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File 39970

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 21st day of September, 1972, by and between the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter called "State" and GEARY BROS., a partnership consisting of EDWARD A. GEARY, ROLAND W. GEARY, ELIZABETH GALLOGLY GEARY, MARTHA DORMAN SMITH, as Trustee under the Will of Arthur M. Geary, deceased, RICHARD GEARY, SUSAN GEARY ROBERTS, DOROTHEA GEARY YELLOTT and ALICE GEARY KILHAM, hereinafter called "Owners";

WHEREAS, State, by deed recorded July 2, 1969, in Book M-69, at Page 5768, Deed Records of Klamath County, Oregon acquired certain lands lying in Section 1, Township 39 South, Range 8 East, W.M., which deed reserved unto Owners access right to and from the Northerly side of the relocated Lake of the Woods Highway opposite Engineer's Station 368+35 and to and from the Southerly side of said highway opposite Engineer's Station 370+20;

WHEREAS, by mutual agreement between the parties hereto the access approach on the Northerly side of said highway was constructed opposite Engineer's Station 369+05 and the approach on the Southerly side thereof was constructed opposite Engineer's Station 369+00 instead of opposite Stations 368+35 and 370+20 as reserved in said deed; and

WHEREAS, it is now desired by the parties hereto to show in the public records the correct location and widths of the accesses as allowed by State.

NOW, THEREFORE, THIS INDENTURE WITNESSETH that for and in consideration of the grant hereinafter made by State, OWNERS do hereby transfer and relinquish unto State, its successors and assigns, their access rights to and from the Northerly and Southerly sides of the relocated Lake of the Woods Highway opposite said Stations 368+35 and 370+20 reserved in the above mentioned deed; and STATE, in consideration of the relinquishment herein made by Owners, does hereby grant and convey unto Owners, their heirs, successors and assigns, access rights to and from the Northerly side of said highway opposite said Station 369+05 and to and from the Southerly side of said highway opposite said Station