



2014-003589
Klamath County, Oregon
04/17/2014 03:44:32 PM
Fee: \$72.00

AFTER RECORDING RETURN TO:
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

EASEMENT

THIS AGREEMENT, made and entered into this 9th day of April, 2014, by and between Peter A. Nevin and Malinda B. Nevin, hereinafter called Grantors, and John M. Venable and ~~Matthew C. Biaggi~~ ^{Matthew} ~~C. Biaggi~~ (hereinafter "Venable/Biaggi"), John M. Venable, individually, (hereinafter "Venable") and Penny Lea Lasset and Patricia Ann Venable, successor Trustees under declaration of trust dated July 27, 1982 (hereinafter the "Trustees"), collectively hereinafter called Grantees:

W I T N E S S E T H

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

Parcel 1 of Land Partition 62-07 being a Re-Plat of parcel 2 of "Minor Land Partition 81-144", situated in the following sections: SW $\frac{1}{4}$ 13, East $\frac{1}{4}$ 14, East $\frac{1}{4}$ 23, West $\frac{1}{4}$ 24, West $\frac{1}{4}$ 25 and NE $\frac{1}{4}$ 26, all in Township 38 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon and recorded at 2008-01392.

And have the unrestricted right to grant the easement hereinafter described relative to said real properties.

Grantors convey to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement across the property of the Grantors, more particularly described as:

A 30 foot road easement from Swan Lake Road across Lloyd Lane as depicted and described on LP 62-07, being generally upon the westerly 30 feet of Parcel 1 of LP 62-07 recorded at 2008-01392 and as more particularly depicted and described on the attached Exhibit "A"; and over the existing and newly relocated portion of Nevin Lane as more particularly depicted on the attached Exhibit "B".

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for road purposes only, for access to the properties described in paragraph 8 and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon.

2. Grantors reserve the right to use, construct, reconstruct and maintain the road located upon the easement and Grantors may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the others.

3. Upon mutual agreement, the parties may relocate the road at any time and in such case shall reconstruct a road at such new location in as good or better condition as existed at the prior location. If the road is relocated, Grantors may record an instrument indicating the relocated road easement and such instrument shall serve to amend this easement and eliminate any rights of Grantees 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. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

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

6. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be terminated upon written agreement by Grantors and Grantees, 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 Grantees dominant properties to which this easement is appurtenant;

Venable/Biaggi Property:

Parcel 2 Land Partition 65-94, Situated in Sections 33 and 34, Township 37 South, Range 10 East, Section 34, 10, 11, 12, 14, 23 and 24, Township 38 South, Range 10 East, Section 18 and 19, Township 38, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Venable Property:

Parcel 1 of Land Partition 50-07 being a re-plat of parcel 1 of "Land Partition 65-94" situated in Sections 11, 12, 13, 14, 23 and 24, Township 38 South, Range 10 East of the Willamette Meridian and in Sections 18 and 19, Township 38 South, Range 11 ½ East, of the Willamette Meridian, Klamath County, Oregon and recorded at 2007-21024.

Trust Property:

Parcel 2 of Land Partition 50-07 being a re-plat of parcel 1 of "Land Partition 65-94" situated in Sections 11, 12, 13, 14, 23 and 24, Township 38 South, Range 10 East of the Willamette Meridian and in Sections 18 and 19, Township 38 South, Range 11 ½ East, of the Willamette Meridian, Klamath County, Oregon and recorded at 2007-21024.

IN WITNESS THEREOF, the parties have caused this instrument to be executed this 9 day of April, 2014.

GRANTORS:

Peter A. Nevin
Peter A. Nevin

Malinda B. Nevin
Malinda B. Nevin

GRANTEES:

Penny Lea Lassett
Penny Lea Lassett
Successor Trustee

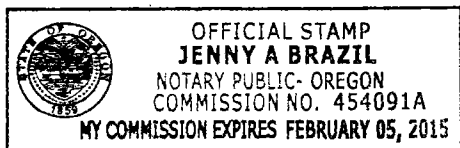
Patricia Ann Venable
Patricia Ann Venable
Successor Trustee

John M. Venable
John M. Venable

Matthew C. Biaggi
Matthew C. Biaggi
Matthew mcs

STATE OF OREGON)
) ss.
County of Klamath)

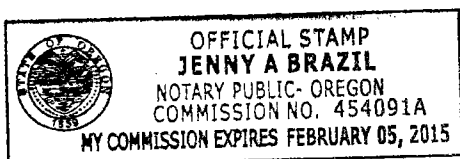
Personally appeared before me this 9 day of April, 2014, the above-named Peter A. Nevin, and acknowledged the foregoing instrument to be his voluntary act and deed.



