

### EASEMENTS / EXCEPTIONS

- Any matters relating to an irrigation ditch, running across the South half of the Northwest quarter of Section 30, as shown in deed from E. J. Bennett and Myrtle Bennett, his wife, to Fred Lamprecht, recorded January 9, 1912, in Deed Book 76, Page 142. Exact location not given.
- Utility easement granted to California-Pacific Utilities Company by instrument, including the terms and provisions thereof, recorded July 1, 1976, in Deeds 76 27 108. Easement is 15 feet in width, 7.5 feet on each side of the following described as constructed centerline: Beginning at an existing utility pole on the South Right of Way of Ben-Dier Lane (Baker County Road No. 647), said pole located S. 84° 39' 49" E., 326.35 feet from the Northwest corner of Section 30, T. 8 S., R. 39 E., W.M., Baker County, Oregon; thence S. 1° 15' 51" W., 2278.29 feet; thence S. 18° 24' 48" W., 20.27 feet, to the terminus of the easement.
- Access easement over the West 60 feet of the Northwest quarter of the Northwest quarter of Section 30, T. 8 S., R. 39 E., W.M., recorded July 30, 1985, in Deeds 85 31 058.
- Access easement over the West 30 feet of the Southwest quarter of the Northwest quarter of Section 30, T. 8 S., R. 39 E., W.M., as shown on Partition Plat 1991-001, recorded March 28, 1991, in Deeds 91 14 005.
- Public access easement as set forth in instrument executed by Joseph O. Rudi, Sharon A. Rudi, Douglas R. Schrade, Hui Cha Schrade, Daniel J. Mack, Donna L. Mack, David M. McCarty, Dyann L. McCarty, and Rocky B. Bitrich and Darlene Bitrich, Trustees of the Rocky and Darlene Bitrich Living Trust 1991, UAD July 23, 1991, by instrument, including the terms and provisions thereof, recorded October 31, 1994, in Deeds 94 44 070. NOTE: This document purports to terminate the easement shown at (3) above, but said document was not joined or consented to by other parties who also hold rights in said easement.
- Electric power line easement granted to Oregon Trail Electric Consumers Cooperative a corporation by instrument, including the terms and provisions thereof, recorded February 10, 1995, in Deeds 95 07 045. Easement is 15 feet in width, 7.5 feet on each side of the following described as constructed centerline: Beginning at an existing utility pole that bears S. 77° 40' 55" E., 292.33 feet from the Northwest corner of the Southwest quarter of the Northwest quarter of Section 30, T. 8 S., R. 39 E., W.M., Baker County, Oregon; thence N. 64° 24' 20" E., 223.36 feet, to the terminus of the easement.
- Access easement granted to James E. Davis and Kathleen S. Davis by instrument, including the terms and provisions thereof, recorded February 15, 1995, in Deeds 95 07 139, over the West 53 feet of the Southwest quarter of the Northeast quarter of Section 30, EXCEPT that portion lying within Parcel 2 of Partition Plat No. P1991-001.
- Terms and provisions of the ditch, utility and access easement as disclosed on Partition Plat No. P2002-001, recorded February 19, 2002 in Deed Book 02 08 0147.

### ACCESS ROAD EASEMENTS

#### BARBARA CIRCLE

A 48' wide access easement centered on the boundary line between Lots 4 and 5 with a 60' radius cul-de-sac centered on the corner to Lots 3, 4, 5, and 6 is hereby created by this plat. The beneficiaries of this easement shall be limited to the owners of said Lots 3, 4, 5, and 6, their heirs and successors, and their guests. Easement shall also be for the construction, operation, and maintenance of utilities serving said Lots 3, 4, 5, and 6. Barbara Circle shall contain a 22' wide road surface and a 50' road surface turning radius at the cul-de-sac. Baker County Road Department shall determine construction standards for the road.

