

2020-009843

Klamath County, Oregon



0026347920200098430180181

08/10/2020 12:20:58 PM

Fee: \$167.00

Quitclaim Deed

RECORDING REQUESTED BY Vickie and Harold Mundy
AND WHEN RECORDED MAIL TO: And taxes

P.O. Box 242, Grantee(s)
Beatty, OR 97621

Consideration: \$ 0

Property Transfer Tax: \$ 0

Assessor's Parcel No.: T3xS R12E Section 29, tax lot 500P600 (See revised legal descriptions)

PREPARED BY: Vickie N. Mundy certifies herein that he or she has prepared this Deed.

Vickie N. Mundy
Signature of Preparer

8/3/20
Date of Preparation

Vickie N. Mundy
Printed Name of Preparer

THIS QUITCLAIM DEED, executed on 8/10/2020 in the County of
Klamath, State of Oregon

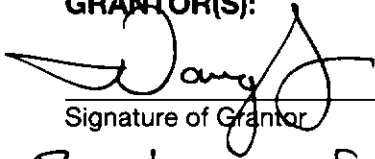
by Grantor(s), Klamath County,
whose post office address is 305 Main Street Klamath Falls, OR,
to Grantee(s), Vickie and Harold Mundy,
whose post office address is P.O. Box 242 Beatty, OR 97621,

WITNESSETH, that the said Grantor(s), Klamath County,
for good consideration and for the sum of Zero dollars
(\$ 0) paid by the said Grantee(s), the receipt whereof is hereby acknowledged,
does hereby remise, release and quitclaim unto the said Grantee(s) forever, all the right, title

interest and claim which the said Grantor(s) have in and to the following described parcel of land, and improvements and appurtenances thereto in the County of Klamath, State of Oregon and more specifically described as set forth in EXHIBIT "A" to this Quitclaim Deed, which is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Grantor(s) has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

GRANTOR(S):


Signature of Grantor

Rick Vaughn for Klamath County
Print Name of Grantor

Signature of Second Grantor (if applicable)

Print Name of Second Grantor (if applicable)

Signature of First Witness to Grantor(s)

Print Name of First Witness to Grantor(s)

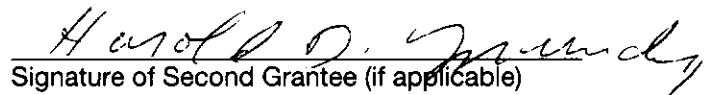
Signature of Second Witness to Grantor(s)

Print Name of Second Witness to Grantor(s)

GRANTEE(S):


Signature of Grantee

Vickie N. Mundy
Print Name of Grantee


Signature of Second Grantee (if applicable)

HAROLD D. MUNDY
Print Name of Second Grantee (if applicable)

Signature of First Witness to Grantee(s)

Print Name of First Witness to Grantee(s)

Signature of Second Witness to Grantee(s)

Print Name of Second Witness to Grantee(s)

NOTARY ACKNOWLEDGMENT

State of Oregon

County of Klamath

On July 10, 2020, before me, Kayla Jaye Wessel, a notary public in and for said state, personally appeared, Rick Vaughn

who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

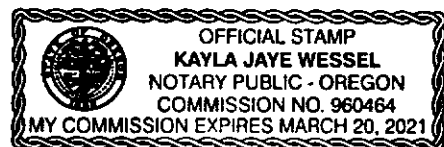
WITNESS my hand and official seal.

