

Returned at Counter

2025-008007

Klamath County, Oregon



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09/08/2025 02:44:03 PM

Fee: \$112.00

AFTER RECORDING RETURN TO:

Parks & Ratliff, P.C.
620 Main Street
Klamath Falls OR 97601

GRANTORS' NAME AND ADDRESS:

Yolanda Lee Buchanan, Personal Representative of the
Estate of Mildred Lois Fotheringham as to an
undivided one-half interest; and
Gary D. Klegseth and Denise L. Klegseth,
H&W, as to an undivided one-half interest;
c/o Neal G. Buchanan
435 Oak Avenue
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS:

Denis Hickey
P. O Box 1022
Merrill, OR 97633

SEND TAX STATEMENTS TO:

No Change

EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into on this 3rd day of September, 2025, by and between **YOLANDA LEE BUCHANAN, PERSONAL REPRESENTATIVE OF THE ESTATE OF MILDRED LOIS FOTHERINGHAM**, as to an undivided one-half interest, and **GARY D. KLEGSETH and DENISE L. KLEGSETH**, Husband and Wife, as to an undivided one-half interest, hereinafter referred to as the "First Party," and **DENIS HICKEY**, hereinafter referred to as the "Second Party; WITNESSETH:

WHEREAS: First Party is the record owner of the following described real property located in the county of Klamath, State of Oregon, hereinafter referred to as **PARCELS A**, to-wit:

Parcel A-1:

W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec. 11, Township 41 S., Range 10 East of the
Willamette Meridian, Klamath County, Oregon

Property ID No. 101605
Map Tax Lot No.: 4110-01100-01000)

Parcel A-2:

SE $\frac{1}{4}$ Section 10 (Ten) Township 41 (Forty One) South, Range 10 (Ten) East of
the Willamette Meridian, Klamath County, Oregon

(Property ID No.: 873984
Map Tax Lot No.: 4110-01000-00701)

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and has the unrestricted right to grant the easement hereinafter described relative to the real estate; and the Second Party is the record owner of the following described real property also located in the County of Klamath, State of Oregon, hereinafter **PARCEL B**, to-wit:

PARCEL B:

The NE¼ of Section 10, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Except Falvey Road;

ALSO EXCEPTING THEREFROM a tract of land situated in the NE¼ of Section 10, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the North one fourth corner of said Section 10, said point being monumented by a 1"x30" iron pin at the intersection of the County roads as established in 1906 and described in Commissioners Journal IV, Pages 197 and 225, Klamath County Records, thence South 89°18'00" East along the centerline of the County road marking the North line of said Section 10 as described in said road record, a distance of 299.24 feet to a 5/8"x30" iron pin; thence South 11°06'10" East a distance of 610.36 feet to a 5/8"x30" iron pin; thence South 09°36'40" East a distance of 594.00 feet to a 5/8"x30" iron pin in an existing fence line; thence South 22°57'50" East following said fence line a distance of 814.80 feet to a 5/8"x30" iron pin; thence following said fence line South 44°26'40" East to the East-West centerline of said Section 10; thence Westerly along the East-West centerline of said Section 10 to the center one fourth corner of said Section 10; thence Northerly along the North-South centerline of said Section 10 to the point of beginning.

SAVING AND EXCEPTING THEREFROM that portion conveyed to Klamath County for road purposes by deed recorded May 3, 1906, in Volume 20, Page 94, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM a tract of land situated in the NE¼ of Section 10, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin on the North line of said Section 10, said pin situated South 89°18'00" East 299.24 feet from the North one-quarter corner of said Section 10, thence South 11°06'10" East 610.36 feet; thence South 09°36'40" East 594.00 feet; thence South 22°57'50" East 814.80 feet; thence South 44°26'40" East 1055 feet, more or less, to the South line of the NE¼ of said Section 10; thence Easterly along said South line 137 feet, more or less, to the Westerly line of the Van Brimmer Ditch; thence Northwesterly along said Westerly line 2990 feet, more or less, to the North line of said Section 10; thence North 89°18'00" West 250 feet, more or less, to the point of beginning, with bearings based on Survey No. 1215, as recorded in the office of the Klamath County Surveyor.

Also Except that portion lying within the Southern Pacific Railroad right of way.

