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04/23/2019 10:48:38 AM

Fee: \$97.00

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 PARKS & RATLIFF, PC  
 620 Main Street  
 Klamath Falls, OR 97601

## EASEMENT AGREEMENT

This Agreement is made this 19 day of April, 2019, between McAuliffe Brothers, LLC, an Oregon Limited Liability Company ("First Party") and Joan J. McAuliffe, Trustee of the McAuliffe Revocable Living Trust ("Second Party").

### RECITALS

A. WHEREAS, First Party own the following described real property:

Parcel 3 of Land Partition 6-18 in Klamath County, Oregon ("Parcel 3").

B. WHEREAS, Second Party owns the following described real property:

Parcel 1 of Land Partition 6-18 in Klamath County, Oregon ("Parcel 1").

C. WHEREAS, the above-referenced parcels are adjacent to each other.

D. WHEREAS, Second Party desires to use two small portions of the real property owned by First Party, and First Party agrees that Second Party may use said portions of real property in perpetuity.

\* \* \* \* \*

NOW THEREFORE, in consideration of the terms and conditions set forth herein, and in consideration of \$1.00, the receipt of which is hereby acknowledged, First Party grants to Second Party certain easements which are more particularly described below:

**1. Location.** The location of the easements, in a portion of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 34, Township 40 South, Range 12 East Willamette Meridian, Klamath County, Oregon, with reference made to Land Partition 6-18, and which is set forth in the cross-hatched areas on Exhibit 1 (which itself is made from a partial copy of the final map filed for said Land Partition 6-18), and which is provided for illustration and reference purposes only and does not purport to be of scale, are legally described as follows:

Easement No. 1:

All of the land located inside and within a perimeter beginning at Point A, thence in a direct and straight line of 89.87' length to Point B, thence in a direct and

straight line of 466.72' length to Point C, thence in a direct and straight line to the point of beginning.

Easement No. 2:

All of the land located inside and within a perimeter beginning at Point C, thence in a direct and straight line of 110.16' to Point D, thence in a direct and straight line of 40.0' length south to Point E, thence in a direct and straight line to the point of beginning.

2. **Use.** Second Party may use the easements as if Second Party owned in fee the land described in the easements, with the exception that Second Party may not construct any structure on the easements for human or animal habitation or occupancy, such as a shed or building; however, Second Party may construct fences, gates, and related infrastructure within the described easement location, or along any boundary thereof.

3. **Perpetual and Exclusive.** The easements created by this Agreement benefit Parcel 1 and burden Parcel 3, are perpetual and permanent, and shall run with the land, binding the heirs, successor, and assigns. The easements created by this Agreement are exclusive.

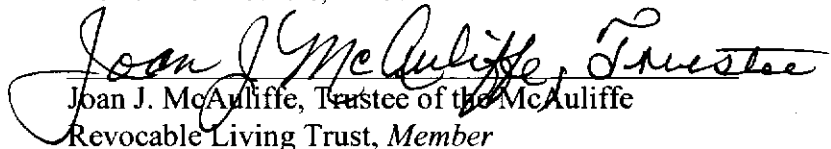
4. **Property Taxes.** First Party shall be responsible for payment of the real property taxes for the land that is within the easements.

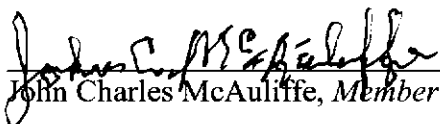
5. **Liability.** Second Party assumes all risk that derives from use of the easements, and will hold harmless and indemnify First Party against any and all claims of whatever nature of a third party that result from use of the easements.

DATED this 19 day of April, 2019.

FIRST PARTY:

McAuliffe Brothers, LLC:

  
Joan J. McAuliffe, Trustee of the McAuliffe  
Revocable Living Trust, Member

  
John Charles McAuliffe, Member

  
Priscilla Ann McAuliffe, Member

SECOND PARTY:

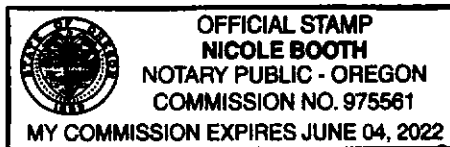
Joan J. McAuliffe, Trustee  
Joan J. McAuliffe, Trustee of the McAuliffe  
Revocable Living Trust

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

SUBSCRIBED AND ACKNOWLEDGED before me this 16<sup>th</sup> day of April,  
2019, by Joan J. McAuliffe.

Nicole Booth  
Notary Public for Oregon  
My commission expires: 6/04/2022

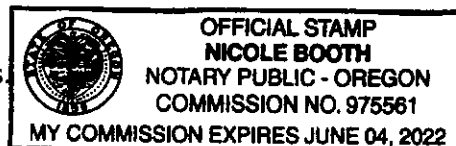
STATE OF OREGON           )  
  ) ss.  
County of Klamath        )



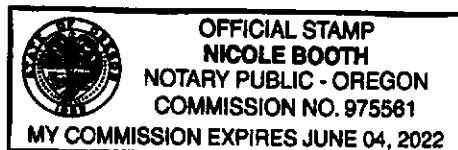
SUBSCRIBED AND ACKNOWLEDGED before me this 19<sup>th</sup> day of April,  
2019, by John Charles McAuliffe.

Nicole Booth  
Notary Public for Oregon  
My commission expires: 6/04/2022

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )



SUBSCRIBED AND ACKNOWLEDGED before me this 19<sup>th</sup> day of April,  
2019, by Priscilla Ann McAuliffe.



Nicole Booth  
Notary Public for Oregon  
My commission expires: 6/04/2022

# EXHIBIT 1

**PARCEL 2**  
AREA = 6.00 ACRES

**PARCEL 1**  
AREA = 2.85 ACRES

**PARCEL 3**