Kayla Jaye Wessel
Signature of Notary

Affiant Known ✓ Produced ID

Type of ID

(Seal)



NOTARY ACKNOWLEDGMENT

State of Oregon

County of Clatsop

On 8-4-2020, before me, Christopher M Fangman a notary public in and for said state, personally appeared, Harold Mundy & Vicki Mundy

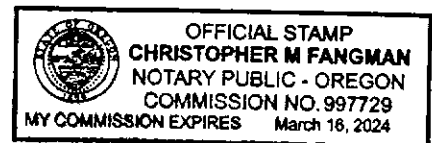
who are known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Christopher M Fangman
Signature of Notary

Affiant Known _____ Produced ID ☒

Type of ID Oregon Drivers License (Seal)





KLAMATH COUNTY PLANNING DEPARTMENT

Government Center

305 Main St., Klamath Falls, Oregon 97601

Phone 541-883-5121 Option #4

Fax 541-885-3644

PROPERTY LINE ADJUSTMENT

FINAL ORDER

APPLICANT: Mundy and Klamath County **FILE No:** PLA 13-20

REQUEST: Adjust the property line between lot 13 of Whiskey Creek Acres – Tract 1162 (Klamath County) and Lot 14 of the same subdivision (Mundy). This Property Line Adjustment follows a stipulated general judgement of Case: 07-02725CV. A PLA Application was proposed in 2011; however the owner of lot 13 at the time refused to sign the PLA application

REVIEW CRITERIA: Articles 45.5, 51.2, and 61 of the Klamath County Land Development Code.

MAP DESCRIPTION: Off a private 50 foot road easement, 980 feet north of HWY 140 in the Whiskey Creek Acres Subdivision.

ZONE DESIGNATION: Map: R-3612-02900-00600-000 and R-3612-02900-00500.

BACKGROUND

This PLA is being requested due to finalize the ruling of Court Case: 07-02725CV.

FINDINGS

This application has been found to conditionally meet the applicable criteria from Article 45.530 of the Klamath County Land Development Code.

ORDER

Therefore, it is ordered that the request is **APPROVED** subject to the following conditions of approval:

IN ORDER TO COMPLETE THE PROPERTY LINE ADJUSTMENT, YOU MUST TAKE THE FOLLOWING ACTIONS WITHIN TWO (2) YEARS OF APPROVAL OR THE APPROVAL BECOMES NULL AND VOID:

1. *Provide the following for Planning Department review and approval:*
 - a. *A legal description of the adjustment area(s) being conveyed or received.*
 - b. *Draft deeds of each of the properties as adjusted.*
2. *Record the following deeds with the County Clerk and provide copies to the Planning Department:*
 - a. *A deed transferring the adjustment area from one property owner to the other. (The property owners do have to be different people on the deed.)*

- b. A new deed for each property which describes it as adjusted. (This can be different owners or the same owner.)*
- 3. The adjustment line must be surveyed and monumented in accordance with ORS Chapter 92.**
- 4. Show all easements. Create easements for access utilities, irrigation, drainage, and etc. where needed. .**

APPROVED this 28th day of July, 2020.



Erik Nobel, Planning Director

Exhibits

Application
Burden of Proof
Property Line Adjustment Map
County Surveyor Comments

Exhibit A
Exhibit B
Exhibit C
Exhibit D

Property Line Adjustment Application

***** FOR PLANNING DEPARTMENT USE ONLY *****

File Reference No. _____ File Reference Name _____
Date Received _____ By _____ Date Complete _____
Fee _____ Receipt Number _____ Review Date _____

1. Applicant:

Name Vickie & Dean Mundy Phone 541-281-1413

Mailing Address: P.O. Box ~~124~~ 242 Beatty, OR 97621

2. Applicant's Representative:

Name N/A Phone N/A

Mailing Address: N/A

3. Legal Landowner Parcel #1 (Applicants Parcel - Receiving Parcel):

Name Vickie & Dean Mundy Phone 541-281-1413

Mailing Address P.O. Box 242 Beatty OR 97621

3A. Specific Property Description Parcel #1:

Township 36S Range 12E Section 29 Tax Lot ~~600~~

Zone: R5

Street Address 38219 Hwy 140 East, Beatty OR 97621

Subdivision Whiskey Creek Acres Lot 14 Block ~~N/A~~ 1

Legal Description Treat 1162 Whiskey Creek Acres, Block 1, Lot 14

General Location Mile post 37 1/2 Hwy 140 East, Beatty Oregon

Current Use residential

Physical Characteristics of Parcel: Parcel has a slight slope and covered with mostly sagebrush & juniper trees.

