

MTC 1396-11301

2014-001363

Klamath County, Oregon

02/18/2014 02:37:00 PM

Fee: \$52.00

Grantor's name and address:

Thomas E. Stephens,
Trustee of the Stephens Revocable Living Trust
PO Box 1251
Chiloquin, Oregon 97624

SEND TAX STATEMENTS:

No Change by reason of this document

After recording return to:

AmeriTitle Co
300 Klamath Avenue
Klamath Falls, OR 97601

AMERITITLE, has recorded this
instrument by request as an accommodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein.

REPLACEMENT ROAD EASEMENT

**Replacing Easement Recorded at Volume M72, page 4566 Microfilm Records
of Klamath County, Oregon**

For purposes of this Replacement Easement, the following terms are
used and recitations are referred to:

--The "Grantor" is Thomas E. Stephens, Trustee of the Stephens
Revocable Living Trust and is the owner of the real property described in Exhibit
"A" attached hereto.

--"Stephens Parcel" is that real property described in Exhibit "A"
attached hereto which is located in Klamath County, Oregon.

-- "Grantees" are the following:

Kathleen R. Hatcher
Leeann Hatcher & Melissa Hess & Kathleen Rae Mitchell & Rebecca Clement
Leanne Gay Hatcher
Melissa K. Hess & Stephen D. Hess
Rebecca Louise Hatcher
Kathleen Rae Mitchell
JWTR, LLC
James P. Wilson
Philip V. Walter & Cynthia D. Walter
Ralph R. Batie & Nancy A. Batie
Cheryl A. Fischer-Balke
Seput Ranches, LLC

--"Prior Easement " refers to the rights granted in document entitled
"Deed of Easement," recorded April 23, 1972 at Volume M72, page 4566
Microfilm Records of Klamath County, Oregon.

It is recited that Grantees have abandoned Prior Easement and have
been utilizing the Westerly 30 feet of Stephens Parcel.

AGREEMENTS AND GRANTS

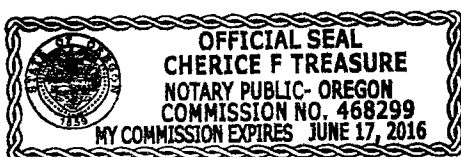
- a) Grantor grants to Grantees a non exclusive easement for the sole purposes of access, ingress, and egress described as the westerly 30 feet of Stephens Parcel.
- b) The easement granted herein replaces Prior Easement, referred to above.
- c) Grantees shall not allow toxic substances on the Easement property and shall not unreasonably interfere with owners use and enjoyment of Stephens Parcel.
- d) All expenses of maintenance, repair and replacement of said easement facilities shall be responsibility of Grantees and may be shared by agreement of Grantees. If the Grantees fail to agree, then maintenance shall be paid by persons who benefit from such easement on a prorated basis, where the actual use, benefit and acreage benefitted shall be taken into account. In the event that such prorate of maintenance, repair and replacement is not agreed to by the parties, such amounts shall be determined by arbitration where each party appoints one arbitrator and those arbitrators choose another. Those arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby. The costs of arbitration shall be borne equally by the parties. The parties in dispute may choose alternate arbitration or dispute resolution procedures.
- e) The easement, duties and obligations herein created are appurtenant to and shall run with the land, burdening Stephens Parcel on the westerly 30 feet and benefiting parcels owned by Grantees.
- f) If suit or action is instituted to enforce any of the provisions of this Replacement Easement, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees therein, including any appeal thereof.

February 10, 2014

Thomas E. Stephens
Thomas E. Stephens, Trustee

STATE OF OREGON]
]ss.
County of Klamath]

On this 10 day of February, 2014, personally appeared before me the above-named Thomas E. Stephens, and stated that he is the Trustee of the Stephens Revocable Living Trust, and acknowledged the above to be his voluntary act and deed.



Cherice F. Treasure
Notary Public for Oregon
My Commission expires: 6/17/2016

EXHIBIT "A"

A tract of land situated in the S1/2 SW1/4 of Section 11, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin on the Northwest corner of the SW1/4 SW1/4 of said Section 11; thence North $89^{\circ} 31' 1/2''$ East along the North line of the S1/2 SW1/4 of said Section 11, a distance of 1960.00 feet to an iron pin; thence South $1^{\circ} 04' 1/4''$ East parallel with the West line of said Section 11 a distance of 800.00 feet to an iron pin; thence South $89^{\circ} 31' 1/2''$ West parallel with the North line of the S1/2 SW1/4 of said Section 11 a distance of 1960.00 feet to an iron pin on the West line of said Section 11; thence North $1^{\circ} 04' 1/4''$ West along the West line of said Section 11 a distance of 800.00 feet, more or less to the point of beginning.

SAVING AND EXCEPTING the following described tract:

Beginning at the Northeast corner of the above described tract; thence South $1^{\circ} 04' 1/4''$ East along the East line of said above tract a distance of 378 feet; thence South $89^{\circ} 31' 1/2''$ West a distance of 244 feet more or less, to the center line of the Creek; thence Northerly along said center line to the North line of the said above described tract; thence North $89^{\circ} 31' 1/2''$ East along the North line of said tract a distance of 234 feet more or less to the point of beginning.