J. Brazil
Notary Public for Oregon
My Commission expires: 2/5/2015

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of April, 2014, the above-named Malinda B. Nevin, and acknowledged the foregoing instrument to be her voluntary act and deed.



J. Brazil
Notary Public for Oregon
My Commission expires: 2/5/2015

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of April, 2014, the above-named Penny Lea Lassett and Patricia Ann Venable, as Successor Trustees under declaration of trust, dated July 27, 1982, and acknowledged the foregoing instrument to be their voluntary act and deed.



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

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of April, 2014, the above-named John M. Venable, and acknowledged the foregoing instrument to be his voluntary act and deed.



J. Brazil
Notary Public for Oregon
My Commission expires: 2/5/2015

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 9 day of April, 2014, the above-named Matthew C. Biaggi, and acknowledged the foregoing instrument to be his voluntary act and deed.



J. Brazil
Notary Public for Oregon
My Commission expires: 2/5/2015

EXHIBIT A

1 KATHAR, BONE, A REGISTERED MINER IN THE STATE OF OREGON, HEREBY CERTIFY THAT THE PARCELS AND CLAIMS, ONE
2 NOT SURVEYED PARCELS 1, AND 2 OF THE LAND SHOWN AS L&P PARTITION #7-07, BEING A REPEAT OF PARCEL 2 OF MINOR LAND PARTITION #11-44, SITUATED IN SECTIONS
3 35 AND 36, TOWNSHIP 35 NORTH RANGE 30 EAST, MALHEUR COUNTY, OREGON BEING MORE PARTICULARLY OF RECORD AS FOLLOWS:
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EXCEPTING FROM THE NEW SWIS OF SAO SECTION 25 THAT PORTION THEREOF DESCRIBED AS FOLLOWS

[illegible]

AND EXCEPTING THEREFROM THAT PORTION CONVEYED TO KILMATHIN COUNTY BY DEED RECORDED MARCH 12, 1931 IN VOLUME 17, PAGE 811 DEED RECORDS OF KILMATHIN COUNTY,
ORIGINAL

PLAY SUBJECT TO THE FOLLOWING

1. ELECTRIC TRANSMISSION LINE EASEMENT, RECORDED IN D.V. 211, PAGE 444.
2. ELECTRIC TRANSMISSION LINE EASEMENT, 10 FEET WIDE, RECORDED IN D.V. 212, PAGE 518.
3. TELEPHONE POLE LINE EASEMENT, 20 FEET WIDE, RECORDED IN D.V. 219, PAGE 155.
4. RIGHT-OF-WAY EASEMENT FOR DRIVERS ON CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES, RECORDED IN D.V. 104, PAGE 185.
5. DEWALD & DITCH EASEMENT, 10 FEET WIDE, RECORDED IN D.V. 113, PAGE 314.
6. HELL AGRICULTURE EASEMENT, 10 FEET WIDE, RECORDED IN D.V. 121, PAGE 121.
7. USE OF EXISTING ROADS IN THE VIEW OF THE VIEW OF SET 15, RECORDED IN D.V. 112, PAGE 1071.
8. EASEMENT OF TRANSMISSION LINE EASEMENT, 10 FEET WIDE, RECORDED IN D.V. 101, PAGE 315.

Keith A. Rhine
KEITH A. RHINE PLS

DECLARATION:

STATE OF OREGON)

COMMITTEE OF THE PEOPLE, ALAN NEWMAN AND MALINDA B. NEWMAN, AS TENANTS BY THE ENTIRETY BEING OUT OF SCHOOL, DEPOSE AND SAY THAT THEY ARE THE OWNERS OF THIS IS TO CRAFT, THAT PETER ALAN NEWMAN AND MALINDA B. NEWMAN, AS TENANTS BY THE ENTIRETY BEING OUT OF SCHOOL, DEPOSE AND SAY THAT THEY ARE THE OWNERS OF 7 AND PARISHION 82-01, MORE PARTICULARLY DESCRIBED IN THE SUBPOENAS CERTIFICATE, THAT WE DO FAVOR THE SAME TO BE PARTITIONED AND PLATTED, AS SHOWN ON THE ANNEKED PLAT.

