

Oscar Holguin  
Rt. 5, Box 5335  
Hermiston, OR 97838

RECEIVED

**EASEMENT**

**235322**

UMATILLA COUNTY  
RECORDS

7315 PAGE 0459

Umatilla County, a political subdivision of the State of Oregon, hereinafter referred to as GRANTOR, grants to Oscar and Norma Holguin, hereinafter referred to as GRANTEES, a non-exclusive easement located in the SW ¼ of the SE ¼ of Section 31, Township 5 North, Range 29 E.W.M., over and across a portion of the right-of-way of County Road No. 1250 (East Punkin Center Road). The easement is shown on Exhibit "A" which is attached hereto and incorporated herein, and is described as follows:

Commencing at the Southwest Corner of the Southeast ¼ of Section 31, T. 5 North, Range 29 E.W.M.; thence N87°51'56"E, 790.29 feet to the northerly right-of-way line of County Road No. 1250; thence continuing along said northerly right-of-way line S89°44'29"E, 50.73 feet; thence S00°15'31"W, 12.00 feet; thence N89°44'29"W, 50.73 feet; thence N00°15'31"E, 12.00 feet to the point of beginning. The parcel covered by this easement contains 0.014 acre, more or less, and lies entirely within the right-of-way of County Road No. 1250.

This easement is being granted to allow the continued encroachment of a structure (house) on the road right-of-way. This easement will remain in effect until such time as the house is no longer habitable, is destroyed by man-caused or natural disaster, or is removed for any other reason. At such time the GRANTEES or their heirs, successors, or assigns agree to remove any remnants of the house from the road right-of-way and to comply with local planning setback laws before reconstruction.

**The true consideration for this conveyance is \$0.00.**



1997-235322-1

\*\*\*\*\*

DATED THIS 12<sup>th</sup> DAY OF August, 1997.

PIONEER TITLE CO.  
126 SE Court. Pend. OR. 97801

5

Page 2 - Umatilla County to Oscar and Norma Holguin

Granted by Umatilla County, a political subdivision of the State of Oregon, for the purpose stated in the grant.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell  
William S. Hansell, Chairman

Emile M. Holeman  
Emile Holeman, Commissioner

Dennis D. Doherty  
Dennis Doherty, Commissioner



State of Oregon )  
                          ) ss.  
County of Umatilla )

On this 8<sup>th</sup> day of August, 1997, before me personally appeared William S. Hansell, Emile M. Holeman, Dennis D. Doherty

\_\_\_\_\_, personally known to me and/or whose identities were proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument, and I acknowledged that they executed it.



WITNESS my hand and official seal  
Marcia Wells  
Notary Public

My Commission Expires: June 6, 2001

APPROVED AS TO FORM:  
William Jones  
William Jones, County Counsel

ATTEST: OFFICE OF COUNTY RECORDS  
By: Jean Humphreys  
Records Officer



Page 3 - Umatilla County to Oscar & Norma Holguin

Accepted by Oscar Holguin, GRANTEE, for the purposes stated in this grant on this 22nd day of August, 1997.

Oscar L. Holguin  
Oscar Holguin



State of Oregon )  
                                ) ss.  
County of Umatilla )

On this 22nd day of August, 1997, before me personally appeared Oscar L. Holguin, personally known to me and/or whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and I acknowledged that he/she executed it.

WITNESS my hand and official seal.



Laurie A. Downing  
Notary Public

My Commission Expires 7/23/01

Page 4 - Umatilla County to Oscar & Norma Holguin

Accepted by Norma holguin, Grantee for the purposes stated in this grant on this 22 day of August, 1997.

Norma J Holguin  
Norma Holguin



State of Oregon )  
                                  ) ss.  
County of Umatilla )

On this 22nd day of August, 1997, before me personally appeared Norma Holguin, personally known to me and/or whose identity was proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and I acknowledged that he/she executed it.

WITNESS my hand and official seal.



