

AFTER RECORDING RETURN TO:

Parks & Ratliff, P.C.  
620 Main Street  
Klamath Falls OR 97601



00174984201500094390050054

08/25/2015 11:34:26 AM

Fee: \$62.00

FIRST PARTY'S NAME AND ADDRESS:

Jeanette Spillane, Personal Representative of  
the Estate of Maurice Spillane  
8080 Matney Way  
Klamath Falls, OR 97603

SECOND PARTY'S NAME AND ADDRESS:

Cathy Spillane	Mickey Spillane
c/o Michael Rudd	1921 N. Harmony
411 Pine Street	Green Acres, WA 99016
Klamath Falls, OR 97601	

Charles "Chris" Johnston  
c/o Clay Stephens  
254 E. Fourth Ave.  
Eugene OR, 97401

SEND TAX STATEMENTS TO:

Charles "Chris" Johnston  
c/o Clay Stephens  
254 E. Fourth Ave.  
Eugene OR, 97401

**PERSONAL REPRESENTATIVE'S DEED**

THIS INDENTURE Made this 25 day of August, 2015, by and between **JEANETTE SPILLANE**, the duly appointed, qualified and acting personal representative of the estate of **MAURICE SPILLANE**, deceased, hereinafter called the first party, and **CATHY SPILLANE, MICKEY SPILLANE and CHARLES "CHRIS" JOHNSTON**, a **Tenants in Common**, hereinafter called the second party; **WITNESSETH:**

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration; i.e., in accordance with an Order Approving Second and Final Account and General Judgment of Final Distribution, Discharging Personal Representative and Closing Estate entered in the Circuit Court of the State of Oregon, for Klamath County, in the Matter of the Estate of Maurice Spillane, aka Maurice Delane Spillane, aka Maurice D. Spillane, Jr., being prosecuted as Case No. 1303198CV, and signed the 6th day of August, 2015.

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and the second party's heirs, successors-in-interest and assigns all the estate, right and interest of the deceased at the time of decedent's death, and all the right, title and interest that the estate of the deceased by operation of law or otherwise may have thereafter acquired in that certain real property situated in the County of Klamath, State of Oregon, described as follows, to-wit:

A parcel of land situated in the E1/2 of the NW1/4 of Section 19, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at a point on the West boundary of the E1/2 of the NW1/4 of said Section 19 and on the South right of way line of Matney Road; thence Easterly along said South right of way line, 445.00 feet to the true point of beginning of this description; thence Southerly parallel with said West boundary of the E1/2 of the NW1/4, 590.00 feet; thence Easterly parallel with the South right of way line of said Matney Road, 340.00 feet; thence Northerly parallel with said West boundary of the E1/2 of the NW1/4, 340.00 feet; thence Easterly parallel with the South right of way line of said Matney Road, 215.00 feet, more or less to a point on the West right of way line of the Klamath Irrigation District "C" Canal; thence North and Northwesterly along said West right of way line, 250.00 feet to a point on the South right of way line of said Matney Road; thence Westerly along said South right of way line, 555.00 feet to the true point of beginning of this description.

Prop ID: R738483  
Map Tax Lot: R-4010-01900-00400-000

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SUBJECT TO the following reservation of an easement:

First party is the owner of that certain property located in the County of Klamath, State of Oregon, more particularly described as follows, to-wit:

**Parcel 1:** A portion of the East one-half of Northwest Quarter, Section 19, Township 40, R10E, consisting of approximately 63 acres, also described as R-4010-01900-00600-000, and

**Parcel 2:** The Northwest Quarter of the Southeast Quarter and a portion of the West one-half of Northeast Quarter which lies south of centerline of US Reclamation "C" Canal in Section 19, Township 40S, Range 10, East of the Willamette Meridian, also referred to as Route 1, Box 624A, Matney Road, and further also referred to as R-4010-01900-01001-000 consisting of approximately 30.79 acres

(hereinafter "Tax Lots 600 and 1001," respectively), access to which is by means of a fenced driveway currently in place and historically used for driveway purposes which runs over and across the northeastern portion of the property conveyed hereby and described above.

