURN TO:
A+ Land Company, LLC
an Oregon limited liability company
c/o Jerry J. Peacore
2800 Crosby Avenue
Klamath Falls, OR 97603

IRRIGATION PIPE EASEMENT

DATE: 1-4, 2012

PARTIES:

Born Properties
an assumed business name
Donald W. Born
4093 South Barrett Street
Salem, OR 97302

("Grantor")

A+ Land Company
an Oregon limited liability company
2800 Crosby Avenue
Klamath Falls, OR 97603

("Grantee")

W I T N E S S E T H

WHEREAS, Grantor is the record owner of the following described real property in Klamath County, State of Oregon, to-wit:

Parcel 1 of Land Partition 47-08 being situate in the NW1/4 SW1/4 of Section 28, E1/2 Section 29, NE1/4 Section 32 Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon

And has the unrestricted right to grant the easement hereinafter described relative to said real property.

Grantor conveys to Grantee, it's heirs, successors, and assigns, a perpetual non-exclusive irrigation easement upon the property of the Grantor, more particularly described as:

A strip of land 10.00 feet in width and 160.00 feet in length being situate in the E1/2 Section 29, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as the South 10.00 feet of the West 160.00 feet of that portion of Parcel 1 of Land Partition 47-08 lying north of Hill Road right of way. A map of said easement is attached hereto and incorporated herein as Exhibit "A".

The terms of this easement are as follows:

1. Grantee, it's agents and independent contractors shall use the easement for an irrigation delivery pipe (the "Pipe"), for the benefit of Grantee's property described in paragraph 8, and in conjunction with such use may access, construct, reconstruct, maintain and repair said Pipe thereon.

2. Grantor reserves the right to use, farm and occupy the property located upon the easement and Grantor may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however, in case of conflict, Grantors' right of use shall be dominant.

3. Grantor reserves the right to relocate the Pipe at any time and in such case shall reconstruct the Pipe at such new location in as good or better condition as existed at the prior location. If the Pipe is relocated, Grantor may record an instrument indicating the relocated Pipe and such instrument shall serve to amend this easement and eliminate any rights of Grantee in the original easement. Such amendment of the description shall be effective whether or not signed by Grantees but Grantees shall

execute it or such other document necessary to indicate relocation of the easement, when and if requested by Grantors.

4. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantees' use of the easement. Grantee assumes all risks arising out of their use of the easement and Grantor shall have no liability to Grantee or others for any condition existing thereon.

5. This easement is appurtenant and for the benefit of the real property owned by Grantee and described below in paragraph 8.


6. This easement shall be perpetual and shall not terminate for periods of non-use by Grantee. Said easement may be terminated upon written agreement by Grantor and Grantee, their heirs, successors and assigns.

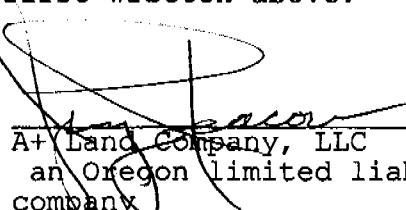
7. This easement is granted subject to all prior easements or encumbrances of record.

8. The following is a description of the Grantee's dominant property to which this easement is appurtenant;

Parcel 2 of Land Partition 47-08 being situate in the NW1/4 SW1/4 of Section 28, E1/2 Section 29, NE1/4 Section 32, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

IN WITNESS THEREOF, the parties have caused this instrument to be executed this as of the date first written above.


Born Properties
an assumed business name
By: Donald W. Born
Its: Authorized Representative


A+ Land Company, LLC
an Oregon limited liability
company
By: Jerry J. Peacore
Its: Authorized Member

STATE OF OREGON)
 ~~marion~~) ss. January 4, 2012.
County of ~~Klamath~~)

Personally appeared, Donald W. Born, and stated he is the Authorized Representative of Born Properties and that said instrument was signed on behalf of said assumed business name; and he acknowledged said instrument was its voluntary act and deed. Before me: Judi K. K.



Judi K.
Notary Public for Oregon
My commission expires: 7-22-12

STATE OF OREGON)
) ss. January 6, 2011
County of Klamath)

Personally appeared, Jerry J. Peacore, and stated he is an authorized member of A+ Land Company, LLC and that said instrument was signed on behalf of said limited liability company by authority of its members; and he acknowledged said instrument was its voluntary act and deed. Before me:

Lisa Weatherby
Notary Public for Oregon
My commission expires: 11/20/2015





SCALE: 1" = 200'

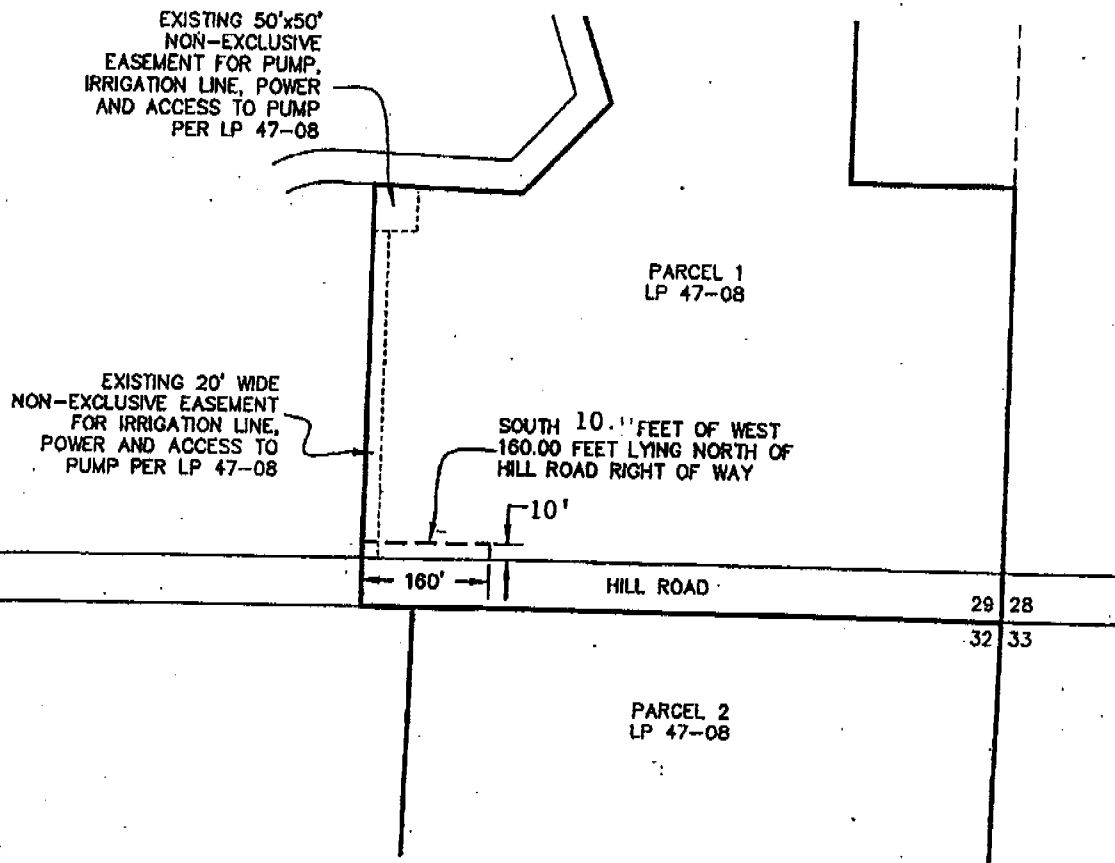


EXHIBIT "A"

Page 1 of 1

EASEMENT
SKETCH