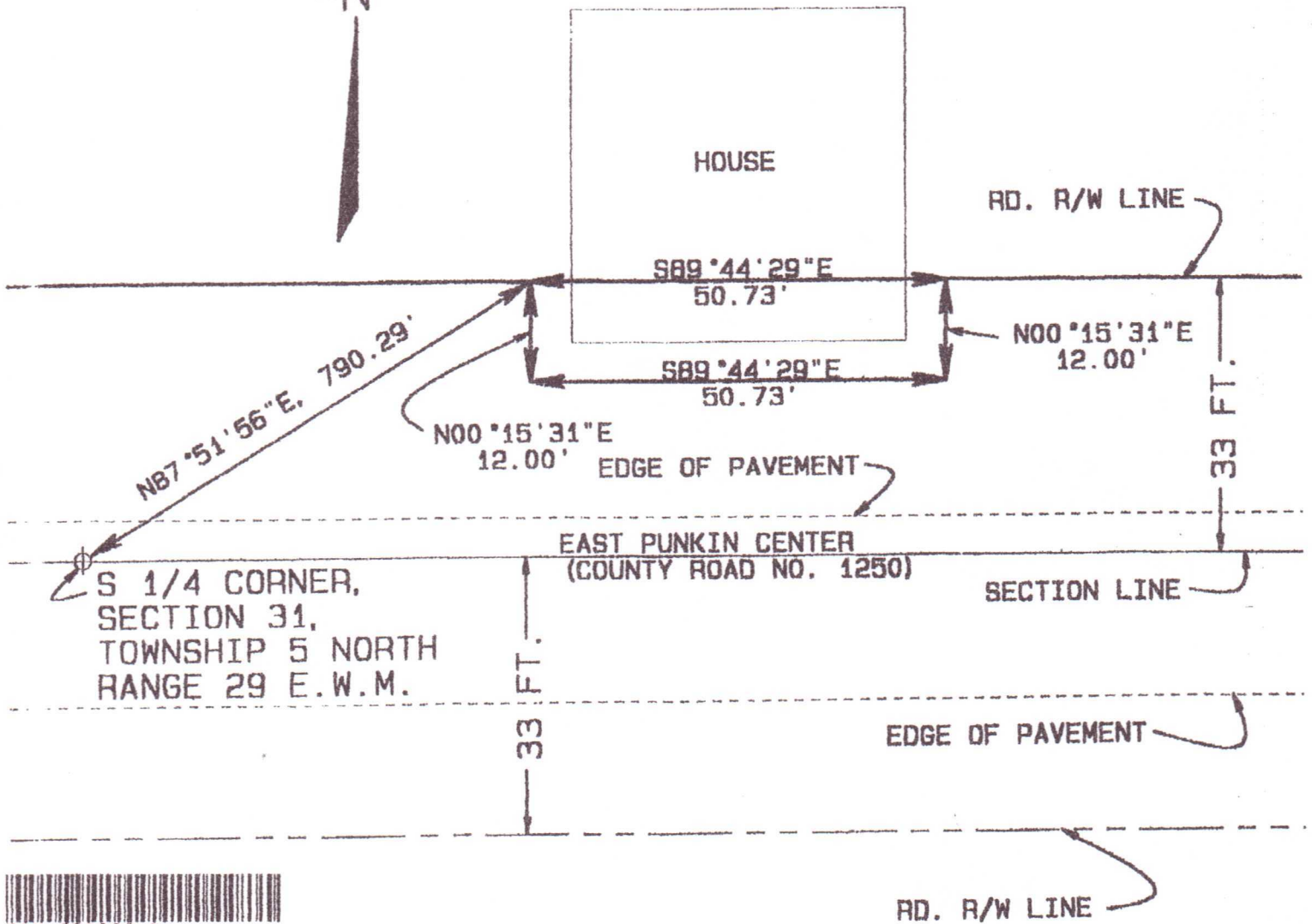
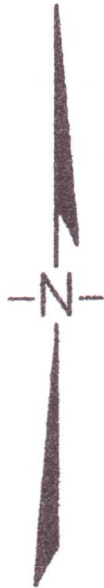
Laurie A Downing  
Notary Public

