

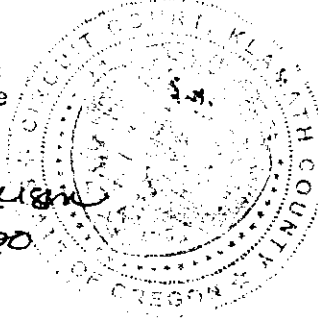


08/24/2020 11:52:25 AM

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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

Date Aug 10, 2020



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

ROBERT MARK TRELEASE and LOIS ANN
TRELEASE,

Case No. 20CV17855

Plaintiffs,

vs.

GENERAL JUDGMENT
ESTABLISHING
PRESCRIPTIVE NON-
EXCLUSIVE EASEMENT

ANNA E. SIMMERS, AND THE KNOWN and
UNKNOWN HEIRS OF ANNA E. SIMMERS
including WILLIAM LUMAN JARDINE, VERDA
A. (JARDINE) GODARD, LEON HENRY JARDINE,
JOHN M. JARDINE, AGNES M. JARDINE
RULAND, BETH JARDINE and EDWARD J. HIXON
and their heirs or devisees,

Defendants.

THIS MATTER coming on before the Court with reference to
Plaintiffs' Motion For Default, and good cause appearing
therefore, now, therefore

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs,
ROBERT MARK TRELEASE and LOIS ANN TRELEASE, husband and wife,
are entitled to use of the portion of Defendants' property
described as:

A 40 FOOT WIDE STRIP OF LAND SITUATED IN THE NW $\frac{1}{4}$ NW $\frac{1}{4}$ OF
SECTION 1, T39S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

1 BEGINNING AT A POINT ON THE WEST RIGHT OF WAY LINE OF
2 PATTERSON STREET, SAID POINT BEING THE SOUTHEAST CORNER OF
3 THAT TRACT OF LAND DESCRIBED IN THE DEED VOLUME 2016-
4 013058, FROM WHICH THE NORTHEAST CORNER OF PARCEL 1 OF
5 "LAND PARTITION 31-98" BEARS S00°00'54"W 203.40 FEET;
6 THENCE N89°58'00"W, ALONG THE SOUTH LINE OF SAID DEED
7 VOLUME, 111.31 FEET; THENCE, LEAVING SAID SOUTH LINE,
8 S00°02'00"W 40.00 FEET; THENCE S89°58'00"E 111.31 FEET TO A
9 POINT ON THE SAID WEST RIGHT OF WAY LINE; THENCE
10 N00°00'54"E 40.00 FEET TO THE POINT OF BEGINNING, WITH
11 BEARINGS BASED ON RECORD OF SURVEY 8181 ON FILE AT THE
12 OFFICE OF THE KLAMATH COUNTY SURVEYOR.

13 for access to Plaintiffs' property and for utility purposes and
14 establishing a non-exclusive easement for the benefit of the
15 Plaintiffs' land described in Exhibit B attached hereto.
16
17
18
19

Signed: 8/4/2020 11:22 AM



**Rodger J. Isaacson, Senior Pro Tem
Circuit Court Judge**

23
24 Submitted by:
25 NEAL G. BUCHANAN, OSB #771277
26 Attorney for Plaintiffs
27 435 Oak Avenue
28 Klamath Falls, Oregon 97601
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OSB # 771277

Beginning at a point 1,237.5 feet North and 990 feet East of an iron pin driven into the ground on the property of Otis V. Saylor at the Southwest corner of the Northwest quarter of Section 1, in Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which iron pin is 30 feet East of the center of a road intersecting the Klamath Falls-Lakeview Highway from the North and 30 feet North of the center of said Highway; thence North 132 feet; thence, East 270 feet; thence, South 132 feet; thence West 270 feet to the place of beginning.

EXCEPTING THEREFROM the West 158.5 feet as conveyed by Glenn A. Pruner and Dora O. Pruner, husband and wife, to Delbert L. Eayrs and Joan K. Eayrs, husband and wife, in Deed Volume 323, page 269 and Volume 326 page 54 and conveyed by Glenn A. Pruner and Dora O. Pruner, husband and wife, to Clark S. Kendall and LaVerne Kendall, husband and wife, in Deed Volume 326, page 197, records of Klamath County, Oregon.

EXHIBIT B

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

ROBERT MARK TRELEASE and LOIS ANN TRELEASE,

Plaintiffs,

vs.

ANNA E. SIMMERS, AND THE KNOWN and UNKNOWN HEIRS
OF ANNA E. SIMMERS including WILLIAM LUMAN
JARDINE, VERDA A. (JARDINE) GODARD, LEON HENRY
JARDINE, JOHN M. JARDINE, AGNES M. JARDINE
RULAND, BETH JARDINE and EDWARD J. HIXON and
their heirs or devisees,

Defendants.

Case No. 20CV17855

**CERTIFICATE OF
READINESS
UTCR 5.100**

Certificate of Readiness under UTCR 5.100

I certify this proposed judgment/order is ready for judicial signature because (check all that apply):

☒ Service is not required under UTCR 5.100 because:

- a. ☐ this judgment /order is being submitted in **open court** with all parties present
- b. ☐ this judgment/order is submitted **ex parte** as allowed by statute or rule
- c. ☐ this is a proposed judgement subject to UTCR 10.090
- d. ☐ this is an uncontested probate or protective proceeding
- e. ☐ this is a matter certified to the Court under ORS 416.422, etc.
- f. ☒ the other party has been found in **default** or an order of default is being requested with this proposed judgment/order;

This proposed order or judgment is ready for judicial signature because:

1. ☐ Each party affected by this order or judgment has **stipulated** to the order or judgment as shown by each party's signature on the document being submitted
2. ☐ Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me
3. ☐ I have **served** (complete service section below) a copy of this judgment/order and the *Notice of Proposed Judgment/Order* to all parties entitled to service. **And:**
 - a. ☐ No objection has been served on me.
 - b. ☐ I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed with the court a copy of the objections I received and indicated which objections remain unresolved
 - c. ☐ After conferring about objections, the other party agreed to independently file any remaining objection.
4. ☐ Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule, or otherwise.

1 5. ☐ This is a proposed judgment that includes an award of
2 punitive damages and notice has been served on the Director of the
Crime Victims' Assistance Section as required by subsection (5)

3 6. ☐ Other

4 **Certificate of Service under UTCR 5.100 (if applicable)**

5 I certify that on (date) _____;

6 a. ☐ I placed a true and complete copy of this proposed
Judgment/Order in the United State mail to (name)
_____ at (address) _____

7
8 b. ☐ a true and complete copy of this proposed Judgment/Order was
served on the other party as reflected by the attached copy of a Proof
9 of Service

10 **Certificate of Document Preparation.** You are required to
11 truthfully complete this certificate regarding the document you are
filing with the court. Check all boxes and complete all blanks that
apply:

12 ☐ I selected this document for myself and I completed it without
paid assistance.

13 ☐ I paid or will pay money to _____ for
14 assistance in preparing this form.

15 Date: 8-3-20

16 Neal G. Buchanan
Signature

NEAL G. BUCHANAN
Print Name

17 Attorney for:

18 ☐ Personal Representative ☒ Plaintiff/Petitioner ☐ Defendant/Respondent

19 435 OAK AVE

KLAMATH FALLS, OR 97601

541-882-6607

Contact Address

City, State, Zip Code

Contact Telephone