

2016-010193

Klamath County, Oregon

09/26/2016 03:45:01 PM

Fee: \$47.00

**CORRECTION OF EASEMENT AGREEMENT
FOR DRAIN-FIELD ENCROACHMENT**

After recording return to: Dale Dubia
1429 N. Campus, Ontario, CA 91764

This declaration for correction of an Easement Agreement for Drain-Field Encroachment is made this 26th day of August, 2016, by and between Dale Dubia, Klamath County AND State of Oregon, DEQ, to correct the Easement Agreement entered into on September 15, 2003 by and between Daniel Lee Horton as the common owner of the the property, recorded on September 16, 2003 in the Deed Records of Klamath County at Volume M-03 at Page 68818.

RECITALS

A. WHEREAS, Daniel Lee Horton, Grantor was the owner of the following two lots of real property located in Klamath County, Oregon and legally described as:

Lot I: Klamath County, Block 8, Lot 3, Map/Tax/Lot R-3509-023DO-03700-000, ID R254206.

Lot II: Klamath County, Block 8, Lot 2, Map/Tax/Lot R-3509-023DO-03600-000, ID R254209.

B. WHEREAS, In that original Easement Agreement, the Easement provided that:

"NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State (GRANTEE"), It's successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect. Including by excavation, the on site sewage disposal system on Lot I serving Lot II.

C. WHEREAS, The Easement was originally granted because the drain-fields connected to the sewage disposal system on Lot I violated the Ten Foot set-back provisions and encroached onto Lot II, and it was never intended that the sewage disposal system on Lot I serve Lot II.

D. WHEREAS, The owners of Lots I and Lot II want to correct the assumption that the original easement created a right in Lot II to share a common sewage disposal system with Lot I, and that Lot I served Lot II.

NOW THEREFORE, the Easement Agreement is amended to read as follows:

in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State (GRANTEE"), It's successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect. Including by excavation, the on site sewage disposal system on Lot I serving Lot I, and violating the set back upon Lot II..

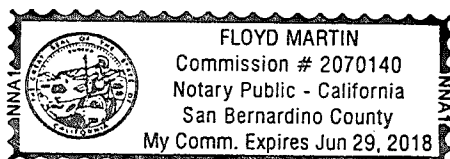
Dale Dubia
Dale Dubia, Lot I

STATE OF California, County of San Bernadino)ss.

Subscribed and sworn before me on this 26th day of AUGUST, 2016, Dale Dubia, proved to me on the basis of satisfactory evidence to be the person who appeared before me..

(SEAL)

Before me: FLOYD MARTIN
Notary Public for California
My Commissioner Expires: 6-29-2018



Kelley Minty Morris
Klamath County, Lot II

STATE OF OREGON, County of Klamath)ss.

Personally appeared the above named Kelley Minty Morris, Representative of Klamath County and acknowledged the foregoing instrument to be his/her voluntary act and deed.



Before me: Sandra C Cox
Notary Public for Oregon
My Commissioner Expires: 10/31/16

Debbie Lawhorn
~~State of Oregon, DEQ~~
Klamath County ONSITE MANAGER

STATE OF OREGON, County of Klamath)ss.

Personally appeared the above named Debbie Lawhorn, Representative of Klamath County ONSITE Manager and ~~State of Oregon, DEQ~~, acknowledged the foregoing instrument to be his/her voluntary act and deed.

(S E A L)



Before me: Kelly Ruiz
Notary Public for Oregon
My Commissioner Expires: March 06, 2020