



2022-014135
Klamath County, Oregon
12/09/2022 09:46:01 AM
Fee: \$102.00

After Recording Return To:

USDA Forest Service
C/O Richard Wessler
Deschutes National Forest
63095 Deschutes Market Road
Bend, OR 97701

Flynn D. Case Living Trust – Existing Road
DESROW184 - NFSR 61000-100

GENERAL WARRANTY EASEMENT DEED

THIS GENERAL WARRANTY EASEMENT DEED dated this 30th day of August, 2022 from Flynn D. Case, Trustee of the Flynn D. Case Living Trust dated May 3, 1996, whose legal residence is P.O. Box 5639, Salem, Oregon 97304, County of Marion, State of Oregon, hereinafter called Grantor, to the United States of America, and its assigns, hereinafter called Grantee, and whose address is Washington, DC 20013.

WITNESSETH:

Grantor does hereby grant and convey to Grantee, pursuant to The Federal Land Policy and Management Act of 1976 (43 U.S.C. §1715), subject to existing easements and valid rights, a perpetual easement and right to use a road over and across the following described lands, in the County of Klamath, State of Oregon:

Willamette Meridian, Oregon

T. 24 S., R. 8 E.,

Section 34: N½NE¼ and S½NW¼.

The true and actual consideration for this conveyance stated in terms of dollars is zero. Value, other than dollars, constitutes the consideration for the conveyance of the interest in property.

The location of said easement and described lands are more particularly displayed on Exhibit A and Exhibit B, attached hereto and made a part hereof.

10200

This easement for the construction, reconstruction, maintenance and utilization of a road shall be variable in width with such additional width as required for accommodation and protection of cuts and fills. If the road is located substantially as described herein, the centerline of the road as constructed is hereby deemed accepted by the Grantor and Grantee as the true centerline of the easement granted. If any subsequent survey of the road shows that any portion of the road, although located substantially as described, crosses lands of the Grantor not described herein, the easement shall be amended to include the additional lands traversed retroactively by its own accord to the date of actual construction, but shall be evidenced by notice in recordable form provided to the landowner; if any lands described herein are not traversed by the road as constructed, the easement traversing the same shall only be terminated in the manner hereinafter provided.

Except as hereinafter limited, Grantee shall have the right to construct, reconstruct, maintain, and utilize the road within the easement without further consideration for all purposes deemed necessary or desirable by Grantee in connection with the protection, administration, management, and utilization of Grantee's lands or resources, now or hereafter owned or controlled, subject to such traffic-control regulations and rules as Grantee may reasonably impose upon or require of other users of the road.

The acquiring agency is the United States Department of Agriculture, Forest Service.

This easement is made subject to and together with the following terms and conditions applicable to Grantee, its permittees, contractors, and assigns:

- A. Except as provided hereinafter, Grantee has the exclusive right to extend rights and privileges for use of the road to other Federal, State, and local authorities, as well as other users including the public.
- B. Grantee shall have the right to cut timber and remove obstructions within the easement to the extent the Grantee deems necessary for constructing, reconstructing, and maintaining the road. Timber so cut shall, unless otherwise agreed to, be decked along the road for disposal by the owner of such timber.
- C. Grantee shall have such reasonable rights of temporary use of the Grantor's lands immediately adjacent to said easement as may be necessary for the construction, reconstruction, improvement, and maintenance of said road.

This easement is granted subject to the following reservations by the Grantor, for itself, its permittees, contractors, assigns, and successors in interest:

- 1. The right to use the road for all purposes deemed necessary or desirable by the Grantor, subject to the Secretary's rules and regulations in the Code of Federal Regulations, including such traffic-control regulations as the Grantee may reasonably impose, as well as construction, reconstruction, and maintenance costs proportionate to use.

2. The right to access and cross the easement at any place by any means and manner that complies with the traffic-control regulations of the Grantee and does not interfere unreasonably with Grantee's use of the road.
3. The right to all timber now or hereafter growing on the easement subject to Grantee's right to cut such timber as hereinbefore provided.

If the Regional Forester determines in writing that the easement or any segment thereof is no longer needed, the easement traversed thereby shall immediately terminate of its own accord and shall be evidenced by a statement in recordable form furnished by the Regional Forester to the Grantor or its successors or assigns in interest.

IN WITNESS WHEREOF, the said Grantor has hereunto subscribed his name on the day and year first above written.

By: [Signature]
Flynn D. Case, Trustee

ACKNOWLEDGMENT

STATE OF Oregon
County of Marion ss.

On this 30th day of August, 2022, before me, the undersigned, a Notary Public in and for said State personally appeared Flynn D. Case *, a single man, known/proved to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

** Trustee of the Flynn D. Case Living Trust*

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



[Signature]
Name (Printed) Tina Kelly
Notary Public for the State of: Oregon
My Commission Expires: 1-28-23

Certified correct as to consideration, description, reservations and conditions, and form.