Peter Alan Nevins
PETER ALAN NEVINS

Melinda B. Nevins
MELINDA B. NEVINS

STATE OF OREGON,)

25
COUNTY OF ALABAMA, DAY OF January, 1964, PERSONALLY APPEARED before me, JAMES ALAN NEWBY, a Notary Public in and for the County of Alabama, and known to me to be that they BE IT REMEMBERED THAT ON THIS 25th day of January, 1964, the above named persons, who are known to me to be the identical persons described in and who executed the above instrument, and who acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL NOTARY SEAL THIS 25 DAY OF JANUARY, 2025

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES April 22, 2014



4, KEITH R. RINE, HEREBY CERTIFY THAT THIS PLAY WAS PREPARED USING AN
CARTRIDGE #1014A ON CONTINENTAL MAGING SPRING.

16.7 2
KEIN RUMPLS

NARRATIVE. THE PURPOSE OF THIS PLAT IS TO CREATE AND MEET THE CONDITIONS FOR APPROVAL FOR LAND PARTITION THE PROPERTY WAS NOT DESIGNED TO BE SUBDIVIDED. THE MAP AND PARTITION BOUQUART WAS 67-10. THE PROPERTY WAS NOT DESIGNED TO BE SUBDIVIDED. THE MAP AND PARTITION BOUQUART WAS 67-10. PREPARED FROM INFORMATION OBTAINED ON TOWNOR LAND PARTITION B-14-C AND CSD 9184. BASIS OF RECORDS IS PER TOWNOR LAND PARTITION B-14-C.

REFERENCE RECORD OF SURVEYS JUD. 3114, 4435 & 512A

APPROVALS:

APPROVED BY Mildred M. Jackson 1/30/2008
HEALTH COUNTY SUPERVISOR DATE

APPROVED BY _____ DATE 5/1/00
KIMMATH COUNTY PLANNING DIRECTOR

ENERGY CREDIT THAT ALL TAXES, INTEREST, PENALTIES, ASSESSMENTS, FEES OR OTHER CHARGES RECOVERED BY O.R.S. 92.055 HAVE BEEN PAID.

Ward
COUNTY TAX COLLECTOR
DATE 5/4/86

1. DELIBERATE FOX, PRESIDENT OF PINE PLANT DISTRICT AND PROTECTANT COMPANY, TESTIFY CERTIFY THAT THE PORTION OF "LAND PARTITION 63-0" SITUATED IN THE MID-LEVEL SW/4 AND THE NW/4 OF SECTION 15 IS INCLUDED WITHIN THE DISTRICT FOR PURPOSES OF RECEIVING SLAVES, AND DEMANDS SUBJECT TO THE FIES AND OTHER CHARGES OF THE DISTRICT.

44-1730 354208

PRESIDENT DATE

FIELD FOR RECORD THIS 4th DAY OF February, 1908
Linda Smith or Diana Thiele
 KIMMEL COUNTY CLERK
 DEPUTY