#### SCOTT CIRCLE

A 48' wide access easement centered on the boundary line between Lots 8 and 9 with a 60' radius cul-de-sac centered on the corner to Lots 7, 8, 9, and 10 is hereby created by this plat. The beneficiaries of this easement shall be limited to the owners of said Lots 7, 8, 9, and 10, their heirs and successors, and their guests. Easement shall also be for the construction, operation, and maintenance of utilities serving said Lots 7, 8, 9, and 10. Scott Circle shall contain a 22' wide road surface and a 50' road surface turning radius at the cul-de-sac. Baker County Road Department shall determine construction standards for the road.

#### SHAUN CIRCLE

A 48' wide access easement centered on the boundary line between Lots 12 and 13 & 14 with a 60' radius cul-de-sac centered on the corner to Lots 11, 12, and 14 is hereby created by this plat. The beneficiaries of this easement shall be limited to the owners of said Lots 11, 12, 13, and 14, their heirs and successors, and their guests. Easement shall also be for the construction, operation, and maintenance of utilities serving said Lots 11, 12, 13, and 14. Shaun Circle shall contain a 22' wide road surface and a 50' road surface turning radius at the cul-de-sac. Baker County Road Department shall determine construction standards for the road.

### NARRATIVE

The purpose of this survey and subdivision plat for O & R, LLC and the Carl and Barbara Stiff Family Trust is to subdivide the herein described land into 14 lots. Baker County Partition Plat No. P1991-001 previously provided the proper subdivision of Section 30. Monumentation from said survey was recovered. Slight differences were found between the previous section subdivision and this survey. The new subdivision of Section 30 is represented on Baker County Survey No. 8-39-81.

### WATER RIGHTS STATEMENT

Upon Final Plat approval of Heather Glen Subdivision, all water rights shall be removed from the land represented on the annexed plat, and more particularly described in the accompanying Surveyor's Certificate.

### DITCH EASEMENT

Easement is conveyed to those with a legal water right for irrigation beyond the boundary of said parcel fed by any existing improved ditch. To those persons, is granted a perpetual, non-exclusive easement for it and it's laterals, feeders and sub-ditches, headgates and other appurtenances to operate, use, maintain, etc., restore and repair, with heavy equipment when needed, the existing ditch in the same manner as same presently exists upon, over and across the property as shown on the annexed subdivision plat. The total width shall equal the bank to bank ditch width, plus 15 feet beyond the bank on each side of the ditch. Reasonable access to the easement will be granted at a location designated by the property owner, unless other reasonable access is available.

I, Thomas J. Hanley, hereby certify that this is an exact duplicate copy of the Heather Glen Subdivision Plat as submitted to the Baker County Clerk for recording.