[Signature]

Richard Wesseler, Realty Specialist, USDA Forest Service

8/23/2022
Date

U.S.D.A. Forest Service Pacific Northwest Region
Deschutes National Forest Klamath County, Oregon

Located in the N1/2 NE1/4 Section 34,
T.24S., R.8E., W.M., Klamath County, Oregon

(SC) FOUND MONUMENT PER SURVEY BY DAVID ARMSTRONG, RECORDED AS #3302
 (M) SCALED DIMENSION PER RIGHT-OF-WAY ACQUISITION DOCUMENT #11092
 (M) MEASURED DIMENSION PER RIGHT-OF-WAY ACQUISITION DOCUMENT #11092

NOTE: 1) LOT DIMENSIONS ARE RECORD PER ARMSTRONG'S #3302 SURVEY
2) ROUTE BEING ACQUIRED EXTENDS FROM AND TERMINATES AT THE TRUE PROPERTY LINE.
3) N-S DIMENSIONS OF NEW RIGHT-OF-WAY EXTEND A MINIMUM OF 33' SOUTH OF EXISTING RIGHT-OF-WAY PER DOCUMENT #11092

James O'Leary

OREGON
JULY 26, 1989
JAMES D. PERRY
2407

RENEWS 12-31-2018

TL 2408-00-01400
SHANDA ASSETS MANAGEMENT, LLC

SHANDA ASSETS MANAGEMENT, LLC

N1/4 SEC. 34

N88°47'54"W 2732.19

66'

27 26

34 35

66'

66'

N1/2 NE1/4 Section 34

TL 2408-00-00901
FLYNN CASE

BEGIN R/W Rd. 6100100
PER DOCUMENT #11092

END R/W Rd. 6100100
PER DOCUMENT #11092

110' (M)

S89°00'41"E 2731.31

N1/16

S1/2 N1/2 Section 34
TL 2408-00-02700
FLYNN CASE

1900' (SC)

N00°05'32"E 1319.12

E1/4 SEC. 34

34 35

N1/2 NW1/4 Section 34
TL 2408-00-02300
UNITED STATES
NATIONAL FOREST SYSTEM LAND

S00°03'42"W 1329.29

1253'

N00°05'32"E 1319.12

UNITED STATES
NATIONAL FOREST SYSTEM LAND

TL 2408-00-02300

RIGHT-OF-WAY DESCRIPTION:

Located in the N1/2 NE1/4 Section 34,
T.24S., R.8E., W.M., Klamath County, Oregon

The East 66' of the North 772' of
said N1/2 NE1/4;

The North 66' of said N1/2 NE1/4
Section 34;

The West 66' of the North 1253' of
said N1/2 NE1/4.

Contains 7.01 Acres

REVIEWED BY:
William B. Hane 2/26/2018
LAND SURVEYOR DATE

APPROVED BY:
[Signature] 2/26/2018
FOREST ENGINEER DATE

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T.24S., R.8E., W.M., Klamath County, Oregon

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The North 66' of said N1/2 NE1/4
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The West 66' of the North 1253' of
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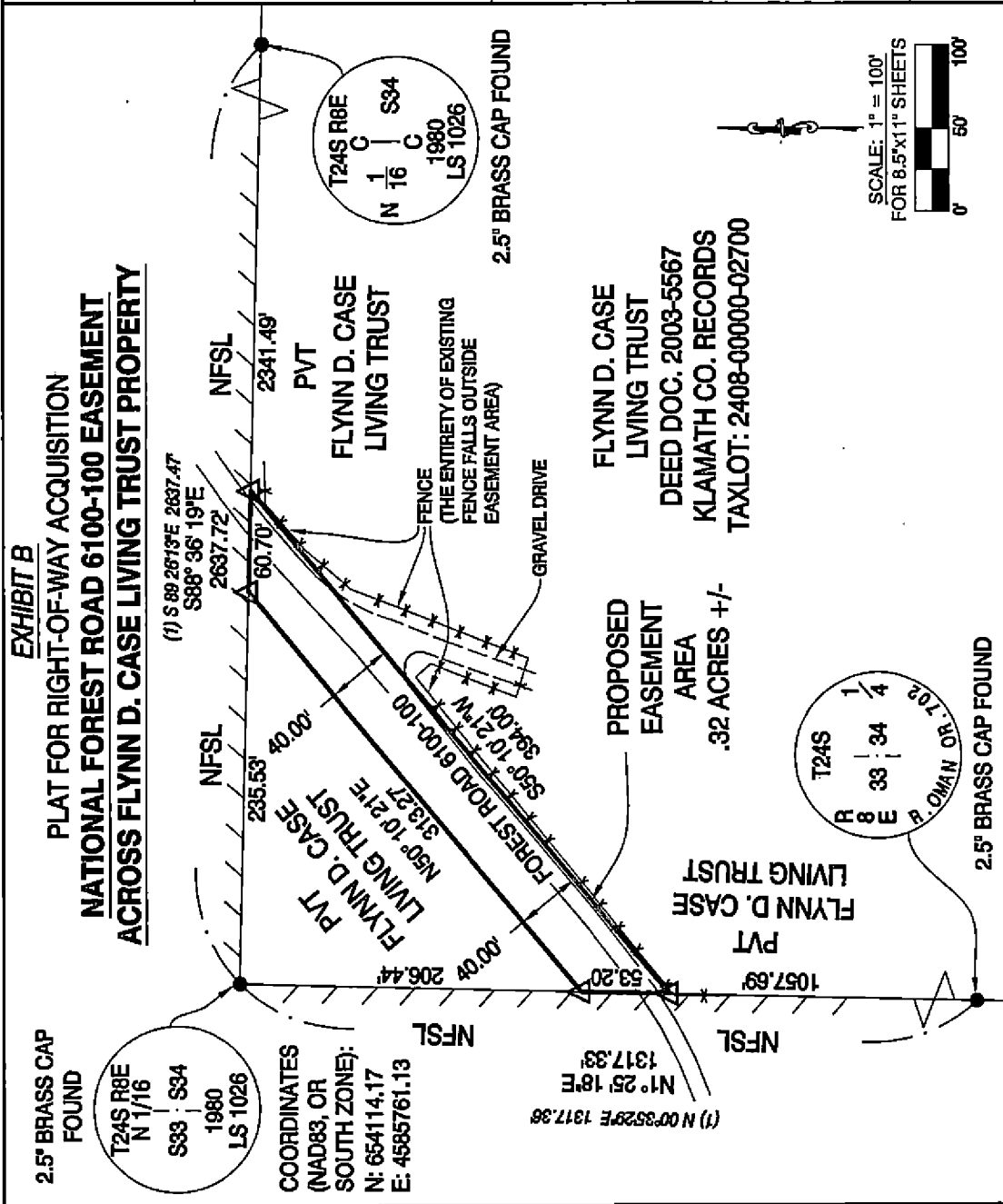
APPROVED BY:


