



12/30/2013 01:16:44 PM

Fee: \$62.00

**INDENTURE OF ACCESS**

THIS INDENTURE, made and executed this 24<sup>th</sup> day of DECEMBER 2013, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and SUSAN G. BOEHNER; A. WILLIAM BOEHNER AND SUSAN GEARY BOEHNER, AS TRUSTEES OF THE A. WILLIAM AND SUSAN GEARY BOEHNER FAMILY TRUST DATED AUGUST 16, 2006; JOHN I. YELLOTT, JR. AND DOROTHEA G. YELLOTT, TRUSTEES OF THE JOHN AND DOROTHEA YELLOTT TRUST, DATED OCTOBER 2, 2003, AS THEIR INTERESTS MAY APPEAR, AS TENANTS IN COMMON, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded March 14, 1952, in Volume 253, Page 450, Klamath County Deed Records, acquired certain property; which Warranty Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the East side of the Klamath Lake Highway, now the Lake of the Woods Highway, opposite Engineer's Station 1711+00, (Reserved Access Rights); and

WHEREAS, Owner, by Quitclaim Deed, recorded October 8, 2003 in Volume M03, Page 75105, Klamath County Deed Records; by Bargain and Sale Deed recorded October 14, 2011 as Document 2011-011517, Klamath County Deed Records; by Deed recorded February 3, 2005 in Volume M05, Page 07838, Klamath County Deed Records; by Bargain and Sale Deed recorded October 14, 2011 as Document 2011-011518, Klamath County Deed Records; and by Deed recorded October 25, 2011 as Document 2011-011918, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

**AFTER RECORDING RETURN TO:**  
OREGON DEPARTMENT OF TRANSPORTATION  
PROPERTY MANAGEMENT / ACCESS RESEARCH  
4040 FAIRVIEW INDUSTRIAL DRIVE SE, MS#2  
SALEM OR 97302-1142

WHEREAS, Owner has requested that Owner's Reserved Access Rights set out above be terminated, and that access rights be substituted; therefore to and from the East side of said highway opposite Engineer's Station 1715+47, in a width of 25', (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request.

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, OWNER does convey unto State, its successors and assigns, Owner's Reserved Access Rights as set forth above, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

WHEREAS, as evidenced by Deed recorded August 4, 1998, Volume M98, Page 28468, Klamath County deed records, creating a life estate for Richard Geary; and by Easement Agreement for Access Purposes recorded March 2, 2010, as Document 2010-002794, in the official records of Klamath County, Oregon, it is understood that the New Access Rights as set forth above are to be used and enjoyed in common by Richard Geary and the heirs of his body.

The other remaining provisions in the above-mentioned Warranty Deed to State shall remain in full force and effect, and the access rights herein granted shall be subject to all the provisions of said Warranty Deed, as fully as if set forth herein.

Owner represents and warrants that no one, other than Owner; Richard Geary and the heirs of his body, are using or entitled to use the Reserved Access Rights herein relinquished.

The New Access Rights granted herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

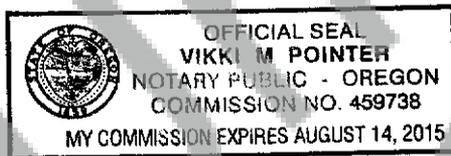
IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

STATE OF OREGON, by and through its  
DEPARTMENT OF TRANSPORTATION

By   
Rick Crager, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated December 24, 2013. Personally appeared Rick Crager, who being sworn, stated that he is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



  
Notary Public for Oregon  
My Commission expires 8/14/15

Susan G. Boehner  
Susan G. Boehner

STATE OF Oregon, County of Klamath

Dated December 18, 2013. Personally appeared, and signed before me by, the above named Susan G. Boehner, who acknowledged the foregoing instrument to be her voluntary act. Before me:



Wendy Young  
Notary Public for Oregon  
(state)  
My Commission expires 8.31.2015

THE A. WILLIAM and SUSAN GEARY BOEHNER  
FAMILY TRUST dated August 16, 2006

By Susan Geary Bohner, Trustee  
Susan Geary Bohner, Trustee

By A. William Bohner, Trustee  
A. William Bohner, Trustee

STATE OF Oregon, County of Klamath

Dated December 18, 2013 Personally appeared the above named Susan Geary Bohner and A. William Bohner, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Wendy Young  
Notary Public for Oregon  
(state)  
My Commission expires 8.31.2015

THE JOHN AND DOROTHEA YELLOTT TRUST, dated  
October 2, 2003

By John I. Yellott, Jr. Trustee  
John I. Yellott, Jr., Trustee

By Dorothea G. Yellott, Trustee  
Dorothea G. Yellott, Trustee

STATE OF CALIFORNIA, County of ORANGE

Dated DEC. 18, 20 13 Personally appeared the above named John I. Yellott, Jr. and Dorothea

Yellott, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me: Before me:



Mehdi Zahedi

Notary Public for CALIFORNIA

(state)

My Commission expires DEC. 23, 2015