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1396-11691

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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.

DECLARATION AND AGREEMENT
FOR ROADWAY EASEMENT

2015-009515

Klamath County, Oregon

08/26/2015 12:27:12 PM

Fee: \$62.00

After recording return to:

AmeriTitle
attn: Rose

This declaration and agreement for roadway easement is made this 26 day of August, 2015, by and between John Fugatt and Barbara Fugatt and Glen R. Crouch & Sharline J. Crouch, Trustees of the Glen R. Crouch and Sharline J. Crouch Joint Revocable Trust, as tenants by the entirety as to an undivided $\frac{1}{2}$ interest and Henry J. Caldwell and Deborah L. Caldwell, Trustees of the Caldwell Family Trust UDA January 5, 1996 and their Successors in Trust, as to an undivided $\frac{1}{2}$ interest.

RECITALS

A. WHEREAS, John Fugatt and Barbara Fugatt, are the fee simple owners of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 5, T36S, R10EWM, together with the following described property:

A tract of land situated in the NE $\frac{1}{4}$ of Section 8, T36S, R10EWM, Klamath County Oregon, being more particularly described as follows:

Beginning at the E $\frac{1}{16}$ corner common to Sections 5 and 8; thence S 88 degrees 40' 59" E, along the North line of said Section 8, 507.19 feet; thence, leaving said North line, South 44.41 feet; thence West 86.42 feet; thence S 00 degrees 35' W 178.42 feet; thence S 01 degrees 58' 01" E 451.52 feet to a point on the Northerly line of Skeen Ranch Road; thence, along the said Northerly line the following courses, on the arc of a curve to the left (radius point bears S 46 degrees 47' 35" 15" W 217.51 feet and central angle equals 24 degrees 43' 59") 93.89 feet, N 67 degrees 56' 24" W 19.33 feet, on the arc of a curve to the right (radius equals 320.00 feet and central angle equals 30 degrees 34' 41") 170.78 feet, N 37 degrees 21' 43" W 59.21 feet, on the arc of a curve to the left (radius equals 430.00 feet and central angle equals 16 degrees 59' 06") 127.47 feet, N 54 degrees 20' 49" W 291.91 feet, on the arc of a curve to the left (radius equals 280 feet and central angle equals 41 degrees 52' 14") 204.62 feet, S 83 degrees 46' 57" W 138.72 feet, on the arc of a curve to the right (radius equals 220 feet and central angle equals 31 degrees 25' 49") 120.68 feet, N 64 degrees 47' 13" W 39.62 feet, on the arc of a curve to the left (radius equals 780 feet and central angle equals 17 degrees 50' 35") 242.91 feet, N 82 degrees 37' 49" W 102.19 feet, on the arc of a curve to the right (radius equals 370 feet and central angle equals 20 degrees 09' 17") 130.15 feet, N 62 degrees 28' 32" W 41.87 feet and on the arc of a curve to the left (radius equals 380 feet and central angle equals 15 degrees 51' 44") 105.20 feet to a point on the said North line of Section 8; thence S 88 degrees 39' 37" E 1237.04 feet to the point of beginning, containing 9.27 acres, more or less with bearings based on Record Of Survey number 3533 on file at the Office of the Klamath County, Surveyor.

B. WHEREAS, Glen R. Crouch & Sharline J. Crouch, Trustees of the Glen R. Crouch and Sharline J. Crouch Joint Revocable Trust, as tenants by the entirety as to an undivided $\frac{1}{2}$ interest and Henry J. Caldwell and Deborah L. Caldwell, Trustees of the Caldwell Family Trust UDA January 5, 1996 and their Successors in Trust, as to an undivided $\frac{1}{2}$ interest, are the fee simple owners of the following described real property in Klamath County, Oregon

Township 35 South Range 10 East of the Willamette Meridian, Klamath County, Oregon:

Section 32: The S $\frac{1}{2}$ of the SW $\frac{1}{4}$ lying East of the center thread of Sprague River, and the SE $\frac{1}{4}$ lying South of the center thread of Sprague River

Section 33: The W $\frac{1}{2}$ of the SW $\frac{1}{4}$ lying South of the center line of Sprague River, and the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying South and West of the center line of Sprague River;

EXCEPTING THEREFROM the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 33.

