



01/26/2016 08:21:06 AM

Fee: \$82.00

### INDENTURE OF ACCESS

**THIS INDENTURE**, made and executed this 10th day of November, 2015, for no monetary consideration, by and between the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, hereinafter called "State", and **ALICE G. KILHAM, EDWARD G. KILHAM AND NANCY E. KILHAM, AS TRUSTEES OF THE EDWARD A. GEARY TRUST; DOROTHEA G. YELLOTT AND JOHN I. YELLOTT, JR., AS TRUSTEES OF THE JOHN AND DOROTHEA YELLOTT TRUST, DATED OCTOBER 2, 2003; A. WILLIAM BOEHNER AND SUSAN GEARY BOEHNER, AS TRUSTEES OF THE A. WILLIAM AND SUSAN GEARY BOEHNER FAMILY TRUST, DATED 8/16/2006; and ALICE G. KILHAM**, hereinafter called "Owners".

WHEREAS, State by Warranty Deed recorded March 14, 1952 in Book 253, Page 447, 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 known as the Lake of the Woods Highway) opposite Engineer's Station 1690+00, in a width of 25 feet (Reserved Access Rights); and

WHEREAS, Owners are the owners of that property described as Parcels 2 and 3 of Land Partition 14-14, recorded August 4, 2015, as Document No. 2015-008666, Klamath County Records, which is the property affected by the access changes herein made; and

WHEREAS, as evidenced by Easement Agreement for Access Purposes recorded March 2, 2010, as Document No. 2010-002794, Klamath County Deed Records, Owners' property has benefit of an access easement which abuts the highway at Station 1715+47.

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

WHEREAS, Owners have requested that Owners' Reserved Access Rights at Station 1690+00 be terminated, and that access rights be substituted; therefore to and from the East side of the Lake of the Woods Highway opposite Engineer's Station 1715+47, in a width of 25 feet (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request, for no monetary consideration.

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

It is understood that the access rights at Station 1690+00, East side, will continue to serve Parcel 1 of Land Partition 14-14.

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.

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.

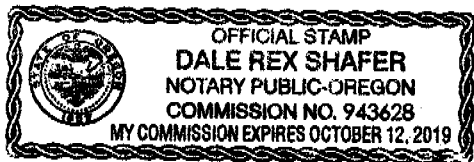
IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

**STATE OF OREGON, by and through its  
DEPARTMENT OF TRANSPORTATION**

By *Joseph A. Gray*  
Joseph A. Gray, State Right of Way Manager

STATE OF OREGON, County of Marion

Dated January 20, 2016. Personally appeared Joseph A. Gray, 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:



*Dale R Shafer*  
Notary Public for Oregon  
My Commission expires 10/12/2019

SEE ATTACHED SEPARATE SIGNATURES AND ACKNOWLEDGMENTS PAGES 4 THRU 7

SIGNATURE PAGE 4 OF 7 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED November 10, 2015

EDWARD A. GEARY TRUST

Alice G. Kilham  
Alice G. Kilham, Trustee

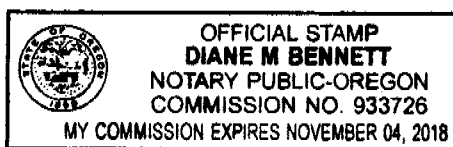
\_\_\_\_\_  
Edward G. Kilham, Trustee

Nancy E. Kilham  
Nancy E. Kilham, Trustee

STATE OF OREGON, County of Jackson

Dated November 24, 2015. Personally appeared the above named Alice G. Kilham, ~~Edward G.~~

~~Kilham~~ and Nancy E. Kilham, Trustee, and acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]  
Notary Public for Oregon  
My Commission expires Nov 4, 2018

SIGNATURE PAGE 4 OF 7 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED November 10, 2015

EDWARD A. GEARY TRUST



EDWARD G. KILHAM, TRUSTEE


I, Edward G. Kilham IN THE CITY OF Burnaby  
PROVINCE OF British Columbia MAKE OATH AND SAY THAT:

I WAS PERSONALLY PRESENT AND DID SEE EDWARD G. KILHAM, IN HIS CAPACITY  
AS TRUSTEE UNDER THE EDWARD A. GEARY TRUST DATED SEPTEMBER 26, 1974 AND  
NAMED IN THE ANNEXED INSTRUMENT, WHO IS PERSONALLY KNOWN TO ME <sup>BY PRESENTATION of</sup> ~~TO BE THE~~ <sup>IDENTIFICATION</sup>  
PERSON NAMED THEREIN DULY SIGN AND EXECUTE THE SAME FOR THE PURPOSES  
NAME THEREIN.

THE SAME WAS EXECUTED AT Burnaby IN THE  
PROVINCE OF British Columbia AND THAT I AM THE SUBSCRIBING  
WITNESS THERETO AND I BELIEVE THAT THE PERSON WHOSE SIGNATURE I WITNESSED  
IS OF THE FULL AGE OF EIGHTEEN YEARS.