*Thomas J. Hanley*  
Thomas J. Hanley

FILED APRIL 24, 2003  
BAKER COUNTY SURVEYOR  
SURVEY NO. 8-39-825D

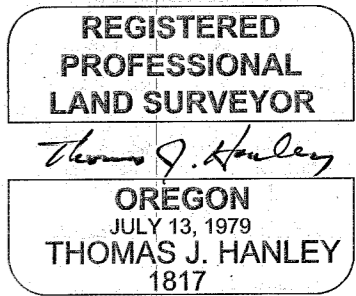
HANLEY ENGINEERING, INC.  
2043 MAIN STREET  
BAKER CITY, OREGON

## HEATHER GLEN SUBDIVISION SD2003- 001

### SURVEYOR'S CERTIFICATE

I, Thomas J. Hanley, certify that I have correctly surveyed, monumented, and subdivided the land represented on the annexed HEATHER GLEN SUBDIVISION plat in accordance with O.R.S. Chapter 92.  
Land located in the South half of the Northwest quarter and in the Southwest quarter of the Northeast quarter of Section 30, Township 8 South, Range 39 East, Willamette Meridian, Baker County, Oregon, more particularly described as Parcel Numbers 1 and 2 of Baker County Partition Plat No. P2002-001, the boundary of which is described as follows:  
Beginning at the Southwest corner of the Northwest quarter of said Section 30; thence along the West line of the said South half of the Northwest quarter, N. 0° 23' 24" W., 1337.88 feet, to the Northwest corner thereof; thence along the North line of the said South half of the Northwest quarter, N. 89° 55' 25" E., 2492.51 feet, to the Northeast corner thereof; thence along the North line of the said Southwest quarter of the Northeast quarter, S. 89° 56' 31" E., 53.00 feet; thence 53 feet East of and parallel to the East line of the said South half of the Northwest quarter, S. 0° 42' 39" E., 923.45 feet, to the Northeast corner of Parcel No. 2 of Baker County Partition Plat No. P1991-001; thence along the North line of said Parcel No. 2, S. 89° 47' 36" W., 544.50 feet to the Northwest corner thereof; thence along the West line of said Parcel No. 2, S. 0° 42' 39" E., 408.55 feet, to the Southwest corner thereof, said Southwest corner being on the South line of the said South half of the Northwest quarter; thence along said South line, S. 89° 47' 36" W., 2008.44 feet, to the point of beginning.

Land Containing 73.02 acres.



Renews June 30, 2003

### DECLARATION

Know all people by these presents that O & R, LLC and the Carl and Barbara Stiff Family Trust are the owners / subdividers of the land represented on the annexed plat, and more particularly described in the accompanying Surveyor's Certificate and they caused the same to be subdivided into 14 lots as shown, in accordance with O.R.S. Chapter 92 and do hereby grant the ditch easements as described hereon.

*Carl E. Stiff*  
Carl E. Stiff  
Trustee, Carl and Barbara  
Stiff Family Trust

*Barbara A. Stiff*  
Barbara A. Stiff  
Trustee, Carl and Barbara  
Stiff Family Trust

*Joseph O. Rudi*  
Joseph O. Rudi  
Member, O&R, LLC

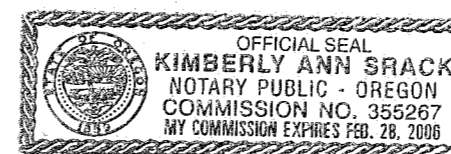
*Sharon A. Rudi*  
Sharon A. Rudi  
Member, O&R, LLC

*Michael R. Nelson*  
Michael R. Nelson  
Member, O&R, LLC

*Jane Nelson*  
Jane Nelson  
Member, O&R, LLC

### ACKNOWLEDGMENT

State of Oregon }  
County of Baker } S.S.



On April 17, 2003 before me did personally appear the within named Joseph O. Rudi, Sharon A. Rudi, Michael R. Nelson, and Jane Nelson, members of O & R, LLC and Carl E. Stiff and Barbara A. Stiff, Trustees of the Carl and Barbara Stiff Family Trust who acknowledged to me that they executed the same freely and voluntarily.

*Kimberly Ann Shack*  
NOTARY PUBLIC  
My Commission Expires February 28, 2006

### APPROVALS

We the undersigned officers in and for Baker County, Oregon do hereby approve this HEATHER GLEN SUBDIVISION Plat.  
Baker County Surveyor by: *Nick G. Nelson* ; Date MARCH 24 2003.  
I hereby certify that all taxes for the subject property have been paid as required. *JD*  
Baker County Tax Collector by: *Aliee Duffenberger* ; Date April MARCH 23 2003.  
Baker County Planning by: *Paul Bennett* ; Date April MARCH 24 2003.

State of Oregon }  
County of Baker } S.S.

I do hereby certify that the HEATHER GLEN SUBDIVISION Plat was received for recording on the 24 day of APRIL, 2003 at 10 o'clock 45 AM., and recorded in Baker County records and is hereby approved.

Baker County Clerk by: *Jamara J. Green By Karen Phillips, Deputy*