Township 36 South Range 10 East of the Willamette Meridian, Klamath County, Oregon:

Section 4: Lots 2 and 3 lying North and west of the center thread of Sprague River, that part of the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ and S $\frac{1}{2}$ of the NW $\frac{1}{4}$ lying North and West of the center thread of Sprague River, and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ lying North of the center thread Sprague River.

Section 5: The NE $\frac{1}{4}$; the East $\frac{1}{2}$ of the NW $\frac{1}{4}$ lying East of the center thread of Sprague River.

C. WHEREAS, Each of the above Parcels share a common roadway for ingress and egress and the parties desire by this instrument to create a roadway easement for the benefit of Glen R. Crouch & Sharline J. Crouch, Trustees of the Glen R. Crouch and Sharline J. Crouch Joint Revocable Trust, as tenants by the entirety as to an undivided $\frac{1}{2}$ interest and Henry J. Caldwell and Deborah L. Caldwell, Trustees of the Caldwell Family Trust UDA January 5, 1996 and their Successors in Trust, as to an undivided

½ interest.

NOW THEREFORE, In consideration of the rights in each of the parties to grant and receive a common roadway for ingress and egress which is hereby acknowledged by the parties, and in consideration of the terms, covenants and conditions contained herein, the Parties declare, establish, and agree upon a roadway easements for ingress and egress as follows:

1. **WIDTH OF EASEMENT:** The easement created by this agreement is thirty feet (30') along the existing roadway as described below. The existing roadway to be maintained as is. Not to be widened to thirty foot (30') easement. Easement does not include access to river.

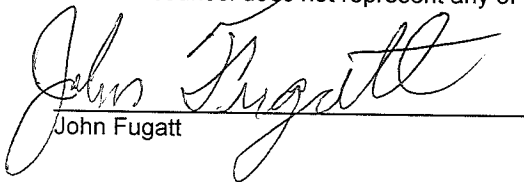
2. **LOCATION OF EASEMENT:** An access easement consisting of the existing width of the road situated in the NE 1/4 NE 1/4 of Section 8, T36S, R10EWM, Klamath County, Oregon, the centerline of which being more particularly described as follows.:

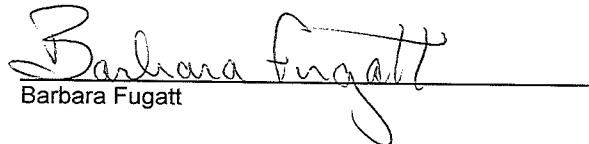
Beginning at a point on the South line of Parcel 3 of "Major Land Partition No. 80-41", From which the Southwest corner of said Parcel 3 bears 88 degrees 40' 59" W 424.66 feet; thence, leaving said South line S 28 degrees 30' 24" W, 26.16 feet; thence, S 13 degrees 20' 53" W 69.78 feet to a point on the centerline of an existing driveway, thence continuing South along said existing driveway to Skeen Ranch Road.

3. **EASEMENT RUNS WITH THE LAND:** The easement created by this instrument is permanent and perpetual in nature, shall be appurtenant to and run with the Parcels, and shall be binding upon the heirs, successors in title, and assigns of the Parties. The easements created by this instrument burden and benefit each Parcel.

4. **NON-EXCLUSIVE:** The easement created by this instrument is non-exclusive.

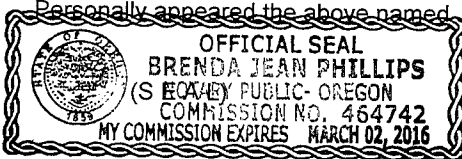
5. **REPRESENTATION:** This instrument has been drafted by the legal counsel for Glen R. Crouch & Sharline J. Crouch, as tenants by the entirety as to an undivided ½ interest and Henry J. Caldwell and Deborah L. Caldwell, Trustees of the Caldwell Family Trust UDA January 5, 1996 and their Successors in Trust, as to an undivided ½ interest, one of the parties, and said legal counsel does not represent any of the other Parties in this matter.

