

DECLARATION

Know all people by these present that I, John H. Gray, do hereby declare I am the owner of the lands described in the Surveyor's Certificate, and that I have caused the same to be partitioned into parcels in accordance with the provisions of ORS Chapter 92 as shown hereon. I hereby grant a private 20 foot wide access easement, for ingress and egress, to the owner and future owners of the property lying south and west of Parcel 2, as shown hereon.

SAID PARCELS ARE SUBJECT TO THE FOLLOWING:

- 1) Rights of the public in streets, roads and highways.
- 2) A. Easements, liens, encumbrances, interests or claims thereof which are not shown by the public records.
B. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- 3) Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown in the public record.
- 4) A. Unpatented mining claims.
B. Reservations or exceptions in patents or in acts authorizing the issuance thereof.
C. Water rights, claims or title to water.
Whether or not the matters excepted under (A), (B), or (C) are shown by the public records.
- 5) Any and all matters, including easements and assessments, if any, pertaining to irrigation ditches traversing the subject property.
- 6) Private ditch right of way and easement, including the terms and provisions thereof, to M.F. Stockwell, dated April 20, 1921, recorded June 9, 1921 in Book 34, Page 140, deed records of Grant County, Oregon, 33 feet wide, the easement is not shown due to insufficient data given in the deed description.
- 7) Rights of the public and governmental bodies in and to any portion of the premises herein described, now or at any time lying below high water mark of canyon creek, including any ownership rights which may be claimed by the State of Oregon, as to any portion now or at any time below the high water mark.
- 8) Such rights and easements for navigation and fishing as may exist over that portion of the property lying now or at any time beneath the waters of Canyon Creek.
- 9) A private easement, including the terms and provisions thereof, to West Coast Power Company, a Delaware corporation, recorded April 16, 1934 in Book 41, Page 585, deed records of Grant County, Oregon. No width is given, the easement is not shown due to insufficient data given in the deed description.
- 10) All rights, titles, claim or interest of the grantors in and to that certain private easement acquired from Oscar C. Lent and Ilene E. Lent, husband and wife, dated July 23, 1970, recorded August 18, 1970, in Book 104, Page 120, deed records of Grant County, Oregon. No width is given, the easement is not shown due to insufficient data given in the deed description.
- 11) A private easement in common with others, including the terms and provisions thereof, dated February 11, 1975 recorded February 21, 1975, in Book 112, Page 740-743, deed records of Grant County, Oregon, 60 feet in width, for the purpose of ingress and egress from the John Day Highway.
- 12) A private easement, including the terms and provisions thereof, to West Coast Power Company, a Delaware corporation, recorded April 16, 1937 in Book 41, Page 586, deed records of Grant County, Oregon. No width is given, the easement is not shown due to insufficient data given in the deed description.
- 13) A private easement, including the terms and provisions thereof, to W.G. St. Marie and Bessie St. Marie, husband and wife, recorded October 17, 1941 in Book 45, Page 48, deed records of Grant County, Oregon, 20 feet wide, the easement is not shown, it does not cross the subject property.
- 14) A private easement, including the terms and provisions thereof, to California-Pacific Utilities Company, a corp., dated July 3, 1947, recorded July 22, 1947 in Book 51, Page 77, deed records of Grant County, Oregon, 30 feet wide.
- 15) A private easement, including the terms and provisions thereof, to California-Pacific Utilities Company, a corp., dated September 4, 1947, recorded September 17, 1947 in Book 51, Page 505, deed records of Grant County, Oregon, 30 feet wide.
- 16) Covenants, burdens and restrictions, with certain limited access granted, including the terms and provisions thereof, in deed to the State of Oregon, by and through its State Highway Commission, dated February 7, 1959, recorded February 13, 1959 in Book 80, Page 431, deed records of Grant County, Oregon.
- 17) A private easement deed, including the terms and provisions thereof, to Crown Zellerbach Corporation, a Nevada corp., dated October 31, 1967, recorded October 31, 1967 in Book 97, Page 575, deed records of Grant County, Oregon. No width is given, the easement is not shown due to insufficient data given in the deed description.
- 18) Agreement, including the terms and provisions thereof, between the State of Oregon, acting by and through its Game Commission (1st Party), and the owners of lands on which there are water rights of diversion of water from Canyon Creek, a tributary of the John Day River in Grant County, Oregon, dated May 22, 1961, recorded May 25, 1961 in Book "I", Page 281, Leases and Agreements Records.
- 19) A private easement deed, including the terms and provisions thereof, to Oscar C. Lent and Ilene E. Lent, husband and wife, dated July 2, 1970, recorded August 18, 1970, in Book 104, Page 124, deed records of Grant County, Oregon. No width is given, the easement is not shown due to insufficient data given in the deed description.
- 20) Deed, including the terms and provisions thereof, to Ronald E. Bratton and Beverly J. Bratton, husband and wife, dated February 11, 1975, recorded February 21, 1975 in Book 112, Page 746, deeds of Grant County, Oregon.
- 21) Right, title, claim, or interest, of others in and to a private easement in common with others entitled to the use thereof, over and across an existing road to the John Day Highway for the purpose of ingress and egress in and to the W1/2, W1/2SE1/4, SE1/4SE1/4 of Sec. 14, N1/2NE1/4SW1/4, NW1/4SE1/4 of Sec. 23, and certain tracts in the NW1/4 of Sec. 24, T14S, R31E, W.M.
- 22) A private easement, including the terms and provisions thereof, to California-Pacific Utilities Company, a corp., dated November 13, 1975, recorded November 21, 1975 in Book 113, Page 931, deed records of Grant County, Oregon, 15 feet wide.
- 23) A private easement deed, including the terms and provisions thereof, to Crown Zellerbach Corporation, a Nevada corp., dated May 16, 1983, recorded March 12, 1984 in Book 129, Page 622, deed records of Grant County, Oregon, 40 feet wide.