For additional area to answer each question, please attach pages as needed.

Please explain how your property line adjustment meets ALL of the following;

7. No property line adjustment will be approved unless both contiguous parcels are lawfully created;

See attached title and deed information for proof of lawful creation.

8. A property line adjustment shall not result in the creation of a new parcel;

This application will not create a new parcel.

9. The parcels resulting from the property line adjustment conform to zoning regulations in terms of size, shape and setback requirements;

Both parcels will remain in conformance with zoning regulations after adjustment.

10. Adjustments to nonconforming lots or parcels shall not result in greater nonconformity or render substantially conforming lots or parcels more nonconforming. A reduction in the size of a nonconforming lot or parcel may be approved if it contributes substantially to bringing an adjacent nonconforming parcel into closer conformance;

Both parcels conform to zoning and will remain so after adjustment.

11. The property line adjustment will not interfere with any public or private easement;

No public or private easements exist on property being conveyed.

12. Proposed property line adjustments, which have the net result of physically relocating a lot or parcel to a new location shall be reviewed as a land partition;

Adjustment will not physically relocate a lot or parcel.

For additional area to answer each question, please attach pages as needed.

4. Legal Landowner Parcel #2 (Conveying Parcel):

Name Klamath County Phone 541-883-5121

Mailing Address 305 Main Street Klamath Falls, OR

4A. Specific Property Description Parcel #2:

Township 36S Range 12E Section 29 Tax Lot 500

Zone RS

Street Address _____

Subdivision Whiskey Creek Acres Lot 13 Block 1

Tract 1162
Legal Description Whiskey Creek Acres, Block 1, Lot 13

General Location Hwy 140 East, Mile post 3742

Current Use vacant lot

Physical Characteristics of Parcel: parcel encompasses the side of a small hill & is covered in juniper trees & sagebrush.

5A. Acreage of each parcel before adjustment:

Parcel #1 21.28 AC.

Parcel #2 21.18 AC.

5B. Acreage of each parcel after adjustment:

Parcel #1 24.20 AC.

Parcel #2 18.26 AC.

6. Water Shared well (parcel 1) Sewage on-site (parcel 1)

Fire District _____

Irrigation District _____

Legal Access Highway 140 (See attached)
(provide proof of legal access)

6A. Please attach the following documents

- a. Acquisition Documents
- b. Originating Documentation (proof of lawful creation)

For additional area to answer each question, please attach pages as needed.

13. We, the undersigned legal owners or contract purchasers of the subject property, certify that the statements and information contained in this application are true and correct to the best of our knowledge.

Parcel #1

Printed Vickie Murdy

Signed 

Date 6/24/20

Date 6/24/20

Printed _____

Date _____

Signed _____

Date _____

Parcel #2

Printed 

Signed Rick Vaughan for Klamath County

Date _____

Date 6/24/2020

Printed _____

Date _____

Signed _____

Date _____

14. We, the undersigned legal owners contract purchasers of the subject property, authorize the person listed as the applicant's representative on the application to act in our place and to appear as our agent with respect to this application.

Parcel #1

Printed _____

Date _____

Signed _____

Date _____

Printed _____

Date _____

Signed _____

Date _____

Parcel #2

Printed _____

Date _____

Signed _____

Date _____

Printed _____

Date _____

Signed _____

Date _____

15. I, the undersigned applicant's representative, certify that the statements and information contained in this application are true and correct to the best of my knowledge.

Printed _____

Date _____

Signed _____

Date _____

For additional area to answer each question, please attach pages as needed.

