

2016-005735

Klamath County, Oregon



00187374201600057350070072

06/02/2016 09:56:35 AM

Fee: \$87.00

Returned at Counter

RECORDING REQUESTED BY:

Green Diamond Resource Company

When Recorded Mail Document:

Attention: Legal Department
Green Diamond Resource Company
1301 Fifth Avenue, Suite 2700
Seattle, WA 98101

SPACE ABOVE THIS LINE FOR RECORDER'S USE

NOTICE OF EASEMENT ANNULMENT

THIS NOTICE OF EASEMENT ANNULMENT (the "Notice") is executed this 27th day of May, 2016, by Green Diamond Resource Company, a Washington corporation, having a mailing address of 1301 Fifth Avenue, Suite 2700, Seattle, Washington 98101 ("Green Diamond").

RECITALS:

A. Green Diamond is successor to Klamath Lumber Co. as Grantor under the Deer Spring Grant of Easement and Right of Way and the Holbrook Grant of Easement and Right of way (collectively, the "Easement and Right of Way"). Each Easement and Right of Way is defined below.

B. The Deer Spring Grant of Easement and Right of way between Klamath Lumber Co. and the United States of America, Department of Interior, Bureau of Land Management ("BLM") was dated April 10, 1968 and recorded in the real property records of Klamath County, Oregon at Vol. M68 Page 3077 and covered property in the County of Klamath, State of Oregon, NW ¼ SW ¼ Section 20, T 40 S, R 15 E, Willamette Meridian.

C. The Holbrook Grant of Easement and Right of way between Klamath Lumber Co. and BLM was dated March 5, 1968 and recorded in the real property records of Klamath County, Oregon at Vol. 68 Page 2000 covered property in the County of Klamath, State of Oregon, SE ¼ SW ¼ Section 31, T 40 S, R 15 E, Willamette Meridian.

D. Both the Deer Spring Grant of Easement and Right of way and the Holbrook Grant of Easement and Right of way provide that "grantor may at any time ... upon giving the grantee 6 months written notice and upon payment to the grantee of the present reasonable value of the improvements, annul in full or in part the easement rights and privileges granted herein."

E. On or about August 17, 2015, Green Diamond provided BLM written notice of annulment of the Deer Spring Grant of Easement and Right of way and the Holbrook Grant of Easement and Right of way.

F. In a letter dated January 27, 2016, the BLM confirmed to Green Diamond that the "present reasonable value of the improvements" associated with the Deer Spring Grant of Easement and Right of way and the Holbrook Grant of Easement and Right of way was \$1,300.00, each.

G. On or about May 9, 2016, Green Diamond paid to BLM consideration in the amount of \$2,600.00.

H. BLM confirmed receipt of payment of \$2,600.00 and the resultant annulment of each Easement and Right of Way via that certain letter from BLM dated May 18, 2016, reference Nos. 2920/4100 (ORL040) (the "Annulment") and attached hereto as **Exhibit A** to this Notice.

I. Green Diamond desires to execute this Notice, which is to be recorded in the real property records of Klamath County, Oregon, in order that third parties may have notice of the Annulment.

NOTICE:

NOW THEREFORE, in accordance with the covenants in each Easement and Right of Way, Green Diamond executes and provides notice that the Deer Spring Grant of Easement and Right of way and the Holbrook Grant of Easement and Right of way are permanently null and void and are of no force and effect whatsoever.

IN WITNESS WHEREOF, Green Diamond caused this Notice to be executed by their respective duly authorized representatives as of the date first above written.

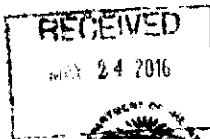
THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

[SIGNATURE ON FOLLOWING PAGE]

EXHIBIT A

The Annulment

Unofficial
Copy



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Klamath Falls Resource Area
2795 Anderson Avenue, Building 25
Klamath Falls, Oregon 97603-7891
Phone: (541) 883-6916 Fax: (541) 884-2097

May 18, 2016

IN REPLY REFER TO:
2920/4100 (ORL040)

Galen Schuler
Green Diamond Resource Company
Corporate Headquarters
1301 Fifth Ave. Suite 2700
Seattle, WA 98101

Dear Mr. Schuler:

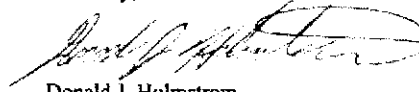
This letter is in regards to the annulment of the Grant of Easement for both Deer and Holbrook Springs (OR56909, OR56916). On August 18, 2015, Green Diamond Resource Company (GRDC) provided the Bureau of Land Management (BLM) notice that they would be annulling the Deer and Holbrook Springs Easements and requested the BLM determine the "present reasonable value of the improvements." The BLM determined that the present value to replace each spring with new stock tanks and piping was \$1,300 per spring. This figure was agreed upon by both parties during phone calls and subsequent email correspondence last year.

The BLM and the grazing permittee for the Bear Valley allotment use rights terminated on May 9, 2016 upon receipt of the agreed upon present and reasonable value of the spring improvements (\$ 2,600). A copy of the receipt for payment is enclosed.

BLM will note our files in regards to the annulment of Grant of Easement for both Deer and Holbrook Springs, OROR 56916 and OROR 56909. The BLM has no obligation in regards to recording the annulment of these easements with the county. No other forms or documents will be signed by the BLM.

If you have any questions regarding these annulments, please contact me at 541-885-4101.

Sincerely,



Donald J. Holmstrom
Field Manager

Enclosure

Cc: Andy Elsbree, Green Diamond

Unofficial
Copy

United States Department of the Interior
Bureau of Land Management
 KLAMATH FALLS RSRC AREA
 2795 ANDERSON AVE. BLDG #25
 KLAMATH FALLS, OR 97603
 Phone: (541) 883-6916

Receipt

No: 3556061

| | |
|--|--|
| Transaction #: 3658702 | |
| Date of Transaction: 05/09/2016 | |
| CUSTOMER: | |
| GREEN DIAMOND RESOURCE COMPANY 6400 HIGHWAY 66 LON CASEBEER KLAMATH FALLS, OR 97601-9537 US | |

| LINE # | QTY | DESCRIPTION | REMARKS | UNIT PRICE | TOTAL |
|---------------|------|--|--|------------|-------------------|
| 1 | 1.00 | SUSPENSE, MISCELLANEOUS / SUSPENSE, MISCELLANEOUS / TEMPORARY HOLD (1 WEEK ONLY) | DEER AND HOLBROOK SPRINGS EASEMENT RESCIND. WITH REIMBURSEMENT OF IMPROVEMENTS | 2600.00 | 2600.00 |
| TOTAL: | | | | | \$2,600.00 |

| PAYMENT INFORMATION | | | |
|---------------------|-----------|---|----------------------|
| 1 | AMOUNT: | 2600.00 | POSTMARKED: N/A |
| | TYPE: | CHECK | RECEIVED: 05/09/2016 |
| | CHECK NO: | 020184 | |
| | NAME: | GREEN DIAMOND RESOURCE COMPANY 6400 HIGHWAY 66 LON CASEBEER KLAMATH FALLS OR 97601-9537 US | |

| REMARKS |
|---------|
| |

This receipt was generated by the automated BLM Collections and Billing System and is a paper representation of a portion of the official electronic record contained therein.