

Diann Walker-Pope,  
Returned at Counter

2022-003349  
Klamath County, Oregon



03/18/2022 11:57:56 AM

Fee: \$107.00

After recording, return to:  
Marion Diann Walker-Pope  
6881 Hwy 66  
Klamath Falls, OR 97601

## EASEMENT AGREEMENT

This Agreement is made this 18<sup>th</sup> day of March, 2022, between Marion Diann Walker-Pope ("First Party") and Michael Armstrong and Joyce Armstrong, as tenants by the entirety ("Second Party").

### RECITALS

- A. WHEREAS, First Party owns the real property described on Exhibit A (herein, "Parcel A"); and
- B. WHEREAS, Second Party owns the real property described on Exhibit B (herein, "Parcel B"); and
- C. WHEREAS, there is presently located in an underground area of Parcel B certain septic leach lines and associated infrastructure (herein, the "Septic Lines") that serve the residential dwelling that is located on Parcel A; and
- D. WHEREAS, Second Party has agreed to grant First Party an easement to a certain portion of Parcel B to preserve the existing location and ability to maintain the Septic Lines.

### WITNESSETH

NOW THEREFORE, in consideration of \$1.00 and the terms and conditions set forth herein, Second Party grants to First Party an easement

1. **Location.** The easement is a strip of land that is thirty five feet (30') in width along the western edge of Parcel B, and which is seventy five (100') in length, beginning at the northwesterly corner of Parcel A, and which is shown on the drawing on Exhibit C, which is attached hereto.

2. **Use.** The use of the easement is for the installed Septic Lines and reasonable access to repair, inspect, and maintain them, and no excavation for these reasons shall be conducted by First Party without less than a week of advance notice given to Second Party as to the specific time and place for any such work.

3. **Perpetual.** The easement created by this Agreement benefits Parcel A and burdens Parcel B, is perpetual and permanent, and shall run with the land, binding the heirs, successor, and assigns.

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

5. **Representation.** This easement was prepared by PARKS & RATLIFF, PC, in their capacity as attorneys for First Party, and in this transaction, said law firm only represents First Party.

DATED this 18<sup>th</sup> day of March, 2022.

FIRST PARTY:

Marion Diann Walker-Pope  
Marion Diann Walker-Pope

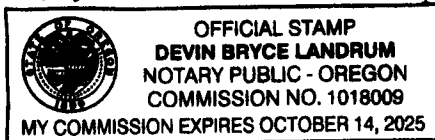
SECOND PARTY:

Michael Armstrong  
Michael Armstrong

Joyce Armstrong  
Joyce Armstrong

STATE OF OREGON, County of Klamath ) ss.

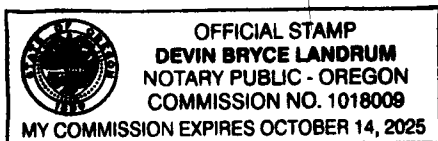
SUBSCRIBED AND ACKNOWLEDGED before me this 18<sup>th</sup> day of March, 2022, by Marion Diann Walker-Pope.



Devin Landrum  
Notary Public for Oregon  
My commission expires: 10-14-25

STATE OF OREGON, County of Klamath ) ss.

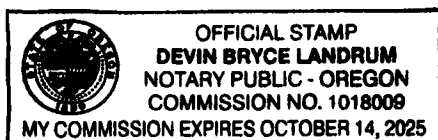
SUBSCRIBED AND ACKNOWLEDGED before me this 18<sup>th</sup> day of March, 2022, by Michael Armstrong.



Devin Landrum  
Notary Public for Oregon  
My commission expires: 10-14-25

STATE OF OREGON, County of Klamath ) ss.

SUBSCRIBED AND ACKNOWLEDGED before me this 18<sup>th</sup> day of March, 2022, by Joyce Armstrong.



