

DEED OF EASEMENT

28-3506
This deed of easement, made and executed this 30 day of
January, 1973, by CLAUDE S. KERNS and FRANCES S. KERNS,
husband and wife, hereinafter called "Grantors", and LOWLAND FARMS,
INC., an Oregon corporation, hereinafter called "Grantee",

W I T N E S S E T H:

WHEREAS, the Grantors are owners in fee simple of the property
encumbered by the easement hereinafter granted, and

WHEREAS, the Grantors are trading a parcel of land to Grantee on
even date herewith, and

WHEREAS, as part consideration for said trade, Grantors have
agreed to grant unto Grantee an easement for all road and utility pur-
poses,

NOW, THEREFORE, in consideration of said trade of properties by
Grantee and Grantors, Grantors do hereby grant unto Grantee, its heirs,
personal representatives, successors and assigns, a non-exclusive ease-
ment for all road and utility purposes including the maintenance there-
of across the land of Grantors as hereinafter described.

Grantors' land encumbered by this easement shall be a strip of
land sixty (60) feet in width described as follows:

The Southwesterly line of said easement being described as
follows:

Beginning at the Southwest corner of Section 32, Township
39 South, Range 8 East of the Willamette Meridian; thence East
along the South line of said Section 32 a distance of 1320
feet more or less to a point, said point being the Southeast
corner of Government Lot 11 Section 32; thence South a distance
of 311.96 feet; thence South 52° 32' East a distance of 458.9
feet; thence South 24° 20' West a distance of 87.04 feet to the
true point of beginning of the said 60 foot road easement;
thence South 39° 37' East a distance of 95.4 feet; thence
East a distance of 142 feet to the West line of the Drain ditch
and the end of the road easement.

The northeasterly line of said easement being described as
follows:

Beginning at the southwest quarter of Section 32, Township 39
South, Range 8 East of the Willamette Meridian; thence North
along the West line of said Section 32 a distance of 490.7
feet to a iron pipe; thence South 81° 30' East a distance of
800.8 feet to a 1/2 inch pipe and the true point of beginning of
said 60 foot road easement; thence south 52° 32' East a distance
of 1,124.15 feet; thence South 53.8 feet to the end of the
easement.

This easement shall be appurtenant to and run with the following described real property, to wit:

PARCEL I:

All those portions of Lots 7, 8, 9, 12 and 13 in Section 32, Township 39 South, Range 8 East of the Willamette Meridian and of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 5, Township 40 South, Range 8 East of the Willamette Meridian which are southeasterly of the strip of land sold to Weyerhaeuser Timber Company by deed dated April 28, 1928, recorded June 19, 1928 in Deed Book 80 at Page 539, Records of Klamath County, Oregon, as corrected by deed to same grantee dated January 2, 1929, recorded January 3, 1929, in Deed Book 85, at Page 104,

Lots 1, 2, 3, 5, 6, 7 and 8, the N $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, Township 40 South, Range 8 East of the Willamette Meridian, SAVING AND EXCEPTING THEREFROM that portion thereof lying northerly and easterly of the center line of the Keno Irrigation Drainage Canal as described in the deed from B. E. Kerns, et ux, to John V. Lilly and Edna B. Lilly, husband and wife, dated July 8, 1947, recorded July 8, 1947 in Deed Book 208 at Page 327, and further SAVING AND EXCEPTING the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 4, as conveyed to Claude S. Kerns, et ux, by deed recorded in Book 213 at Page 169, Deed Records of Klamath County, Oregon.

All of Lots 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 17 of Section 5, Township 40 South, Range 8 East of the Willamette Meridian, and that portion of Lot 8 of Section 5, Township 40 South, Range 8 East of the Willamette Meridian, which lies southeasterly of the said strip of land sold to said Weyerhaeuser Timber Company by said deed recorded in Deed Book 80 at Page 539 as corrected by said deed recorded in Book 85 at Page 104; SAVING AND EXCEPTING from said portion of Lot 8, that portion thereof conveyed to Edna B. Lilly, by deed dated November 16, 1951, recorded November 16, 1951, in Book 251 at Page 111, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING any portion of Lot 8 lying Westerly of Keno Irrigation Drain.

All of Lots 13 and 14 of Section 8, Township 40 South, Range 8 East of the Willamette Meridian.

All of Lots 4, 5 and 13, West $\frac{1}{2}$ northeast $\frac{1}{4}$ northwest $\frac{1}{4}$; and Lot 12 lying West of the East $\frac{1}{2}$ southeast $\frac{1}{4}$ northwest $\frac{1}{4}$ of Section 9, Township 40 South, Range 8 East of the Willamette Meridian.

PARCEL II:

That portion of Lots 2 and 7 of Section 4, Township 40 South, Range 8 East of the Willamette Meridian, which constitutes the Southwest $\frac{1}{4}$ southeast $\frac{1}{4}$ of said Section 4 and Government Lot 4 of Section 4, Township 40 South, Range 8 East of the Willamette Meridian.

In the event Grantors, their heirs, personal representatives, successors and assigns commence any operation, business, division of their land or otherwise, that increases the use of said easement beyond

that which is reasonably incident to the use of Grantors residence, then, and in that event, Grantors, their heirs, personal representatives, successors and assigns shall contribute rateably with Grantees to the costs of any and all repairs and maintenance of said easement.

It is further covenanted and agreed that Grantors, their heirs, personal representatives, successors and assigns shall not unreasonably fence or otherwise restrict Grantee, its heirs, successors, personal representatives and assigns use of said easement.

TO HAVE AND TO HOLD the above described easement unto said Grantee, its heirs, personal representatives, successors and assigns forever.

IN WITNESS WHEREOF, Grantors have caused these presents to be executed on the date and year first above written.

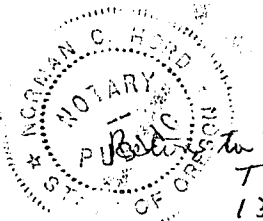
Claude S. Kerns
Claude S. Kerns

Frances E. Kerns
Frances E. Kerns

STATE OF OREGON)
County of Jackson) ss.

On the 2nd day of Feb, 1973, personally appeared the above named Claude S. Kerns and Frances E. Kerns, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:

Norman C. Ford
Notary Public for Oregon
My Commission Expires 1-25-74



T/A
130 West 6th. ave.
Medford Ore. 97501

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

Transamerica Title Ins. Co.

on this 2nd day of March A.D. 19 73
at 4:13 o'clock P M, and duly
recorded in Vol. M73 of Deeds
page 2242

Wm D. MILNE, County Clerk

By Cynthia A. [Signature] Deputy

Fee \$6.00

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