John H. Gray

LAND PARTITION PLAT NO. 98-40

SITUATED IN THE SW1/4 AND IN THE NW1/4 OF SECTION 24
T14S, R31E, W.M.
GRANT COUNTY, OREGON

November 12, 1998

APPROVALS

Approved this 2 day of DEC, 1998

Grant County Surveyor
Grant County Surveyor

Approved this 2nd day of Dec, 1998

Grant County Planning Director
Grant County Planning Director

All ad valorem and special assessments due pursuant to law have been assessed and collected.

Grant County Assessor and Tax Collector
Grant County Assessor and Tax Collector

I do hereby certify that this plat was received on the 15th day of December, 1998 at 10:00 o'clock A.M., and recorded as Land Partition Plat No. 98-40
Grant County Records.

Grant County Clerk
Grant County Clerk

I do hereby certify that this is a true and exact copy of Land Partition No. 98-40

Jack L. Watson
Jack L. Watson

ACKNOWLEDGEMENT

STATE OF OREGON }
COUNTY OF GRANT } SS
MULTI-PARTY

This instrument was acknowledged before me on this 11 day of DEC, 1998, by John H. Gray.

Notary Public of Oregon

My commission expires: 9-16-2000



RECEIVED AND
FILED

DEC 21 1998

OFFICE OF COUNTY SURVEYOR
Grant County

SURVEYOR'S CERTIFICATE

I, Jack L. Watson, Professional Land Surveyor, registered in the State of Oregon, hereby certify that I have correctly surveyed and marked with proper monuments, Parcels 1 and 2 of this land partition. This partition is situated in the SW1/4 and in the NW1/4 of Section 24, T14S, R31E, W.M., Grant County, Oregon, described as follows:

Beginning at the W1/4 corner of Section 24, which I designate to be the Initial Point of this land partition, which is a 2 1/2" iron pipe with attached BLM brass cap, thence N00°10'00"E, along the west line of Section 24, 537.89 feet; thence East, 525.09 feet; thence South, 220.47 feet; thence East, 317.90 feet; thence S01°40'19"W, 71.29 feet; thence S38°15'30"E, 52.07 feet; thence S20°27'25"W, 256.90 feet; thence S1°53'30"E, 44.44 feet; thence S88°34'22"E, 110.38 feet to the long chord of which bears (S34°03'28"E, 44.44 feet); thence S88°34'22"E, 110.38 feet to the westerly right of way line of U.S. Highway 395; thence 134.05 feet along the arc of a 1220.92 foot radius curve left, the long chord of which bears (S27°24'11"W, 133.98 feet); thence 87.15 feet along the arc of a 75 foot offset spiral, the long chord of which bears (S22°34'39"W, 86.74 feet); thence West, 330.00 feet; thence N11°47'05"E, 288.50 feet to the south line of the NW1/4 of Section 24; thence N89°43'09"W, along the south line of the NW1/4, 526.66 feet to the point of beginning.

This partition contains 10.78 acres.

Cornerstone Surveying, Inc.
233 S. Canyon Blvd.
John Day, OR. 97845
575-1813

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jack L. Watson
OREGON
SEPT. 19, 1995
JACK L. WATSON
2734

Renewal Date 6/30/2000

NARRATIVE

This survey was performed at the request of John Gray. The purpose of this survey was to partition Mr. Gray's property, as described in Deeds Instrument No. 980063, into 2 parcels.

After searching the available records pertaining to this survey, I found that the west boundary has been monumented by the BLM in 1968 and 1978, see Record Map of Survey No. 248 and 613. Survey No. 279 was performed for Basil Turner in 1972, which is common with Mr. Gray's east boundary. Also, the northwest corner of Mr. Gray's property was monumented in 1995, see Survey No. 1363, recorded in the office of the Grant County Surveyor.

I found the appurtenant BLM corners in good condition and the monument at the NW corner of this tract, and accepted them as shown. I found four of the monuments from Survey No. 279. I accepted the monuments of Survey No. 279 to position the east boundary, although I do not accept the monuments at the NW corner or the SE corner of Survey No. 279 for the following reasons.

Mr. Gray's property is described to the boundaries of the properties to the north and east, in particular Book 101, Page 564 and Book 104, Page 206. The SW corner of the property described in Book 101, Page 564, is identical with the NW corner of this tract and was found and accepted, as stated above. I used the record bearings and distances to place the property described in Book 104, Page 206, which is north of parcel 2. I used the deed call of "North, 320.0 feet" from the south line of the SW1/4NW1/4 of Section 24, to place the northwest corner of parcel 2. I used the deed record bearing, "East" for the north line of parcel 2 and intersected the west line of Survey No. 279 to position the northeast corner of parcel 2. I used the monuments of Survey No. 279 and intersected the highway right of way.

The highway right of way was described and the land was deeded to the State of Oregon, by and through its State Highway Commission in June of 1959, Book 81, Page 292. This alignment follows Highway Drawing No. 8B-10-3, dated June 1958. I found many 3/4" iron pipes with 1" brass caps stamped "RW" concreted into the pipe, along the highway right of way lines. I discovered that another highway alignment was used to set these monuments, see Highway Drawing No. 10B-5-8, dated Nov. 1962. The monuments and the deeded right of way differ at the equation station 177+83.83 Bk, 177+77.78 Ah. I used the deeded highway alignment, and the position of the monument found at station 175+00, 75 feet right, to position the right of way lines.

I used Deed Book 86, Page 367, coordinate call and intersected the highway right of way to place the southeast corner of this tract. I used Deed Book 86, Page 367, record bearing and distance to place the southwest corner of parcel 2. Deed Instrument No. 980063, has omitted the call from the southwest corner to the southwest corner of Deed Book 71, Page 272. This call is present in the deeds from the first time the parcel was created in 1962. I used this call to position that portion of the west boundary of parcel 2 that is in the SW1/4 of Section 24, and intersected the north line of said SW1/4.

The division line between parcels 1 and 2 is at the location chosen by Mr. Gray. I find no record of a Geodetic Control monument within 1/2 mile of this land partition.