 FOREST ENGINEER

2/26/2008
 DATE

PREPARED BY BAXTER LAND SURVEYING, INC. P.O. BOX 7022 BEND, OR 97708 (541) 382-1962

5480 EASEMENT ACQUISITION, FEDERAL LAND POLICY AND MANAGEMENT ACT OVER AND ACROSS A PORTION OF LAND LOCATED IN THE S 1/2 OF THE NW 1/4 OF SECTION 34, TOWNSHIP 24 SOUTH, RANGE 8 EAST, W.M., KLAMATH COUNTY, OREGON FLYNN CASE TO THE USDA USFS, FOR INGRESS-EGRESS TO NATIONAL FOREST SYSTEM LANDS	REVIEWED BY FOREST LAND SURVEYOR: <i>William Ham</i> 2/14/2022 FOREST LAND SURVEYOR DATE	APPROVED BY: PEGGY KRICKHAHN FOREST ENGINEER DATE	DESCHUTES National Forest CRESCENT RANGER DISTRICT	LEGEND EASEMENT AREA USFS POSTED PLSS LINE FENCE FOUND MONUMENT CALCULATED POINT (NO MONUMENT SET) NFSL: NATIONAL FOREST SYSTEM LANDS (#): RECORD PER REFERENCE MATERIAL PVT: PRIVATE LAND USFS: UNITED STATES FOREST SERVICE USDA: UNITED STATES DEPARTMENT OF AGRICULTURE	FIRM/ AGENCY NAME: DESCHUTES NATIONAL FOREST ADDRESS: 63095 DESCHUTES MKT. RD. BEND, OR 97701 PHONE: (541) 383-6300	REGISTERED PROFESSIONAL LAND SURVEYOR JAMES SCOTT SCOTT Digitally signed by JAMES SCOTT Date: 2022.02.14 15:05:30 -0800 OREGON Date JAMES E. SCOTT 95938PLS RENEWALS: 06/30/2022
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NOTES

- 1) SURVEYED IN JULY, 2021, BY JAMES SCOTT, PLS.
- 2) THE SIDELINES OF SAID EASEMENT SHALL BE EXTENDED OR SHORTENED TO BEGIN AND END AT THE TRUE PROPERTY LINES.
- 3) MEASURED DISTANCES HAVE BEEN SCALED TO HORIZONTAL GROUND DISTANCES. TO OBTAIN GRID DISTANCES, MULTIPLY BY THE COMBINED SCALE FACTOR OF .99986350. UNITS ARE INTERNATIONAL FEET.
- 4) BEARINGS AND COORDINATES SHOWN ARE BASED UPON STATE PLANE COORDINATES (NAD 83 (2011)), OREGON SOUTH ZONE, OBTAINED USING A JAVAD GPS/GNSS RECEIVER IN RTK MODE.

REFERENCE MATERIAL

- (1) RECORD OF SURVEY NO. 5167 "WEST LINE OF SECTION 28 AND SECTION 34 SUBDIVISION, T. 24 S., R. 8 E., W.M.", WILLIAM B. HAM, PLS 2386, RECORDED 2/18/1992, KLAMATH COUNTY SURVEY RECORDS
- (2) RECORD OF SURVEY NO. 3302 "BOUNDARY SURVEY OF THE S 1/2 OF THE N 1/2 OF SECTION 34", DAVID B. ARMSTRONG, PLS 1026, RECORDED 10/22/1980, KLAMATH COUNTY SURVEY RECORDS