First party expressly reserves to herself, her heirs, executors, administrator, personal representatives, successor and assigns, a perpetual right and exclusive easement for ingress and egress purposes over and across the property conveyed hereby and hereinabove described by means of the lane and road now established, bounded by a fenceline currently in place and existing on the west and the "C" canal on the East, over and across the hereinabove described property, for the purpose of creating ingress and egress to Tax Lots 600 and 1001; said lane and road beginning at its intersections with Matney Way and running in a southerly direction, approximately 250 feet in lengths and 50 feet in width, over and across the northeastern portion of the property conveyed hereby and described as hereinabove set forth to the north boundary of Tax Lot 600.

Maintenance and upkeep of the easement reserved hereby shall be the sole responsibility of the first party. First party further indemnifies second party from any and all liability, loss or damage second party may suffer as a result of claims, demands, costs, or judgments against second party arising out of first party's exclusive use of the easement reserved hereby.

This easement shall run with the lands described herein and shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successor and assign of the respective parties.

The area to be encumbered by this easement is outlined by cross-hatching on the map attached hereto as Exhibit "A".

ALSO SUBJECT TO that certain Deed of Trust dated October 11, 2005, and recorded October 21, 2005, as Instrument No. M05-67132 of the Official Records of Klamath County, in favor of Suntrust Mortgage, Inc., beneficiary.

FURTHERMORE, the property conveyed hereby shall benefit from an easement in its favor allowing the exclusive use of the southern portion of the outbuilding currently constructed and situated on the southeast corner of this property, to remain and encroach upon the Northwesterly portion of Tax Lot 600, described above, as well as the exclusive right to the use of the northernmost 4 feet of the Northwesterly portion of Tax Lot 600 up to the Westerly fenced boundary of existing roadway, subject to the easement reserved above.

First party desires to grant to the vested fee holders of Tax Lot 400 as hereinabove described an easement over and across Tax Lot 600 hereinabove describe for the purposes of providing for said encroachment and use.

For the consideration hereinafter set forth, first party does hereby grant to the fee holders of Tax Lot 400 described herein a perpetual right and exclusive easement over and across that portion of Tax Lot 600 hereinabove-described as is contained within the fence line currently in place on Parcel 1 which encompasses the outbuilding constructed on Tax Lot 400 as hereinabove described, which encroaches upon Tax Lot 600 hereinabove described approximately in an area approximately 4 feet by 29 feet, as well

as the northernmost portion of the Northwestern portion of Tax Lot 600, as defined by the fenceline running in an east-west direction in existence at the time of this conveyance, up to the fenceline, running north-south along the western boundary of the driveway subject to the easement described above. The portion of Tax Lot 600 to be encumbered by this easement is approximately 4 feet in width (north to south) and approximately 215 feet in length, including that portion of the encroaching outbuilding (east to west). The area is roughly rectangular. Nevertheless, the easement granted by first party shall in no way be exercised in a manner that interferes with the easement for ingress and egress to Tax Lots 600 and 1001, described above. Furthermore, the easement granted by first party shall in no way be exercised or interpreted to interfere with, or prevent use by First party of any other outbuilding located on Tax Lot 600. In no instance shall first party be required to move, modify, or alter any existing outbuildings as a result of this easement.

Maintenance and upkeep of the easement area granted hereby shall be the sole responsibility of the vested fee holders of Tax Lot 400 as hereinabove described. First party shall be indemnified from any and all liability, loss or damage first party may suffer as a result of claims, demands, costs, or judgments against second party arising out of the exclusive use of the easement created hereby.

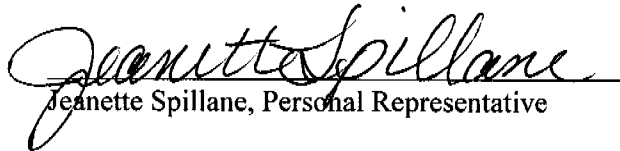
This easement shall run with the lands described herein and shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties.

The area to be encumbered by this easement is outlined by cross-hatching on the map attached hereto as Exhibit "B".

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

IN WITNESS WHEREOF, the first party has executed this instrument; if the first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.


**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRY ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTION 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**

  
Jeanette Spillane, Personal Representative

STATE OF OREGON; County of Klamath ) ss.