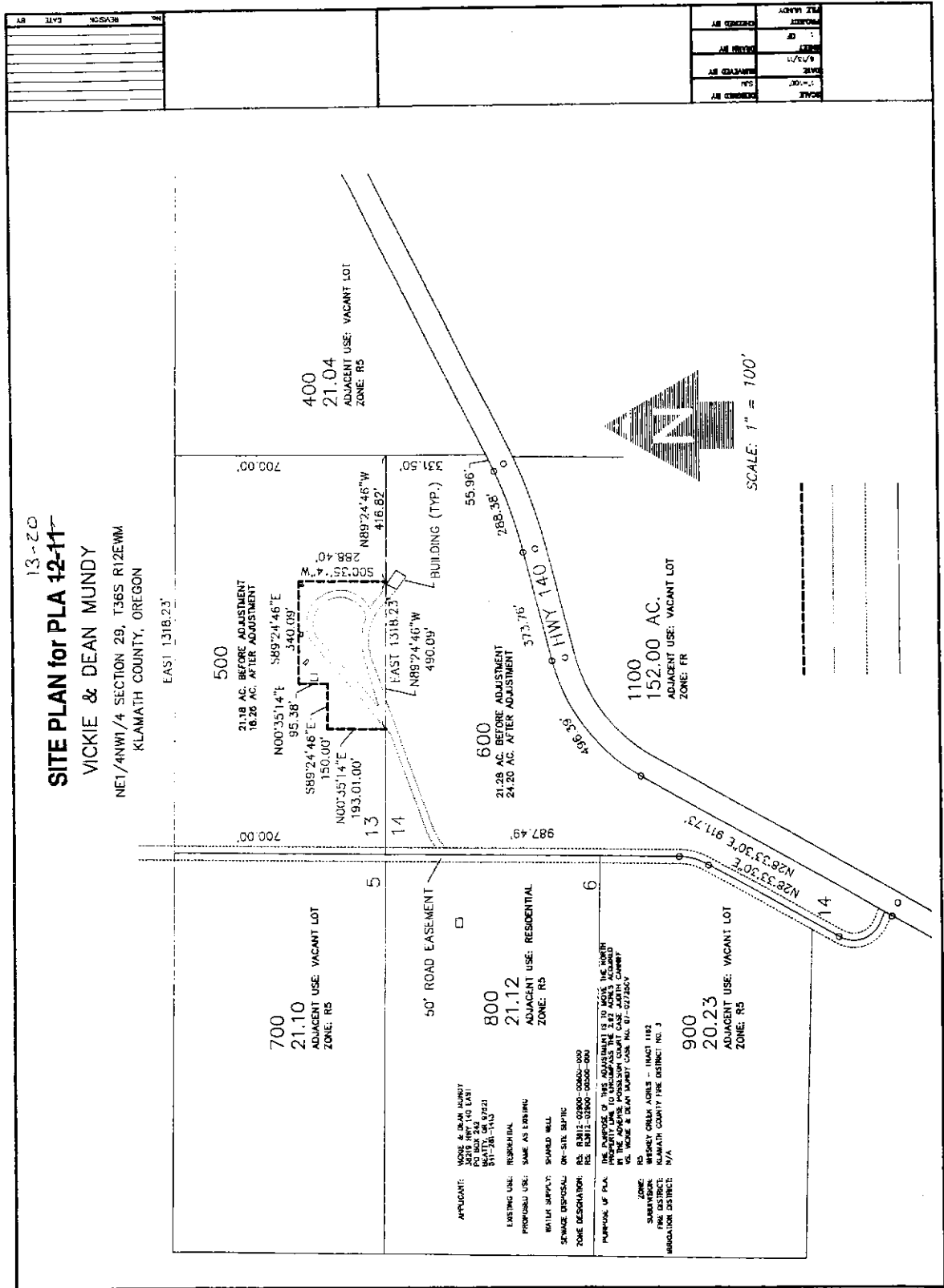


EXHIBIT C
FILE # PLA 13-20



KLAMATH COUNTY SURVEYOR

305 MAIN STREET – KLAMATH FALLS, OR 97601
(541) 883-4696 – FAX (541) 882-3046

COUNTY SURVEYOR RECOMMENDATIONS

PROPERTY LINE ADJUSTMENT NUMBER: 13-20 Mundy

Survey Required: ☒ YES (SEE COMMENTS BELOW)
☐ NO

Survey Comments: The adjusted line(s) must be surveyed and monumented in accordance with O.R.S. Chapter 92.