SWORN BEFORE ME AT THE CITY OF

BURNABY  
THIS 9TH DAY OF DECEMBER 2015

  
A NOTARY PUBLIC / COMMISSIONER FOR

Oaths in and for the Province

Of BRITISH COLUMBIA

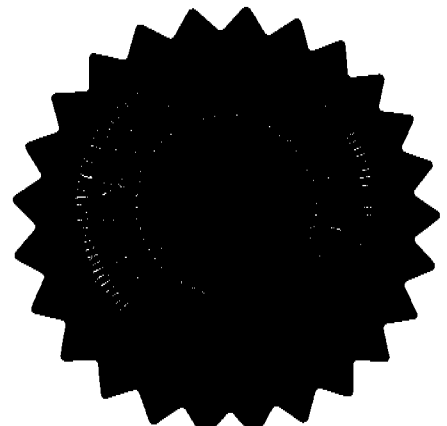
My Commission Expires my commission is permanent

Linda Leonardo  
Notary Public

252 - 4820 Kingsway  
Burnaby, BC V5H 4P1

T: 604.434.5936 F: 604.434.8599

SIGNED BEFORE ME this 9th day of  
DEC., 2015, in the City of  
Burnaby, Province of British Columbia,  
Canada. Witnessed as to execution only  
not prepared or reviewed by the Notary  
Public. No legal advice given.



SIGNATURE PAGE 5 OF 7 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED **November 10**, 2015

JOHN and DOROTHEA YELLOTT TRUST dated  
October 2, 2003

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

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

STATE OF OREGON, County of \_\_\_\_\_

Dated \_\_\_\_\_, 20\_\_\_\_. Personally appeared the above named Dorothea G. Yellott and John I. Yellott, Jr., Trustee, and acknowledged the foregoing instrument to be their voluntary act. Before me:

SEE ATTACHED CERTIFICATE  
DATE 11-24-15 NOTARY INITIALS AK

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires \_\_\_\_\_

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

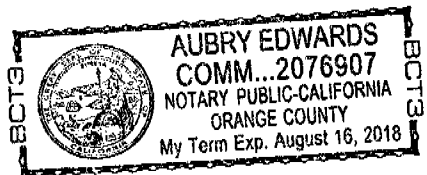
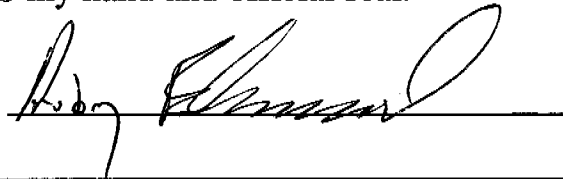
State of California  
County of Orange

On November - 24<sup>th</sup> 2015 before me, Aubry Edwards, Notary Public,  
personally appeared Dorothy G. Yellott & John I. Yellott,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that  
~~he/she~~/they executed the same in ~~his/her~~/their authorized capacity(ies), and that by  
~~his/her~~/their signature(s) on the instrument the person(s), or the entity upon behalf  
of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California  
that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



## ADDITIONAL INFORMATION (OPTIONAL)

### DESCRIPTION OF THE ATTACHED DOCUMENT

Indenture of Access  
(Title or description of attached document)

(Title or description of attached document continued)

Number of pages 7 Document Date 11-10-15

(Additional information)

### NOTARY PUBLIC CONTACT INFORMATION

The UPS Store  
668 N Coast Hwy  
Laguna Beach, CA 92651

949-494-4420 tel  
949-494-9850 fax

store0120@theupsstore.com  
www.TheUPSSStoreLocal.com/0120

SIGNATURE PAGE 6 OF 7 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED November 10, 2015

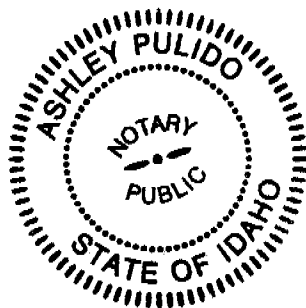
**A. WILLIAM and SUSAN GEARY BOEHNER FAMILY  
TRUST dated 8/16/2006**

A. William Bohner  
A. William Bohner, Trustee

Susan Geary Bohner  
Susan Geary Bohner, Trustee

STATE OF Idaho ~~OREGON~~, County of Ada

Dated 16<sup>th</sup>, November, 20 15. Personally appeared the above named A. William Bohner and Susan Geary Bohner, Trustees, and acknowledged the foregoing instrument to be their voluntary act. Before me:



Ashley Pulido  
Notary Public for ~~Oregon~~ Idaho  
My Commission expires 8/7/2019



SIGNATURE PAGE 7 OF 7 AS ATTACHED TO ABOVE INDENTURE OF ACCESS DATED November 10, 2015

Alice G. Kilham  
Alice G. Kilham, Individually

STATE OF OREGON, County of Jackson

Dated November 24, 20 15. Personally appeared, and signed before me by, the above named Alice  
G. Kilham, who acknowledged the foregoing instrument to be her voluntary act. Before me:



[Signature]  
Notary Public for Oregon  
My Commission expires Nov. 4, 2018