SHEET 1 OF 2

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

K.M. ALLEN
 ORDERED
 JULY 11, 2000
 KEITH R. RHINE
 DEPED
 RENEWAL DATE 12-31-00

DATE: JANUARY 2008 PROJECT NO. 787

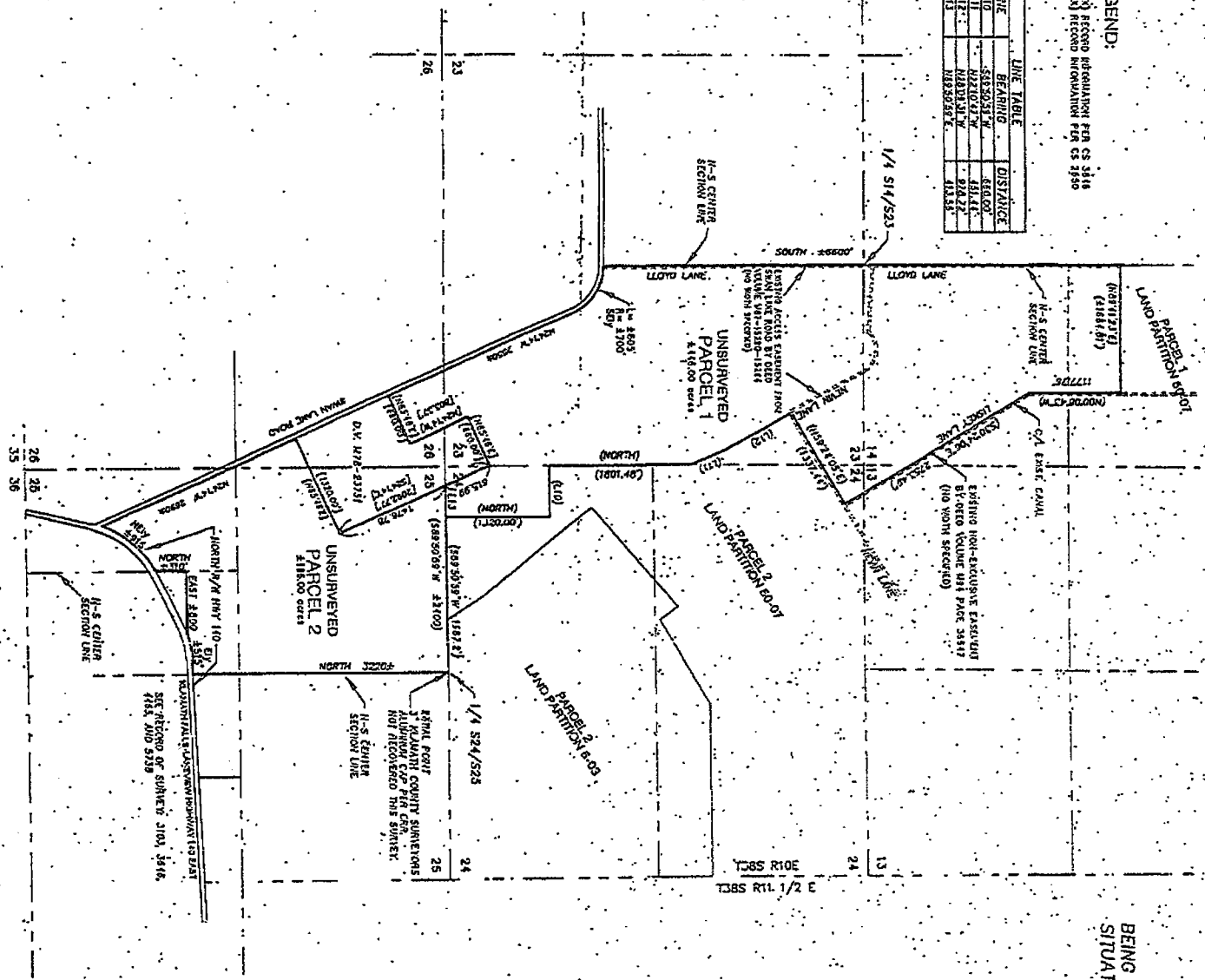
R-C
ENGINEERS
GROUP
ENGINEERING • SURVEYING • PLANNING
430 WALNUT AVE. - P.O. BOX 909
KIANATH FALLS, OREGON 97601

Phone: (541) 851-9405 Fax: (541) 773-9203 admin@pc-ftp.com

2008-001392

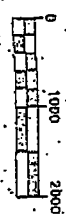
LEGEND:
 (XXXX) REFERENCE TO CS 3516
 (XXXX) RECORD INFORMATION FOR CS 3516

| LINE | BEARING | DISTANCE |
|------|-------------|----------|
| 110 | S85°50'31"W | 410.00' |
| 111 | N22°10'41"W | 431.41' |
| 112 | N42°03'31"W | 928.22' |
| 113 | N83°50'51"E | 413.58' |



UNSURVEYED
LAND PARTITION 62-07
 BEING A RE-PLAT OF PARCEL 2 OF "MINOR LAND PARTITION 81-144"
 SITUATED IN THE FOLLOWING SECTIONS: SW1/4 13, E1/2 14, E1/2 23,
 W1/2 24, W1/2 25, AND NE1/4 26, T38S, R10E W.M.,
 KIAMATH COUNTY, OREGON

SCALE 1" = 1000'



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

KEITH H. RHINE
 12-31-98

IR-C RHINE-CROSS GROUP, LLC
 ENGINEERING, SURVEYING, PLANNING
 430 WALNUT AVE., P.O. BOX 909
 KIAMATH FALLS, OREGON 97601