Other Comments: _____

Date: 07/22, 20 20

[Signature]

Signature

EXHIBIT D
FILE # PLA 13-20

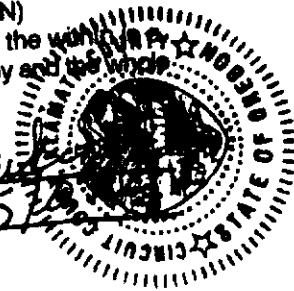
County of KLAMATH)
STATE OF OREGON)

I hereby certify that the within is a
true and correct copy and the whole
of the original.

Clerk of Court

By *[Signature]*

Date 01/15/09



BY: SMB

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF KLAMATH

JUDITH L. CANNIFF,

Plaintiff,

vs.

VICKIE A. MUNDY and HAROLD D.
MUNDY, husband and wife,

Defendants.

Case No. 07-02725CV

STIPULATED GENERAL
JUDGMENT

THIS MATTER having come before the Court upon the stipulation of parties hereto for entry of a General Judgment;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

1. Plaintiff's Amended Complaint is dismissed with prejudice;
2. Defendants are awarded Judgment on their Counterclaim for Adverse Possession and the Court hereby decrees that the Defendants are the legal owners of the real property described in Exhibit "A" attached hereto.
3. Defendants shall, within 180 days of the date of this Judgment, file with the Klamath County Planning Department a re-plat of the parties' properties to reflect the award of the real property referred to above. All expenses of the re-plat shall be born by Defendants.
4. Plaintiff shall execute all documents necessary to accomplish the re-plat and shall


STIPULATED GENERAL JUDGMENT
Page 1

Michael L. Spencer, OSF #83090
Klamath L. Spencer, LLC
434 Pine St., Klamath Falls, OR 97601
541-865-7139 • Fax: 541-865-9036
mike@spencerllc.com

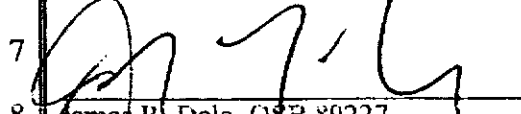
1 cooperate fully with the re-plat process.

2 5. Neither party is awarded costs in this matter.

3 Dated this 5th day of December, 2008.

4 
Circuit Judge

6 IT IS SO STIPULATED:

7 
8 James R. Dole, OSB 89227
Attorney for Plaintiff


9 
Michael L. Spencer, OSB 83090
Attorney for Defendants

Exhibit "A"

SEPTEMBER 12, 2008

HAROLD AND VICKE MUNDY
WHISKEY CREEK ACRES-ADJUSTMENT AREA

PART OF LOT 13 OF "TRACT 1162, WHISKEY CREEK ACRES" PER THE PLAT ON FILE IN THE KLAMATH COUNTY SURVEY RECORDS, AND BEING LOCATED IN THE N.E. ONE-QUARTER OF SECTION 29, TOWNSHIP 36 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT 1/2" IRON ROD MARKING THE SOUTHEAST CORNER OF LOT 13 OF SAID "TRACT 1162, WHISKEY CREEK ACRES", THENCE NORTH $89^{\circ}24'46''$ WEST ALONG THE SOUTH LINE OF SAID LOT 13, 416.82 FEET TO THE POINT OF BEGINNING. THENCE COUNTINUING ALONG SAID SOUTH LINE NORTH $89^{\circ}24'46''$ WEST 490.09 FEET; THENCE PERPENDICULAR TO AND LEAVING SAID SOUTH LINE NORTH $00^{\circ}35'14''$ EAST 193.01 FEET; THENCE PARALLEL WITH SAID SOUTH LINE SOUTH $89^{\circ}24'46''$ EAST 150.00 FEET; THENCE PERPENDICULAR TO SAID SOUTH LINE NORTH $00^{\circ}35'14''$ EAST 95.38 FEET; THENCE PARALLEL WITH SAID SOUTH LINE SOUTH $89^{\circ}24'46''$ EAST 340.09 FEET; THENCE PERPENDICULAR TO SAID SOUTH LINE SOUTH $00^{\circ}35'14''$ WEST 288.40 FEET TO SAID SOUTH LINE AND THE POINT OF BEGINNING.