Devin Landrum  
Notary Public for Oregon  
My commission expires: 10-14-25

## EXHIBIT A

A portion of that tract land recorded in Volume 254, page 696 of Deed Records of Klamath County, Oregon, described therein as being in the East Half of the Southeast Quarter, Section 14, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, said portion of tract being particularly described as follows:

Beginning at the most Southwesterly corner of aforesaid tract of land, which corner is marked with an iron pin and lies on the Northwesterly boundary of the Klamath Falls-Ashland Highway; thence North 6 degrees 06 1/2' West along the Westerly boundary of said tract a distance of 186.44 feet to a 1/2 inch iron pipe; thence North 61 degrees 39 1/2' East along an existing fence line, 122.68 feet to a 1" I. D. galvanized iron pipe; thence South 33 degrees 20 1/2' East 147.53 feet to a 1 1/4" galvanized iron pipe; thence continuing South 33 degrees 20 1/2' East 0.5 feet to the Northwesterly right of way boundary of the Klamath Falls-Ashland Highway; thence along same South 54 degrees 42 1/2' West 207.64 feet to the point of beginning.

## EXHIBIT B

### PARCEL 1

A parcel of land situate in the SE1/4 SE1/4 in Section 14, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point in the SE1/4 of SE1/4 of Section 14, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, which point in the Northwestern right of way line of the Klamath Falls-Ashland Highway, and which point of beginning is North 42.8 feet, thence South 53 ° 20 ½' W 319.78 feet, and South 54 ° 42 ½' West a distance of 506.12 feet from the Northeast corner of said SE1/4 of SE1/4 of Section 14, thence South 54 ° 42 ½' West along the Northwestern right of way line of said highway a distance of 220.6 feet; thence North 6 ° 35 ½' West 450.32 feet (which course is the Easterly boundary line of a five acre parcel of land heretofore conveyed to Richard Edwin Botens by the heirs of the Lewis Botens Estate); thence North 54 ° 42 ½' East 4.3 feet; thence South 35 ° 17 ½' East 395.0 feet to the point of beginning.

EXCEPTING THEREFROM the following:

A portion of that tract land recorded in Volume 254, page 696 of Deed Records of Klamath County, Oregon, described therein as being in the E1/2 of the SE1/4, Section 14, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, said portion of tract being particularly described as follows:

Beginning at the most Southwesterly corner of aforesaid tract of land, which corner is marked with an iron pin and lies on the Northwestern boundary of the Klamath Falls-Ashland Highway; thence North 6 ° 06 1/2' West along the Westerly boundary of said tract a distance of 186.44 feet to a 1/2 inch iron pipe; thence North 61 ° 39 1/2' East along an existing fence line, 122.68 feet to a 1" I. D. galvanized iron pipe; thence South 33 ° 20 1/2' East 147.53 feet to a 1 1/4" galvanized iron pipe; thence continuing South 33 ° 20 1/2' East 0.5 feet to the Northwestern right of way boundary of the Klamath Falls-Ashland Highway; thence along same South 54 ° 42 1/2' West 207.64 feet to the point of beginning.

## PARCEL 2

A parcel of land in the E1/2 of the SE1/4 of Section 14, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

To wit: Beginning at a point which is the intersection of the East line of said Section 14 with the Northwestern line of the Klamath Falls-Ashland Highway and which point is North 42.8 feet from the Northeast corner of the SE1/4 of the SE1/4 of said Section 14; thence along said Northwestern right of way line of said Highway, South  $53^{\circ} 20 \frac{1}{2}'$  West 319.78 feet; thence continuing along said Northwestern line of said Highway, South  $54^{\circ} 42 \frac{1}{2}'$  West 395.84 feet to the point of beginning of the tract herein described; thence South  $54^{\circ} 42 \frac{1}{2}'$  West along said Northwestern line of said highway 110.28 feet; thence North  $35^{\circ} 17 \frac{1}{2}'$  West 395.0 feet; thence North  $54^{\circ} 42 \frac{1}{2}'$  East 110.28 feet; thence South  $35^{\circ} 17 \frac{1}{2}'$  East 395.0 feet to the point of beginning.

EXHIBIT C