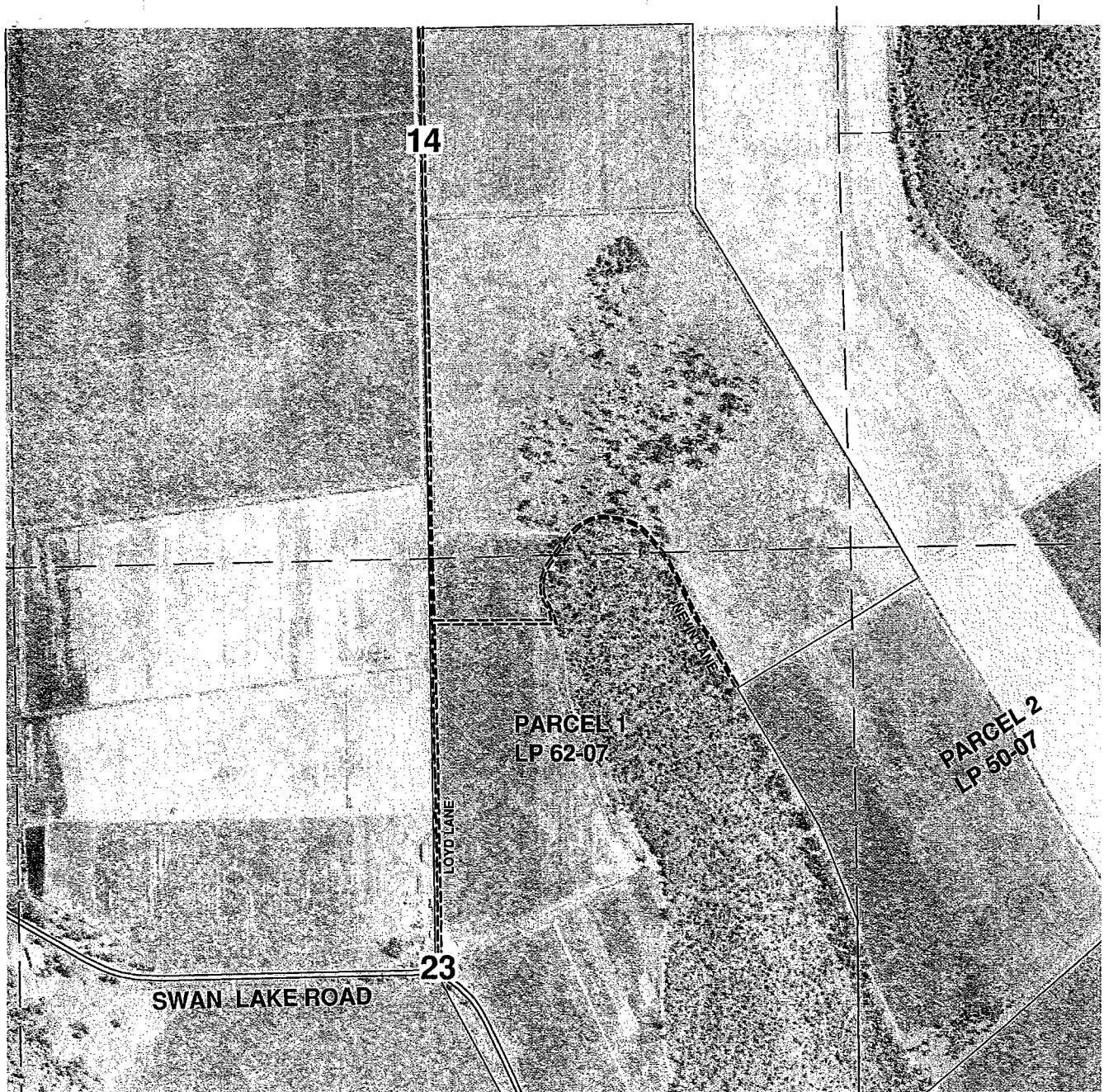
SURVEY FOR: **PETER NEVIN**
 17017 HWY 140 E
 DANF, OR 97625

DATE: **JANUARY 2008** PROJECT NO. **797**

SHEET 2 OF 2

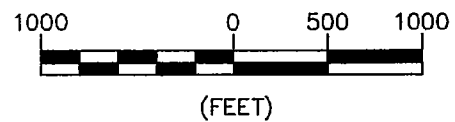
2008-01392

EXHIBIT A
 22



LEGEND

| | |
|--|-------------------|
| | EXISTING ROAD |
| | PROPOSED EASEMENT |
| | SECTION LINES |
| | PARCEL LINES |



ADKINS
CONSULTING
ENGINEERING, LLP

Engineers ▲ Planners ▲ Surveyors

2950 Shasta Way · Klamath Falls, Oregon 97603 · (541) 884-4666 · FAX (541) 884-5335
Oregon · California

4/2/2014

1614-02

EXHIBIT 'B'
ACCESS EASEMENT #3
NEVIN TO VENABLE AND BIAGGI



Google earth

© 2014 Google

Exhibit
B
Easement
#3



Google earth