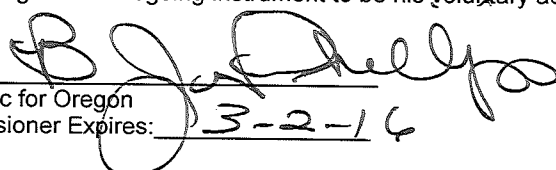

John Fugatt


Barbara Fugatt

STATE OF OREGON, County of Klamath)ss.

Personally appeared the above named John Fugatt, and acknowledged the foregoing instrument to be his voluntary act and deed.

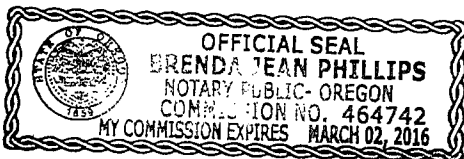


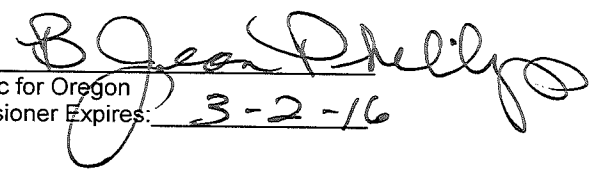
Before me: 
Notary Public for Oregon
My Commissioner Expires: 3-2-16

STATE OF OREGON, County of Klamath)ss.

Personally appeared the above named Barbara Fugatt, and acknowledged the foregoing instrument to be her voluntary act and deed.

(SEAL)



Before me: 
Notary Public for Oregon
My Commissioner Expires: 3-2-16



MAP OF SURVEY FOR PROPERTY LINE ADJUSTMENT 3-15

SITUATED IN THE NE 1/4 OF SECTION 8, T36S, R10EWM, KLAMATH COUNTY, OREGON

RECEIVING PARCEL
ACREAGE BEFORE ADJUSTMENT: 80.0 ACRES ±
ACREAGE AFTER ADJUSTMENT: 89.27 ACRES ±

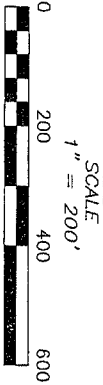
CONVEYING PARCEL
ACREAGE BEFORE ADJUSTMENT: 1688.0 ACRES ±
ACREAGE AFTER ADJUSTMENT: 1678.73 ACRES ±

REGISTERED
PROFESSIONAL
LAND SURVEYOR

John M. Heaton
OREGON
JANUARY 14, 2009
JOHN M. HEATON
72841

RENEWAL DATE: 6-30-15

FILED
IN THE OFFICE OF THE KLAMATH
COUNTY SURVEYOR THIS 5
DAY OF May 2015.



