

2017-013805

Klamath County, Oregon



00214155201700138050070079

12/01/2017 03:11:09 PM

Fee: \$72.00

Returned at Counter

AFTER RECORDING, RETURN TO:

Blain Law, LLC
1151 Pine Street
Klamath Falls OR 97601

APPOINTMENT OF SUCCESSOR TRUSTEE

The undersigned, **Rebecca Short**, being the sole beneficiary under that certain Trust Deed dated December 18, 2002, delivered originally by **Don W. Douglas, Sr. and Linda R. Douglas**, as Grantors, to **First American Title**, as Trustee, for the benefit of **Ron Short and Rebecca Short**, as beneficiaries, and recorded on January 14, 2003 in Volume M03 at Page 2635 of the Mortgage Records of the Clerk of Klamath County, Oregon, conveying real property situated in said county described on Exhibit "A" attached hereto and incorporated herein by this reference.

Hereby substitutes **AFTS Contract Servicing**, in place of First American Title, as Successor Trustee under the Trust Deed described above. The Successor Trustee appointed herein qualifies as a Trustee of the Trust Deed in the Trustee's capacity as an escrow agent, as required by ORS 86.713.

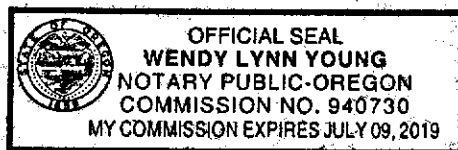
In construing this instrument and whenever its context so requires, the singular includes the plural.

Dated this 30th day of November 2017.

Rebecca Short
Rebecca Short, Beneficiary

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me this 30 day of November 2017, by Rebecca Short.



Wendy Lynn Young
Notary Public for Oregon
My Commission Expires: 7.9.19

02637

Parcel 2:

Beginning at the Section corner common to Sections 19 and 30, Township 39 South, Range 10 E.W.M. and Sections 24 and 25, Township 39 South, Range 9 E.W.M. and running thence North 89°39' East along the Section line between the said Sections 19 and 30 a distance of 600 feet to the true point of beginning; thence continuing North 89°39' East along said section line a distance of 1916.5 feet, more or less, to a point in the line marking the Westerly boundary of the right of way for the "C" Canal of the U.S. Bureau of Reclamation Klamath Project; thence South 14°18' West along said boundary line of "C" Canal right of way 1331.5 feet; thence South 89°39' West parallel with said section line between Sections 19 and 30 a distance of 1590.6 feet, more or less, to a point which is 600 feet distant from the West line of said Section 30; thence North 0°08' East parallel with and 600 feet distant at right angles Easterly from said section line a distance of 1288.2 feet, more or less, to the point of beginning.

Together with an easement over and across the Northerly 30 feet of that portion of the NW ¼ NW ¼ of said Section 30 adjoining the above described parcel on the Westerly side thereof for road and public utility purposes.

Also, together with the right and privilege of conveying irrigation water to the above described tract along certain ditches now located and constructed over and across the E ½ NW ¼ of said Section 30.

02638

Exhibit "A"
REAL PROPERTY DESCRIPTION WITH
EASEMENT AGREEMENT

RECITALS: Reference is made to the following legal description. This document sets forth the real property secured by the trust deed between the parties, which includes Parcel 2 and an easement across Parcel 1. It is our understanding that such descriptions correspond with Klamath County Land Partition 79-14. This document also sets forth the terms of the easement.

LEGAL DESCRIPTION OF PARCEL 1 AND PARCEL 2:

Parcel 1:

The South half of the Southwest quarter of Section 19, Township 39 South, Range 10 E. W. M., excepting so much thereof as was conveyed to the United States by H.S. Newton and wife, by deed recorded in Book 23 on page 579, Deed records of Klamath County, Oregon.

