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Ft. Klamath Ranch

2018-005474

Klamath County, Oregon



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Fee: \$67.00

After Recording Return To:
Michael P. Rudd
Brandsness, Brandsness & Rudd, P.C.
411 Pine Street
Klamath Falls, OR 97601

**EASEMENT EXTINGUISHMENT AND
ELIMINATION AGREEMENT**

DATE: April 5, 2018

PARTIES: Fort Klamath Ranch Enterprises, LLC, (Hereinafter "Fort Klamath")
An Oregon Limited Liability Company
P.O. Box 408
Fort Klamath, OR 97626

And

Stephen J. Traynham, Jr. and (Hereinafter "Traynham")
Jamie R. Traynham
P.O. Box 100
Maxwell, CA 95955

RECITALS:

Fort Klamath is the owner of the real property described on the attached Exhibit "A" (hereinafter the "Fort Klamath Property"). The Fort Klamath Property is the dominant estate of a perpetual non-exclusive easement (hereinafter the "Easement") recorded February 29, 1974 in Volume M-74 page 2369 of the microfilm records of Klamath County Oregon, more particularly described on the attached Exhibit "B".

Traynham is the owner of the real property described on the attached Exhibit "C" (hereinafter the "Traynham Property"). The Traynham Property is the subservient estate to the Easement.

Fort Klamath and Traynham desire to extinguish and eliminate the Easement.

WHEREAS the Parties agree as follows:

AGREEMENT:

1. Fort Klamath and Traynham desire to extinguish and eliminate the Easement and to mutually relieve the respective parcels of properties of the dominant and subservient positions of said Easement. Therefore, the Easement is hereby extinguished and eliminated in its entirety.

PARCEL 1

The SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, Section 23, Township 33 South, Range 7 $\frac{1}{2}$ East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2

All of that portion of the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 26, Township 33 South, Range 7 $\frac{1}{2}$ East of the Willamette Meridian, Klamath County, Oregon, East of Fort Creek and which lies North of the Creek known as Short Creek which Creek runs from the Northeast corner of said "40" in Southwesterly direction into Fort Creek.

PARCEL 3

A strip of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 33 South, Range 7 $\frac{1}{2}$ East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 33 South, Range 7 $\frac{1}{2}$ East of the Willamette Meridian, Klamath County, Oregon, from which point a $\frac{5}{8}$ " rebar with aluminum cap marking the SW $\frac{1}{16}$ corner of said Section 23 as set during R.O.S. No. 3749 bears North $00^{\circ} 04' 11''$ West 350.00 feet; thence South $89^{\circ} 55' 49''$ West 8.00 feet; thence South $00^{\circ} 04' 11''$ East 338.00 feet; thence North $89^{\circ} 55' 49''$ East 8.00 feet to a point on the East line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ thence along said East line North $00^{\circ} 04' 11''$ West 338.00 feet to the point of beginning.

A perpetual non-exclusive easement benefitting Parcels 1, 2 and 3 for ingress and egress to and from Oregon State Highway 62 described as follows:

A piece or parcel of land situate in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, Township 33, Range 7 $\frac{1}{2}$ East of the Willamette Meridian, Klamath County, Oregon, from which the Northwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ bears North 0° 34' West 203 feet distance; thence North 78° 25' West 6.1 feet to an iron pin reference monument in the existing North-South fence thence North 78° 25' West 6.1 feet, more or less, to an iron pin in the Easterly right-of-way fence of State Highway No. 62, as the same is presently located and constructed. As recorded in Easement recorded February 29, 1974 in Volume M74, page 2369, Microfilm Records of Klamath County, Oregon.

That portion of the SW1/4 SW1/4 of Section 23, Township 33 South, Range 7 1/2 East of the Willamette Meridian, lying East of State Highway 62; EXCEPTING therefrom a strip of land conveyed to Randy J. Sparacino, et ux, described as follows:

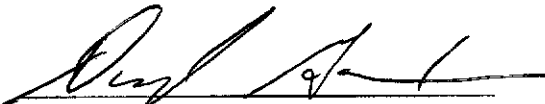
Beginning at a point on the East line of the SW1/4 SW1/4 of Section 23, Township 33 South, Range 7 1/2 East of the Willamette Meridian, from which point a 5/8" rebar with aluminum cap marking the SW1/16 corner of said Section 23 as set during R.O.S. No. 3749 bears North 00°04'11" West 350.00 feet; thence South 89°55'49" West 8.00 feet; thence South 00°04'11" East 338.00 feet; thence North 89°55'49" East 8.00 feet to a point on the East line of said SW1/4 SW1/4; thence along said East line North 00°04'11" West 338.00 feet to the point of beginning.

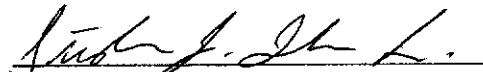
2. Fort Klamath hereby waives, releases, and extinguishes any Easement it may have as the dominant estate to the Easement.

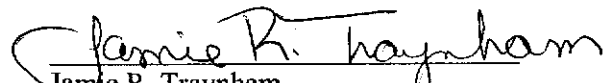
3. Traynham hereby waives, releases, and extinguishes any Easement it may have as the subservient estate to the Easement.

4. The Parties mutually agree that the Easement is heretofore of no further force and effect to the Fort Klamath and Traynham Properties.

DATED the first date written above.

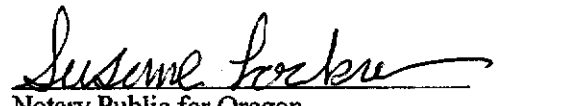

Fort Klamath Ranch Enterprizes, LLC
By: Darryl Goodson
Its: Member


Stephen J. Traynham, Jr.


Jamie R. Traynham

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 1 day of May, 2018, the above-named Darryl Goodson, who stated he is the authorized member of Fort Klamath Ranch Enterprizes, LLC and that said instrument was signed on behalf of said limited liability company and he acknowledged said instrument was its voluntary act and deed. Before me:


Notary Public for Oregon
My Commission expires: 1 July 2018



ACKNOWLEDGEMENT

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.

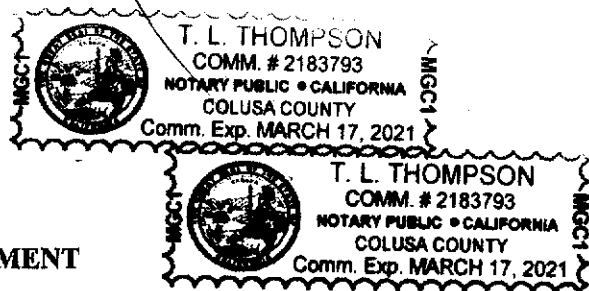
STATE OF CALIFORNIA)
) ss.
County of Colusa)

On 4/5/, 2018 before me, T. L. Thompson, Notary Public, personally appeared Stephen J. Traynham, Jr., who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument is the person or the entity upon behalf of which the person 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.


Notary Public



ACKNOWLEDGEMENT

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)
) ss.
County of Colusa)

On 4/5/, 2018 before me, T. L. Thompson, Notary Public, personally appeared Jamie R. Traynham, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument is the person or the entity upon behalf of which the person 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.


Notary Public