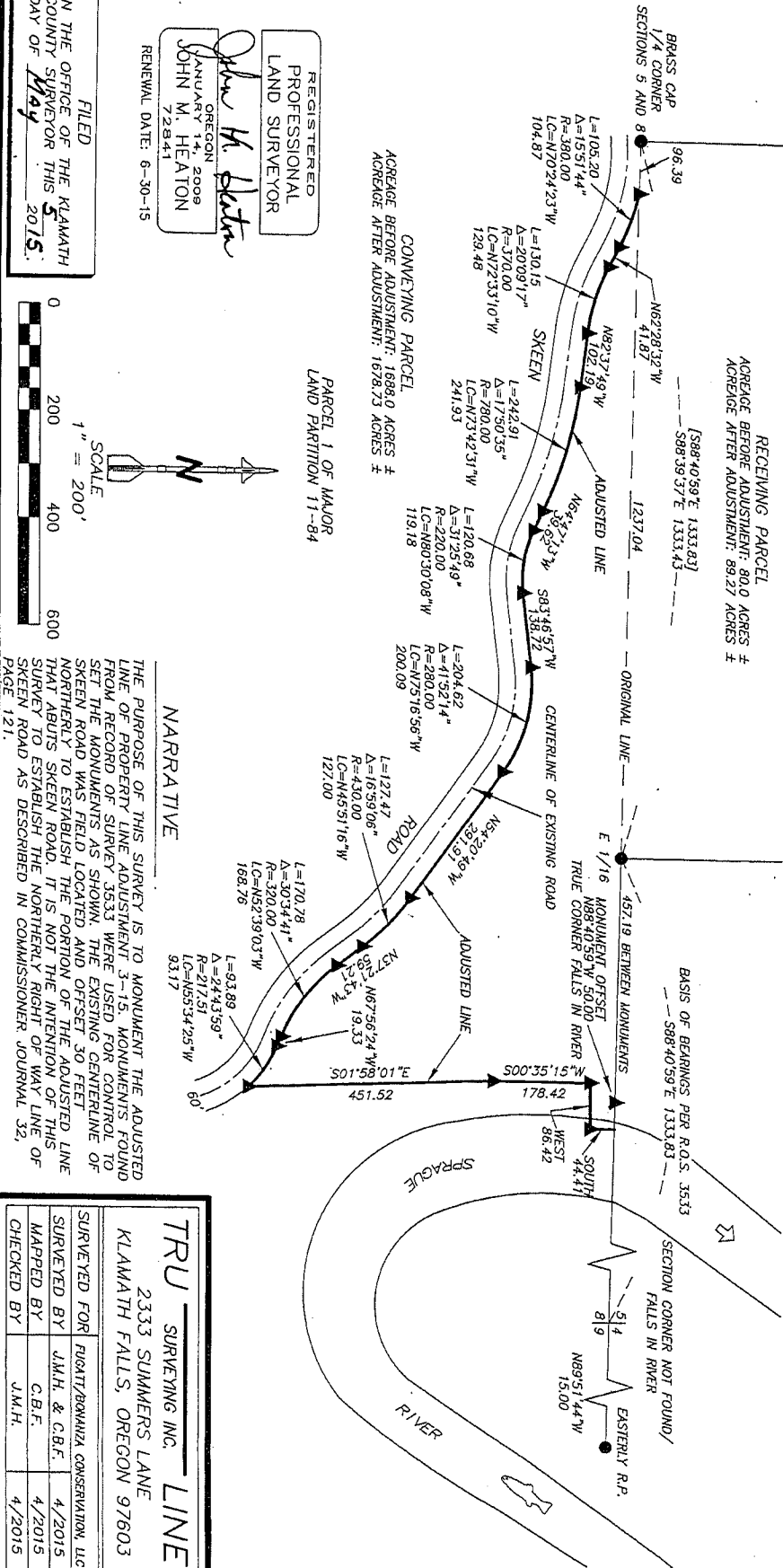
NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO MONUMENT THE ADJUSTED LINE OF PROPERTY LINE ADJUSTMENT 3-15. MONUMENTS FOUND FROM RECORD OF SURVEY 3533 WERE USED FOR CONTROL TO SET THE MONUMENTS AS SHOWN. THE EXISTING CENTERLINE OF SKEEN ROAD WAS FIELD LOCATED AND OFFSET 30 FEET NORTHERLY TO ESTABLISH THE PORTION OF THE ADJUSTED LINE THAT ADJUTS SKEEN ROAD. IT IS NOT THE INTENTION OF THIS SURVEY TO ESTABLISH THE NORTHERLY RIGHT OF WAY LINE OF SKEEN ROAD AS DESCRIBED IN COMMISSIONER JOURNAL PAGE 121.

TRU SURVEYING INC. LINE	2333 SUMMERS LANE	KLAMATH FALLS, OREGON 97603
SURVEYED FOR	FLIGHT/BOKHAYA CONSERVATION, LLC	4/2015
SURVEYED BY	J.M.H. & C.B.F.	4/2015
MAPPED BY	C.B.F.	4/2015
CHECKED BY	J.M.H.	4/2015