Parcel 2:

Beginning at the Section corner common to Sections 19 and 30, Township 39 South, Range 10 E.W.M. and Sections 24 and 25, Township 39 South, Range 9 E. W. M. and running thence North 89°39' East along the Section line between the said Sections 19 and 30 a distance of 600 feet to the true point of beginning; thence continuing North 89°39' East along said section line a distance of 1916.5 feet, more or less, to a point in the line marking the Westerly boundary of the right of way for the "C" Canal of the U. S. bureau of Reclamation Klamath Project; thence south 14°18' West along said boundary line of "C" Canal right of way 1331.5 feet; thence South 89°39' West parallel with said section line between Sections 19 and 30 a distance of 1590.6 feet, more or less, to a point which is 600 feet distant from the West line of said Section 30; thence North 0°08' East parallel with and 600 feet distant at right angles Easterly from said section line a distance of 1288.2 feet, more or less, to the point of beginning.

Together with an easement over and across the Northerly 30 feet of that portion of the NW 1/4 NW 1/4 of said Section 30 adjoining the above described parcel on the Westerly side thereof for road and public utility purposes.

02639

Also, together with the right and privilege of conveying irrigation water to the above described tract along certain ditches now located and constructed over and across the E 1/2 NW 1/4 of said Section 30.

SECURITY OF TRUST DEED: This trust deed hereby grants as security according to its terms Parcel 2 described above, together with easement for water delivery running across said Parcel 1 generally from north to south as described and set forth below. The parties agree that in the event that any rights are asserted by beneficiaries or their successors or assigns under the terms of this trust deed whether, by trustees power of sale, judicial foreclosure, receiving estoppel deed, or otherwise, then the easement terms shall survive and be appurtenant to the properties and benefit Parcel 2.

LOCATION OF EASEMENT: Said easement is 15 feet in width running from the north boundary of said Parcel 1 immediately west of the building area referred to as "FARM BLDG" on Parcel 1 of Klamath County Land Partition 79-14 and running southerly adjacent to said building boundary and then continuing south to the northerly boundary of said Parcel 2. Said easement location includes the pump site at or near the northerly boundary of said Parcel 1 on the A-7-A Lateral Canal and also includes the approximate location of existing 10 inch mainline, and as generally marked on the map attached hereto as Exhibit "B."

USE: The easement shall be for water delivery, including but not limited to the installation of related facilities; location of utility service; construction and location of personal property, including pumps, pipes & ditches; structures to support and facilitate water delivery; and to maintain the same together with access to such easement and facilities located thereon.

BURDEN, BENEFIT, RUNS WITH THE LAND: The easement is for operation, maintenance and replacement of pumps and water delivery system as set forth herein. It benefits said Parcels 1 and 2, and burdens said Parcel 1. This easement shall run with the land.

02640

ARBITRATION: In the event that a dispute arises as regards the subject matter of this agreement, the parties agree to submit to arbitration where each party appoints one arbitrator. Those two arbitrators shall appoint a third. The three arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby. The costs of arbitration shall be borne equally by the parties.

ATTORNEY FEES: If suit or action is instituted to enforce any of the provisions of this Restriction, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees therein, including any appeal thereof.

BINDING ON SUCCESSORS: This agreement is binding not only on the parties hereto, but on the heirs, successors, assigns and personal representatives of the parties hereto.

WHEREFORE, THE OWNERS AND BENEFICIARIES have hereunto set their hand this 19th day of December 2002.

Beneficiaries under
trust deed (Short):

Rebecca I. Short
REBECCA I. SHORT
Ronald C. Short
RONALD C. SHORT

Fee simple owners (Douglas):

Don W. Douglas, Sr.
DON W. DOUGLAS, SR.
Linda R. Douglas
LINDA R. DOUGLAS

STATE OF OREGON }

County of Klamath }

ss.

The foregoing instrument was acknowledged before me this 19 day of Dec 2002, by REBECCA I. SHORT and RONALD C. SHORT.



[Signature]
Notary Public for Oregon
My Commission expires:


02641

STATE OF OREGON

County of Klamath

] ss.
]

The foregoing instrument was acknowledged before me this 9 day
of December 2002, by DON W. DOUGLAS, SR. and LINDA R.
DOUGLAS.