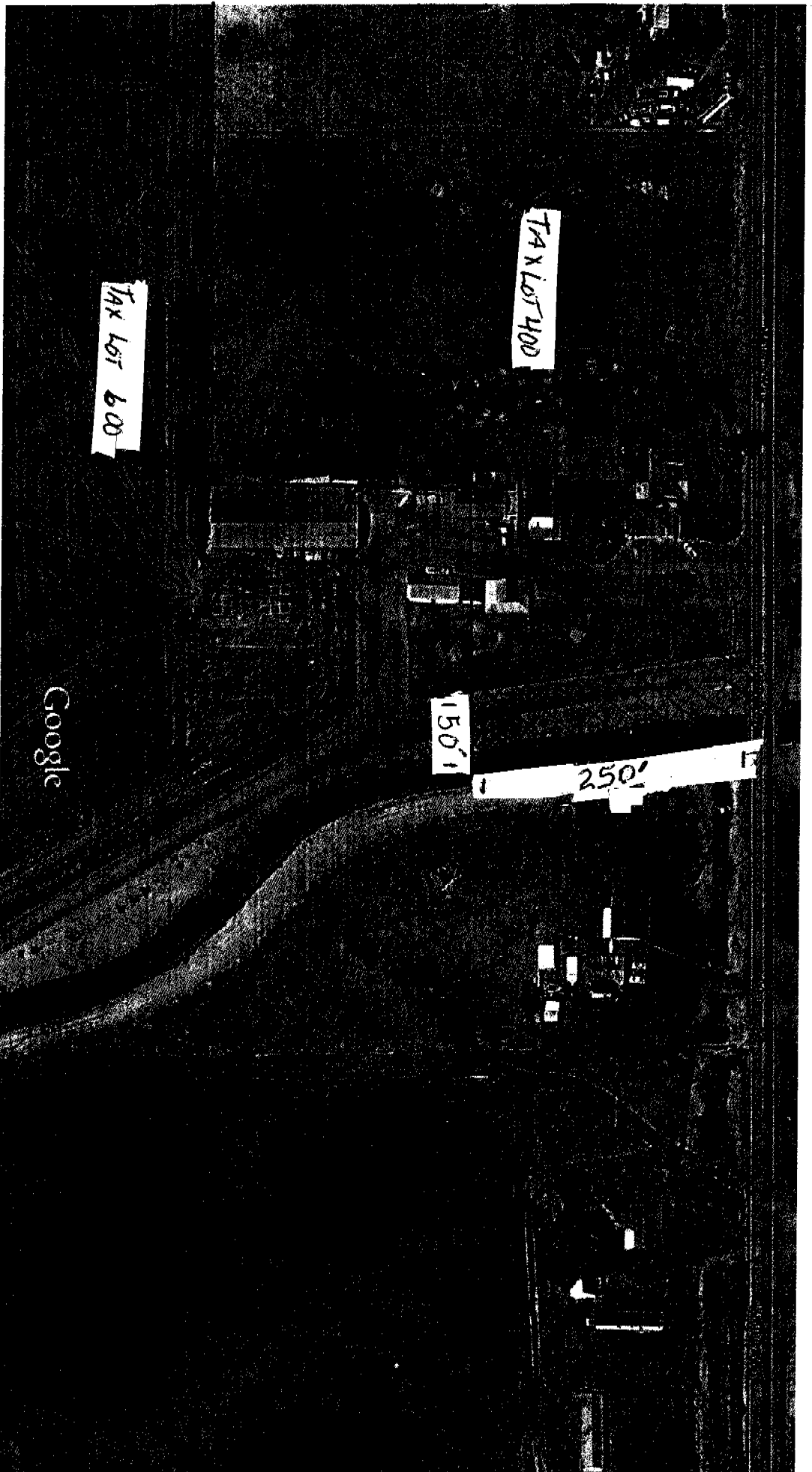
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 25 day of August, 2015, by Jeanette Spillane as the Personal Representative of the Estate of Maurice Spillane, aka Maurice Delane Spillane, aka Maurice D. Spillane, Jr.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 9-24-18



Google Google Maps



Imagery ©2015 Google, Map data ©2015 Google 50 ft

EXHIBIT "A"



Imagery ©2015 Google, Map data ©2015 Google 50 ft

EXHIBIT "B"