(Property ID No.: 101552
Map Tax Lot No.: 4110-01000-00100)

NOW, THEREFORE, in consideration of the granting of this easement and the mutual covenants and promises herein contained, it is agreed as follows:

First Party hereby grants, assigns and sets over to the Second Party an easement, to-wit:

A TRACT OF LAND SITUATED IN THE SE1/4 OF SECTION 10 AND THE SW1/4 OF SECTION 11, T41S, R10E. WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND IN SAID SE1/4 OF SECTION 10 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT THAT BEARS SOUTH 89°49'57" EAST ALONG THE CENTER SECTION LINE OF SAID SECTION 10 A DISTANCE OF 2670.25 FEET FROM THE CENTER CORNER OF SAID TOWNSHIP, RANGE AND SECTION; THENCE SOUTH 00°29'48" EAST A DISTANCE OF 376.54 FEET; THENCE A DISTANCE OF 370.96 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1820.00 FEET, THE LONG CHORD OF WHICH BEARS NORTH 45°20'02" WEST A DISTANCE OF 370.32 FEET; THENCE NORTH 30°37'02" WEST A DISTANCE OF 742.19 FEET; THENCE SOUTH 89°49'57" EAST A DISTANCE OF 638.11 FEET, TO THE POINT OF BEGINNING, CONTAINING 5.9 ACRES, MORE OR LESS.

ALONG WITH:

A PARCEL OF LAND IN SAID SW1/4 OF SECTION 11 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT BEARS SOUTH 89°49'57" EAST ALONG THE CENTER SECTION LINE OF SAID SECTION 10 A DISTANCE OF 2670.25 FEET FROM THE CENTER CORNER OF SAID TOWNSHIP, RANGE AND SECTION; THENCE SOUTH 89°49'57" EAST ALONG SAID CENTER SECTION LINE A DISTANCE OF 242.37 FEET; THENCE 446.55 FEET ALONG A NON-TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 1820.00 FEET, THE LONG CHORD OF WHICH BEARS SOUTH 32°27'57" WEST A DISTANCE OF 445.43 FEET; THENCE NORTH 00°29'48" WEST A DISTANCE OF 376.54 FEET, TO THE POINT OF BEGINNING, CONTAINING 1.14 ACRES, MORE OR LESS. THE BEARING FOR THIS LEGAL DESCRIPTION IS THE BEND - KLAMATH FALLS ZONE OF THE OREGON COORDINATE REFERENCE SYSTEM.

(See Exhibit "A" attached hereto and incorporated herein by reference.)

Second Party shall have an easement for the use, operation and movement of a pivot irrigation system, for the maintenance and repair of the pivot system located on the easement property, for the purposes of assuring the proper operation and movement of the pivot system and for ingress and egress as necessary to effectuate those purposes described above.

Except as to the rights herein granted, First Party shall have the full use and control of the above-described property identified as PARCEL A.

Second party agrees to save and hold First Party harmless from any and all claims of third parties arising from the Second Party's use of the rights herein granted.

This easement is exclusive to Second Party and his lineal descendants, and does not run with the land.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which the holders of an interest in the easement are blameless, shall be the responsibility of all parties hereto, share and share alike.

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals on the day and year first above written.

FIRST PARTY:

ESTATE OF
MILDRED LOIS FOTHERINGHAM

Volanda Lee Buchanan
Volanda Lee Buchanan,
Personal Representative

Gary D. Klegseth
Gary D. Klegseth

Denise L. Klegseth
Denise L. Klegseth

SECOND PARTY:

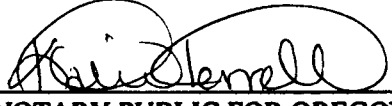
Denis Hickey
Denis Hickey

(Acknowledgments appear on page 5.)

STATE OF OREGON; County of Klamath) ss.

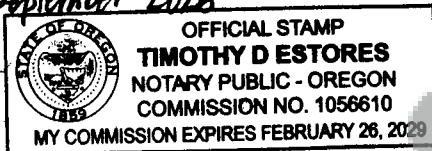
~~September~~ THE FOREGOING EASEMENT WAS ACKNOWLEDGED BEFORE ME this 4 day of ~~July~~, 2025, by Yolanda Lee Buchanan, Personal Representative of the Estate of Mildred Lois Fotheringham.




NOTARY PUBLIC FOR OREGON
My Commission expires: 3-9-27

STATE OF OREGON; County of Klamath) ss.

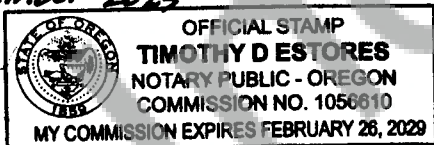
THE FOREGOING EASEMENT WAS ACKNOWLEDGED BEFORE ME this 3 day of ~~July~~, 2025, by Gary D. Klegseth.
~~July~~ September 2025




NOTARY PUBLIC FOR OREGON
My Commission expires: 2/26/2029

STATE OF OREGON; County of Klamath) ss.

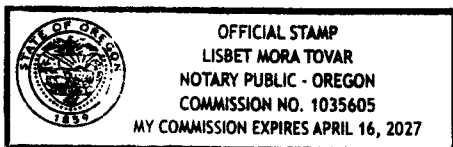
THE FOREGOING EASEMENT WAS ACKNOWLEDGED BEFORE ME this 3 day of ~~July~~, 2025, by Denise L. Klegseth.
~~July~~ September 2025




NOTARY PUBLIC FOR OREGON
My Commission expires: 2/26/2029

STATE OF OREGON; County of Klamath) ss.

