

INDENTURE OF ACCESS AND RELEASE OF OPTION OBLIGATION

THIS INDENTURE, made and executed this 10th day of July, 1973, ^{TRANSPORTATION} ~~STATE HIGHWAY COMMISSION~~, hereinafter called "State", and J A K E, INC., an Oregon corporation; DONALD O. and ELEANOR B. POTTER, hereinafter called "Owners".

WHEREAS, State by deed recorded November 23, 1971, in Book M71, Page 12374, Deed Records acquired from Donald O. and Eleanor B. Potter, certain easement rights and property situated in Blocks 2, 3 and 4, HILYARD TRACTS, which deed through an oversight did not include access rights to and from the Westerly side of the relocated Klamath Falls - Malin Highway opposite Engineer's Station "KFM²" 205+45 which were contained in the option dated September 9, 1971 given to and accepted by State; and

WHEREAS, State, by deed recorded December 17, 1971, in Book M71, Page 13283, Deed Records, acquired certain easement rights and property from J A K E, INC., situated in Blocks 1, 2, 3 and 4, HILYARD TRACTS, which deed, restricted access to the remaining property and reserved access rights not material hereto; and

WHEREAS, Donald O. and Eleanor B. Potter are the sole stockholders of J A K E, Inc.; and

WHEREAS, Owners have requested that the access rights opposite said Station "KFM²" 205+45 be terminated and that there be substituted therefor access rights to and from the Southwesterly side of said highway opposite Engineer's Station "KFM²" 193+10; and

WHEREAS, State has indicated a willingness to grant Owners' request provided that Owners release it from the option obligation which it had to construct the road approach opposite said Station "KFM²" 205+45.

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, all of their access rights to and from the Westerly side of the relocated Klamath Falls - Malin Highway opposite said Station "KFM²" 205+45 referred in the above mentioned option, and do hereby release State, its engineers, officers, agents and employees, from any and all obligations or liability arising in connection with State's failure to construct said approach opposite said Station "KFM²" 205+45, Owners further warrant that no one other than Owners is using or entitled to use the access rights herein relinquished, and STATE in consideration of the relinquishment and warranties herein made by Owners, does hereby grant and convey unto Owners, their heirs, successors and assigns, access rights to and from the Southwesterly side of said highway opposite said Station "KFM²" 193+10, in a width of 40 feet and unrestricted as to use.

If, after written notice to desist, Owners, or any person holding under them, shall

ATTEST:

Secretary Admin

APPROVED:

Assistant Sec

use the above place of access in a width greater than above stated, or shall permit or suffer any person to do so, the right of access therefor shall automatically be suspended and State shall thereupon have the right to close said place of access. The suspension shall terminate when satisfactory assurance has been furnished State that the place of access will be used in a width not greater than above stated.

State has the right to construct or otherwise provide at any future time a public frontage road or roads; whereupon all rights of access hereinabove granted to and from the highway that are on or adjacent to any frontage road or roads shall cease, but Owners, their heirs, successors and assigns, shall have access to the frontage road or roads for any purpose upon obtaining a permit from State under the applicable statutes and regulations governing same. Said road or roads shall be connected to the main highway or to other public ways only at such places as State may select.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

J A K E, INC., an Oregon corporation

By *John A. K. E.*
President

By *Katherine Green*
Secretary

Donald O. Potter
Donald O. Potter

Eleanor B. Potter
Eleanor B. Potter

ATTEST:

W. K. Labre
Secretary Administrator

APPROVED:

E. H. Hunter
Assistant State Highway Engineer

APPROVED AS TO FORM:

Walt Barrie
Chief Counsel

STATE OF OREGON, by and through its
STATE HIGHWAY COMMISSION

By *Don Jackson*
Chairman

By *Carl H. Fisher*
Commissioner

By *Robert M. Deard*
Commissioner

STAT

Glenn E.
Mitchell,
Anthony

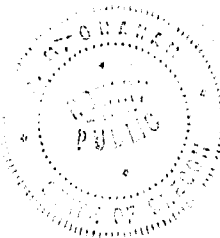
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Files 45128, 45129 and
45130STATE OF OREGON, County of KlamathMay 9, 1973. Personally appeared D. O. Potterand Katherine Green, who, being sworn, stated that they are the
President and Secretary of grantor corporation and that this instrument was voluntarily
signed in behalf of the corporation by authority of its Board of Directors.Joseph Stupfel
Notary Public for OregonMy Commission expires July 9, 1975STATE OF OREGON, County of KlamathMay 9, 1973. Personally appeared the above named Donald O. Potter/and
Eleanor B. Potter, who acknowledged the foregoing instrument to be their voluntary act.

Before me:

Joseph Stupfel
Notary Public for OregonMy Commission expires July 9, 1975STATE OF OREGON, County of MarionOn this 10th day of July, 1973, before me personally appeared Carl O. Fisher, RobertGlenn L. Jackson, Chairman of the Oregon State Highway Commission, Thaddaus R. Bruno and
Mitchell, Robert Keatch, & Transportation
Anthony Yturri, Oregon State Highway Commissioners, who each being duly sworn, stated thatthis instrument was voluntarily signed and sealed on behalf of the State of Oregon by
said Commission.Sam Shahan
Notary Public for OregonMy Commission expires March 1/77

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record of copy of STATE HIGHWAY COMMISSION STATE OF OREGON

this 26th day of JULY, 1973, at 1:21 P.M. andduly recorded in Vol. 1173, of DEEDS, Page 2646

W.B. HARRIS, County Clerk

FEE \$ 6.00

By Hazel Dragil