CONTAINING APPROXIMATELY 127,031 SQUARE FEET OR 2.92 ACRES.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER THE PLAT OF "TRACT 1162, WHISKEY CREEK ACRES", OF THE KLAMATH COUNTY PLAT RECORDS.

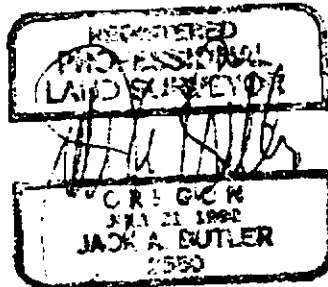
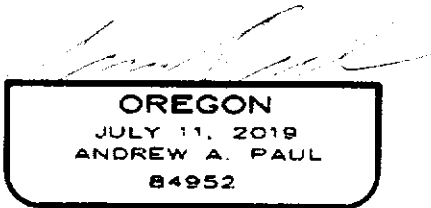


Exhibit A – Area of Adjustment

An area of land in the Northeast Quarter of the Northwest Quarter of Section 29, Township 36 South, Range 12 East, Willamette Meridian, Klamath County, Oregon. Being more particularly described as follows:

Commencing at a 1/2" iron rod marking the southeast corner of Lot 13 of Tract 1162, Whiskey Creek Acres; thence along the south line of said Lot 13, North 89°22'21" West 416.82 feet to the true point of beginning; thence leaving said south line of Lot 13, North 0°35'14" East 288.73 feet; thence North 89°24'46" West 340.09 feet; thence South 0°35'14" West 95.38 feet; thence North 89°24'46" West 150.00 feet; thence South 0°35'14" West 193.01 feet to the south line of said Lot 13; thence along said south line, South 89°22'21" East 490.09 feet to the true point of beginning.



EXPIRES 12/31/20

Exhibit A – Resultant Lot 13

An area of land in the Northeast quarter of the Northwest quarter of Section 29, Township 36 South, Range 12 East, Willamette Meridian, Klamath County, Oregon. Being more particularly described as follows:

The land described as Lot 13 of Tract 1162, Whiskey Creek Acres, excepting therefrom:

Commencing at a 1/2" iron rod marking the southeast corner of Lot 13 of Tract 1162, Whiskey Creek Acres; thence along the south line of said Lot 13, North 89°22'21" West 416.82 feet to the true point of beginning; thence leaving said south line of Lot 13, North 0°35'14" East 288.73 feet; thence North 89°24'46" West 340.09 feet; thence South 0°35'14" West 95.38 feet; thence North 89°24'46" West 150.00 feet; thence South 0°35'14" West 193.01 feet to the south line of said Lot 13; thence along said south line, South 89°22'21" East 490.09 feet to the true point of beginning.



EXPIRES 12/31/20

Exhibit A – Resultant Lot 14

An area of land in the Northeast quarter of the Northwest quarter of Section 29, Township 36 South, Range 12 East, Willamette Meridian, Klamath County, Oregon. Being more particularly described as follows:

The land described as Lot 14 of Tract 1162, Whiskey Creek Acres, together with the following:

Commencing at a 1/2" iron rod marking the southeast corner of Lot 13 of Tract 1162, Whiskey Creek Acres; thence along the south line of said Lot 13, North 89°22'21" West 416.82 feet to the true point of beginning; thence leaving said south line of Lot 13, North 0°35'14" East 288.73 feet; thence North 89°24'46" West 340.09 feet; thence South 0°35'14" West 95.38 feet; thence North 89°24'46" West 150.00 feet; thence South 0°35'14" West 193.01 feet to the south line of said Lot 13; thence along said south line, South 89°22'21" East 490.09 feet to the true point of beginning.



EXPIRES 12/31/20