LEGEND

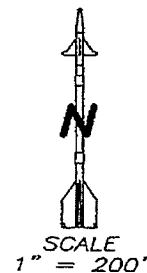
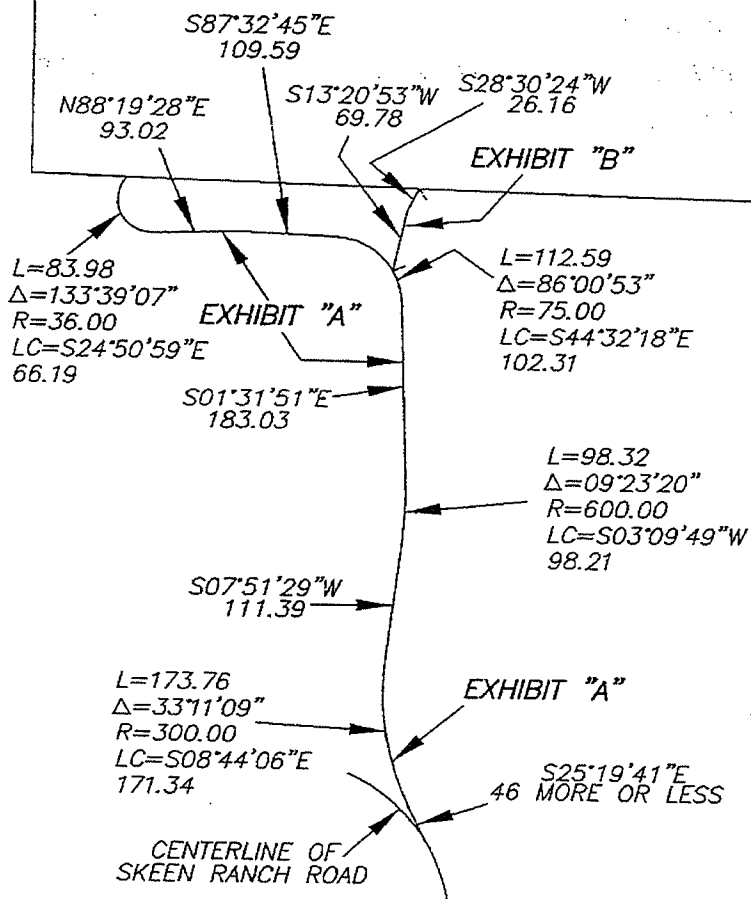
- ▲ SET 5/8" X 30" IRON PIN WITH TRU-LINE SURVEYING INC. PLASTIC CAP
- FOUND 5/8" IRON PIN PER R.O.S. 3533 UNLESS OTHERWISE NOTED
- [XXX] RECORD BEARING AND/OR DISTANCE PER R.O.S. 3533



SKETCH

TO ACCOMPANY LEGAL DESCRIPTIONS
SITUATED IN THE NE1/4 NE1/4 OF SECTION 8,
T36S, R10EWM, KLAMATH COUNTY, OREGON

PARCEL 3 OF MAJOR LAND PARTITION 80-41



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

JOHN HEATON P.L.S.

TRU SURVEYING, INC. LINE

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



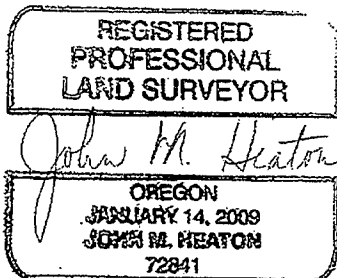
EXHIBIT "B"

November 25, 2014

LEGAL DESCRIPTION OF ACCESS EASEMENT

A 30 FOOT WIDE ACCESS EASEMENT SITUATED IN THE NE1/4 NE1/4 OF SECTION 8, T36S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF PARCEL 3 OF "MAJOR LAND PARTITION NO. 80-41", FROM WHICH THE SOUTHWEST CORNER OF SAID PARCEL 3 BEARS N88°40'59"W 424.66 FEET; THENCE, LEAVING SAID SOUTH LINE S28°30'24"W, 26.16 FEET; THENCE, S13°20'53"W 69.78 FEET TO A POINT ON THE CENTERLINE OF AN EXISTING DRIVEWAY, WITH BEARINGS BASED ON SAID "MAJOR LAND PARTITION NO. 80-41" (R.O.S. 3533) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.



John M. Heaton
JOHN M. HEATON P.L.S. 72841

RENEWAL DATE: 6/30/15