My Commission Expires 7/23/01

# EXHIBIT "A"

NO SCALE

SEE UMATILLA COUNTY  
SURVEY #97-123-C  
FOR DETAILS



997-235322-5

REEL 315 PAGE 0464



1997-235322-6

State of Oregon )

)

County of Umatilla)

This instrument was received and recorded on  
08-27-97 at 11:12

in the record of document code type DE-EAS

Location R315-0459

Document number 1997-235322

Fee 55.00

Office of County Records

Received by *G. McW...*  
Records Officer



GEORGE L. ANDERSON, P.C.

ATTORNEY AT LAW

MAILING ADDRESS: P.O. BOX 1090  
STREET ADDRESS: 475 EAST MAIN STREET  
HERMISTON, OREGON 97838-1926  
TELEPHONE: (541) 567-7800  
FAX: (541) 567-7656

September 25, 1997

Oscar Holguin  
Rt. 5 Box 5335  
Hermiston, Oregon

Re: Incorrect Boundary Lines

Dear Oscar:

I

As we have discussed, it appears that Mr. and Mrs. Dean are encroaching 52.1 feet onto the west boundary of your property, and 10-25 feet along the north boundary. Also, the Dean mobile home is about 25 feet onto the 52 feet on the west, and a 20x30 foot shed is about 19 feet onto your property on the north.

II

A decent resolution of this problem would be for you (and your contractor vendor Walls) and the Deans (and their lender Brockett) to make a boundary line adjustment with the Deans getting the 52 feet on your west, with them giving up any claim to the encroached upon land to the north, with them having a 25 year easement for the old hay shed which encroaches with that shed to be abandoned in 25 years.

IV

But because you need to finalize your partition by February 9, 1999, I recommend that you proceed with your partitioning of the property into three parcels, and when the parcel to the north is sold, the earnest money agreement and deed, make the sale:

"Subject to any and all adverse possession claims of \_\_\_\_\_ and \_\_\_\_\_ Dean and \_\_\_\_\_ and \_\_\_\_\_ Brockett and any others to that property between the north boundary line and the old fence shown on exhibit A." (With an appropriate exhibit attached)

V

If you sell the parcel which has your house on it, your earnest money agreement and deed would have the following exception:

"Subject to any and all adverse possession claims of \_\_\_\_\_ and \_\_\_\_\_ Dean and \_\_\_\_\_ and \_\_\_\_\_ Brockett and any others to that property between the west boundary line and the present fence shown on exhibit A." (With an appropriate exhibit attached)

COPY FOR YOUR  
INFORMATION

VI

As I have indicated to you, the Deans really have a greater problem than you have because their mobile home is onto your property about 25 feet, and the James' who own the property to the west of Deans apparently encroach 53 feet onto the Dean/Brockett property.

Since Clint Fordice and your surveyor Gary Roberts have advised the Deans of the problems with their boundary lines, the Deans are placed on notice of the incorrect boundaries and had better disclose that to any real estate sales people or buyers involved in a sale of the property. If they do not, they are defrauding them.

Because of the two problems the Deans have, I would anticipate that they or later owners of the Dean property will contact you and ask for a deed to resolve the problem. When that happens, you should be nice and polite and tell them that you need to talk to your attorney about this and then see me or another attorney knowledgeable in real property. You should then seek to resolve this as I have indicated above.


The Deans may threaten you with an "adverse possession" suit, and as we have discussed, they would have good grounds to get the disputed property. However, such a suit is expensive, and difficult, and they would be better off to resolve this as I propose above.

VII

Please note that a "boundary line adjustment" would be needed to change the boundary on the west, and that is a costly and slow procedure, which you should make the Deans pay for to get a deed to the 52 feet to the west.

Very truly yours,

GEORGE L. ANDERSON, P.C.



George L. Anderson  
Attorney at Law