

2012-009380

Klamath County, Oregon



00123253201200093800050054

AFTER RECORDING RETURN TO:

Pheasant Run Homeowners Association
204 SE Miller Avenue
Bend OR 97702

08/27/2012 09:02:52 AM

Fee: \$57.00

MONUMENT EASEMENT

THIS MONUMENT EASEMENT is made as of this th 16 day of August, 2012, by and between the **SA Group Properties, Inc.**, a Minnesota corporation ("**Owner**"), and the **Pheasant Run Homeowners Association** ("**Association**"), an Oregon nonprofit corporation.

RECITALS

- A. The Owner is the owner of Lot 1 of Tract 1473 - Pheasant Run, located in the Klamath County, Oregon (the "**Lot**").
- B. Association is the homeowners association for lots 1 through 87 of Tract 1473 - Pheasant Run, located in the Klamath County, Oregon.
- C. The Association has installed an entry sign and entry landscaping (the "**Monument**") for the benefit of the Association on a portion of the Lot.
- D. The Owner and Association wish to establish a Monument Easement (the "**Easement**") for the benefit of the Association.

NOW, THEREFORE, Owner hereby declares that the Lot shall be held, sold and conveyed subject to the following easements and covenants, which shall run with the Lot and shall be binding upon all parties having or acquiring any right, title or interest therein, and shall inure to the benefit of any successor of Owner in the ownership thereof:

- 1. **Easement.** Owner hereby grants the Association a perpetual, nonexclusive easement on the corner of the Lot, in the area more particularly described on Exhibit A attached (the "**Easement Area**"), for the purpose of erecting and maintaining signage and other decorative features (the "**Monument**") and for the purpose of ingress and egress to and from the Easement Area for maintenance, repair and replacement of the Monument and the Easement Area. No party shall obstruct free passage to the Easement Area for such purpose.
- 2. **Maintenance and Replacement.** The Association shall at all times keep the Monument and Easement Area clean and in good condition and repair. The cost of cleaning, maintenance, and repair or replacement of the Monument and the Easement Area shall be the responsibility of the Association. No one shall perform any maintenance of the Monument or the Easement Area without first obtaining the written consent of the Association.
- 3. **Indemnification.** The Association shall forever defend, indemnify and hold the Owner harmless from any claim, loss or liability arising out of or in any way connected with the Association's use of the easement created by this Easement or failure by the Association to perform its obligations hereunder.

4. **Remedies.** In the event of any breach of the provisions of this Easement, the aggrieved party shall be entitled to exercise any remedy provided by law or equity, including the remedies of injunction and/or specific performance. In the event litigation is commenced to enforce or interpret the provisions of this Easement, including any appeal therefrom, the prevailing party shall recover from the other party, in addition to all other costs and damages, reasonable attorneys' fees at trial, in arbitration or upon any appeal or petition for review thereof.

SA Group Properties, Inc.,
a Minnesota corporation

V. Desai
By: VIYOTSNA DESAI
Its: VICE PRESIDENT

Pheasant Run Homeowners Association,
an Oregon nonprofit corporation

Ryan Buccola
By: Ryan Buccola
Its: Director

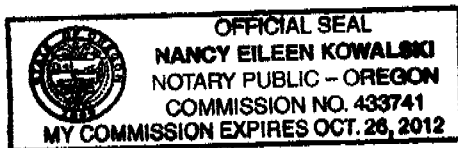
STATE OF CALIFORNIA)
)ss
County of _____)

The foregoing instrument is acknowledged before me this ____ day of _____, 20____
by _____ as _____ of SA Group Properties, Inc., on its
behalf.

Notary Public for California
My Commission Expires:

STATE OF OREGON)
)ss
County of DESCHUTES)

The foregoing instrument is acknowledged before me this 21 day of AUGUST, 2012
by RYAN JAMES BUCCOLA as DIRECTOR of the
Pheasant Run Homeowners Association, on its behalf.



Nancy Eileen Kowalski
Notary Public for OREGON
My Commission Expires: October 26, 2012

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

On August 16, 2012, before me, Maria C. Pernudi, Notary Public, personally appeared Jyotsna Desai, 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 this 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.



Maria C. Pernudi
NOTARY PUBLIC

Seal

EXHIBIT A - LEGAL DESCRIPTION

MAP OF MONUMENT ENTRY EASEMENT

BEING A PORTION OF LOT 1 OF "TRACT 1473 - PHEASANT RUN",
SITUATED IN THE NW1/4, SE1/4 OF SECTION 11, T39S, R9EWM,
KLAMATH COUNTY, OREGON
AUGUST 3, 2012

AMBERVIEW LANE

LOT 1

NORTHEAST CORNER
OF LOT 1

HOMEDALE ROAD

S01°20'47"E
15.26

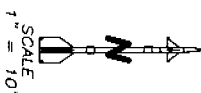
S61°38'51"W
25.09

N78°42'54"W
5.37

N00°23'38"W
107.72

EXISTING SIGN

L=39.67
A=90°34'38"
B=145°03'41"E
C LEN=35.64



REGISTERED
PROFESSIONAL
LAND SURVEYOR
John M. Heaton
OREGON
JANUARY 14, 2009
JOHN M. HEATON
72841
RENEWAL DATE: 6-30-13

TRU SURVEYING INC. LINE
2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603

TRU SURVEYING, INC. LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691

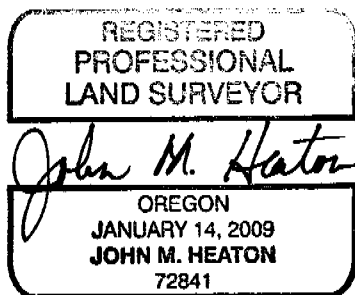


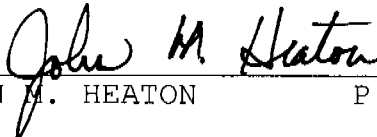
AUGUST 3, 2012

LEGAL DESCRIPTION OF MONUMENT ENTRY EASEMENT

AN EASEMENT BEING A PORTION OF LOT 1 OF "TRACT 1473 - PHEASANT RUN", SITUATED IN THE NW1/4 SE1/4 OF SECTION 11, T39S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 1, FROM WHICH THE NORTHEAST CORNER OF SAID LOT 1 BEARS $N00^{\circ}23'38''W$ 107.72 FEET; THENCE $N78^{\circ}42'54''W$ 5.37 FEET; THENCE $S61^{\circ}38'51''W$ 23.09 FEET; THENCE $S01^{\circ}20'47''E$ 15.26 FEET TOT A POINT ON THE SOUTH LINE OF SAID LOT 1; THENCE, ALONG THE ARC OF A CURVE TO THE LEFT (RADIUS POINT BEARS $N00^{\circ}30'30''E$ 25.00 FEET AND CENTRAL ANGLE EQUALS $90^{\circ}54'38''$) 39.67 FEET TO THE POINT OF BEGINNING, CONTAINING 420 SQUARE FEET, MORE OR LESS, WITH BEARINGS BASED ON THE PLAT OF "TRACT 1473 - PHEASANT RUN" ON FILE AT THE OFFICE OF THE KLAMATH COUNTY CLERK.




JOHN M. HEATON P.L.S. 72841

RENEWAL DATE: 6/30/13