THE FOREGOING EASEMENT WAS ACKNOWLEDGED BEFORE ME this 4 day of ~~July~~, 2025, by Denis Hickey.
~~July~~ September 2025

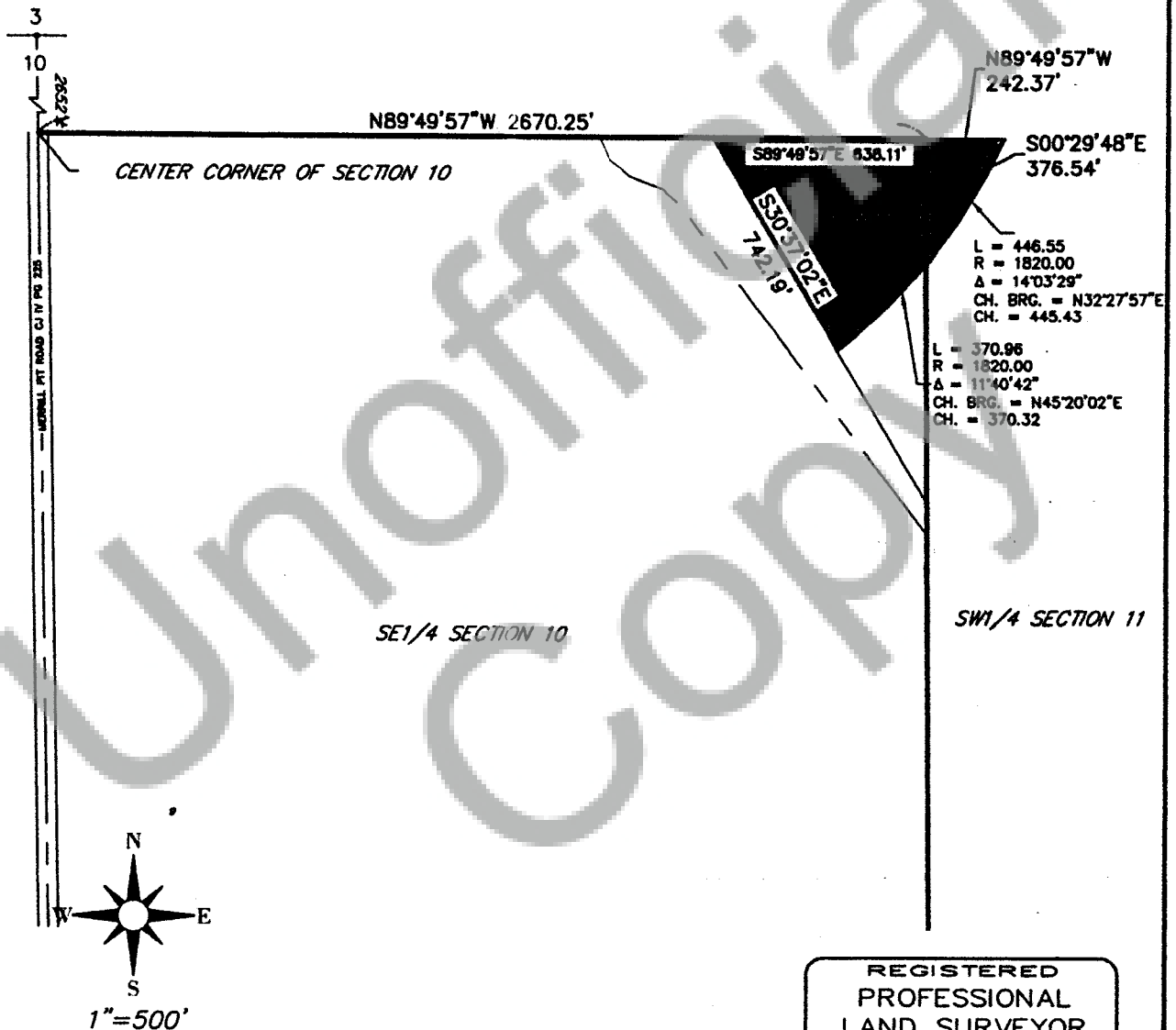



NOTARY PUBLIC FOR OREGON
My Commission expires:

EXHIBIT MAP

ENCROACHMENT EASEMENT

SITUATED IN SE1/4 OF SECTION 10 AND
THE SW1/4 SECTION 11, T41S, 10E, W.M.



O'CONNOR CONSULTING, LLC
1213 TAMERA DR.
KLAMATH FALLS, OR
97603

EXHIBIT A
PAGE: 1 OF 1

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Daniel O'Connor

OREGON
MAY 20, 2015
DANIEL J. O'CONNOR
90081

RENEWAL DATE: 1/1/27