

EASEMENT AGREEMENT

1 THIS AGREEMENT, made and entered into this 25 day of
2 September, 1973, by and between DEAN O. MILLER and NAOMI B. MILLER
3 husband and wife, hereinafter referred to as First Party, and
4 BEARCAT, INC., an Oregon Corporation, hereinafter referred to as
5 Second Party,
6

7 WITNESSETH:

8 WHEREAS, contemporaneously herewith First Party is selling
9 on contract unto Second Party a certain parcel of real property
10 located in Klamath County, Oregon, and the parties hereto desire to
11 enter into the within and foregoing agreement pertaining to access
12 from said real property to Washburn Way, Klamath Falls, Oregon,
13 an improved public road,

14 NOW, THEREFORE, for and in consideration of the premises,
15 covenants of the parties herein contained and other valuable
16 consideration,

17 IT IS MUTUALLY UNDERSTOOD BY AND BETWEEN THE PARTIES HERETO
18 AS FOLLOWS:

19 1. That First Party does hereby grant, assign and set over
20 unto Second Party an easement and right of way for the purpose of
21 ingress to and egress from, over and accross and upon that certain
22 real property more particularly set forth and described as Parcel
23 "1" which is attached hereto and by this reference made a part
24 hereof and designated Exhibit "A";

25 2. That First Party does hereby further grant and assign
26 unto Second Party the right to use that certain easement and right
27 of way set forth and reserved in that certain deed recorded August
28 7, 1973, in Volume M-73 of Deed Records on page 10206, Klamath
29 County, Oregon, over and accross that certain real property set
30 forth and described as Parcel 2 which is attached hereto and by
31 this reference made a part hereof and designated on said Exhibit
32 "A".

1 3. It being understood that the foregoing rights granted unto
 2 Second Party are non-exclusive in that other persons, firms and
 3 entities are also entitled to the use of said real property,
 4 Parcels 1 and 2, for purposes of ingress and egress.

5 4. This agreement shall inure to the benefit of and bind the
 6 heirs, personal representatives and assigns of the parties hereto.

7 5. Second Party shall at all times use the rights conveyed
 8 herein reasonably and with due regard to the rights of others to
 9 so use the easements and rights of way above referred to.

10 First Party:

11 Dean O. Miller
 12 Dean O. Miller

13 Naomi B. Miller
 14 Naomi B. Miller

15 Second Party:

16 BEARCAT, INC., an Oregon Corporation

17 By: Donald C. Carson President

18 By: Patricia A. Carson Secretary

19 STATE OF OREGON)
 20 COUNTY OF KLAMATH) ss

September 25, 1973

21 Personally appeared the within named DEAN O. MILLER and NAOMI
 22 B. MILLER, husband and wife, and acknowledged the foregoing instru-
 23 ment to be their voluntary act and deed.
 24 BEFORE ME:

25 Maureen L. Miller
 26 Notary Public for Oregon
 27 My Commission expires: 10-17-76

28 STATE OF OREGON)
 29 COUNTY OF KLAMATH) ss.

September 25, 1973

30 Personally appeared DONALD C. CARSON and PATRICIA A. CARSON
 31 who, being duly sworn, each for the other, did say that the former
 32 is the President and that the latter is the secretary of BEARCAT,
 33 INC., a corporation, and that the seal affixed to the foregoing
 34 instrument is the corporate seal of said corporation and that said
 35 instrument was signed and sealed in behalf of said corporation by
 36 authority of its board of directors; and each of them acknowledged
 37 said instrument to be its voluntary act and deed.

BEFORE ME:

38 Maureen L. Miller
 39 Notary Public for Oregon
 40 My Commission expires: 10-17-76

PRENTISS K. PUCKETT, P.E.
 ATTORNEY AT LAW
 FIRST FEDERAL BANK
 & LOAN BUILDING
 KLAMATH FALLS, ORE.

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EXHIBIT "A"

DESCRIPTION OF EASEMENT

The following described real property situate in Klamath County, Oregon:

PARCEL 1

The following described parcel of land for ingress and egress purposes:

Beginning at a point which is East a distance of thirty feet and North 00°34' West a distance of 748 feet, said point also being the Northwest corner of instrument recorded August 7, 1973 in Vol. M73 page 10206; thence East along the North line of said instrument 300 feet to the Northeast corner of said Deed; thence South 00°34' East 12 feet; thence East 15 feet; thence North 12 feet; thence East 517.73 feet to the West line of an existing road; thence North 20 feet along said right of way; thence West 532.73 feet; thence South 12 feet; thence West 300 feet to a point that is North 00°34' West from the point of beginning; thence South 00°34' East 8 feet to the point of beginning. EXCEPTING therefrom any portion lying within the right of way of Washburn Way.

PARCEL 2

The N½ of the following described property:

A tract of land situated in the NW¼ of the NW¼ of Section 10, Township 39 South Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pin on the east boundary line of Washburn Way, which point is East a distance of thirty feet and North 00°34' West a distance of 398.0 feet from the SW corner of the NW¼ of the NW¼ of Section 10; thence North 00°34' West along the East boundary of Washburn Way a distance of 350.0 feet to an iron pin; thence East a distance of 300.0 feet to a point; thence South 00°34' East parallel to the East boundary of Washburn Way a distance of 350.0 feet to a point; thence West a distance of 300 feet to the point of beginning. Less that portion conveyed to Klamath County, Oregon, by deed dated December 10, 1960, recorded December 14, 1960, in Volume 326 page 178, Deed records of Klamath County, Oregon. ALSO, excepting therefrom any portion lying within the right of way of Washburn Way.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of JACK DEMPSEY

this 28th day of SEPTEMBER A. D., 1973 at 3:50 o'clock P. M., and duly recorded in

Vol. M 73, of DEEDS on Page 13197

FEE \$ 6.00

WM. D. MILNE, County Clerk

By Hazel Brazil deputy

Return to
Bear Cat, Inc.
Box 334
Astoria