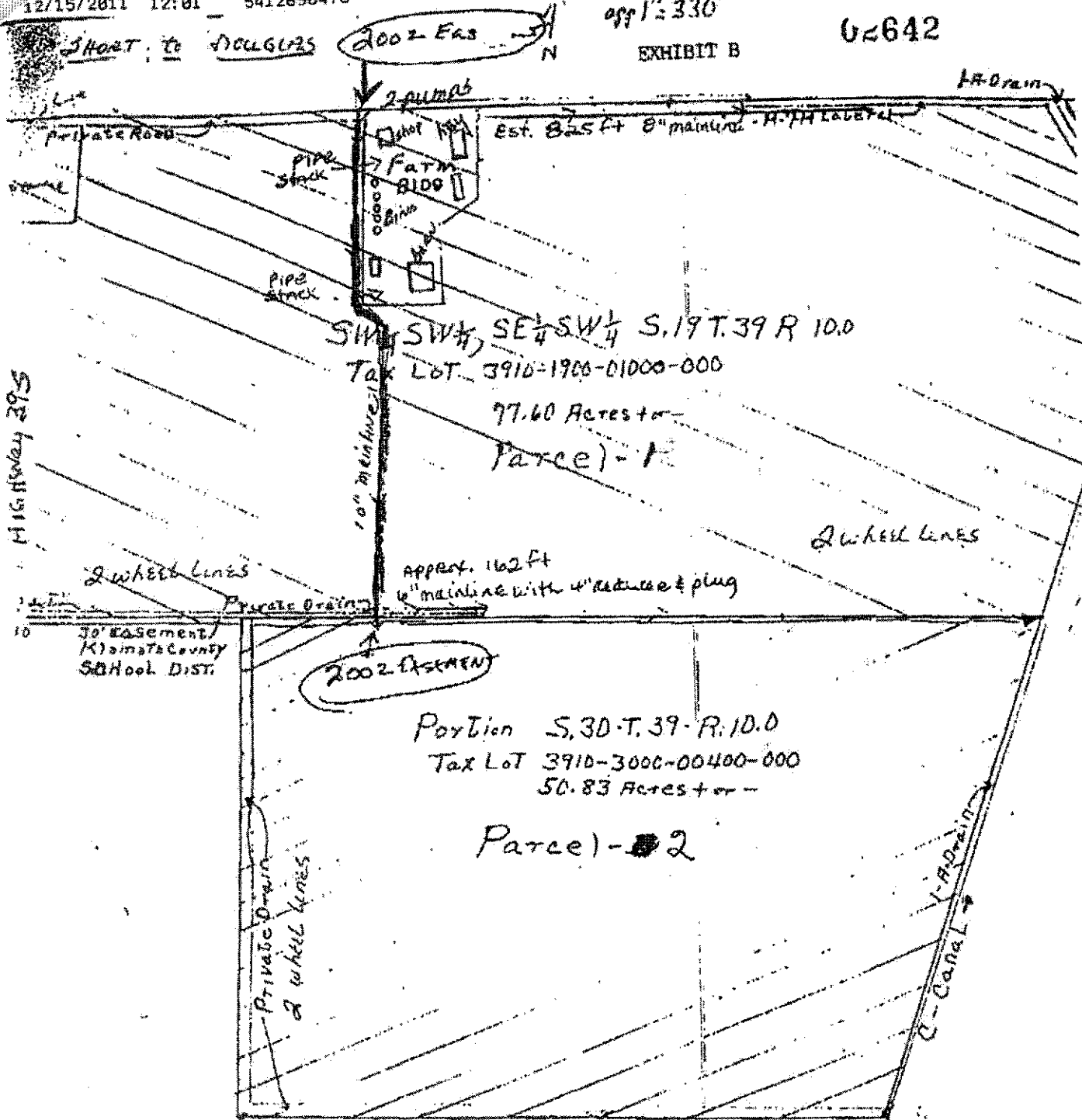

Notary Public for Oregon
My Commission expires: 8-2-03



off 12 330

EXHIBIT B

642



MINOR LAND PARTITION 79-14

APPROVED BY THE COUNTY PLANNING DIRECTOR
THIS 20 DAY OF March, 1979

APPROVED BY THE COUNTY ENGINEER
THIS 21 DAY OF March, 1979

19 March 1979
John H. Short
Thelma E. Short
7504 Short RD
Klamath Falls
Oregon
97601