

8469

EASEMENT

December 4, 1975

In consideration of the sum of \$1.00 Karen Elizabeth Francis, also known as Karen Elizabeth Conley, hereinafter referred to as grantor, conveys to Steven C. Josse and Mary A. Josse, husband and wife, hereinafter referred to as grantees, their heirs, successors, and assigns, a perpetual exclusive easement appurtenant to use a strip of land fifteen feet wide along the westerly boundary line of the following described property of grantor:

The E1/2 of the E1/2 of Section 21, Township 36 South, Range 12 East, Willamette Meridian, Klamath County, Oregon, specifically that portion of which lies north of Highway 140 and subject to all existing rights and matters of record.

The terms of this easement are as follows:

(1) The grantee, his agents, independent contractors and invitees shall use the easement strip for road purposes only for access to the property described in paragraph (6) and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon.

(2) Grantee agrees to indemnify and defend grantor from any loss, claim or liability to grantor arising in any manner out of grantee's use of the easement strip. Grantee shall pay grantor for any merchantable timber or other property of grantor's damaged by grantee's use of this easement. Grantee assumes all risk arising out of its use of the easement strip and grantor shall have no liability to grantee or others for any condition existing thereon.

(3) This easement is appurtenant to the real property owned by grantor and described below; however, in the event of any subdivision or sale of any portion of this property this easement

SMITH & LEE
ATTORNEYS AT LAW
210 NORTH 4TH STREET
KLAMATH FALLS, ORE.
882-6607

EASEMENT, Pg. 1

75 DEC 11 PM 4 10

1 shall remain appurtenant only to the largest remaining parcel, and
2 owners of the other parcels into which the property described below
3 may be divided shall have no right to use of the easement strip.

4 (4) This easement shall be perpetual; however, in the
5 event that it is not used by grantee for a period of three years,
6 or if otherwise abandoned by grantee, the easement shall automatica-
7 lly expire and grantee shall upon request execute a recordable doc-
8 ument evidencing such expiration.

9 (5) This easement is granted subject to all prior ease-
10 ments or encumbrances of record.

11 (6) The following is a description of grantee's property
12 to which this easement is appurtenant:

13 See Attached Exhibit A

14 (7) As additional consideration herein, the grantee hereby
15 agrees to construct and maintain an adequate fence as that term is
16 defined in ORS 607.007 (2) along the easterly boundary line of said
17 easement, said fence to be constructed no later than June 1, 1976
18 with the grantee being responsible for the costs of construction
19 of said fence with the exception that the grantor shall be respon-
20 sible for one-half of the costs of said fence or \$250.00, whichever
21 is less.

22 (8) Grantor reserves the right to use, construct, and
23 maintain the road located upon the easement strip.

24 *Steven C. Josse*
Steven C. Josse

25 *Mary R. Josse*
Mary R. Josse

26 *Karen Elizabeth Francis, aka*
27 *Karen Elizabeth Conley*
28 Karen Elizabeth Francis, aka
Karen Elizabeth Conley

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EASEMENT, Pg. 2

1 STATE OF OREGON)
2 County of Klamath) ss.

3 Be it remembered that on this // day of December, 1975,
4 before me, the undersigned, a Notary Public for and in said County
5 and State, appeared personally the within named Mary A. Josse and
6 Steven C. Josse known to me to be the identical individuals des-
7 cribed in and who executed the within instrument and acknowledged
8 to me that they executed the same freely and voluntarily.

9 IN TESTIMONY WHEREOF, I have hereunto set my hand and
10 affixed my official seal the date and year above written.

11 *Dandra Josse*
12 NOTARY PUBLIC FOR OREGON
13 My Commission Expires 10-30-79
14
15
16

STATE OF OREGON,)
County of Multnomah) ss.

BE IT REMEMBERED, That on this 8th day of December, 1975,
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
named Karen Elizabeth Francis, aka Karen Elizabeth Conley

known to me to be the identical individual described in and who executed the within instrument and
acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Linda Kaplante
Notary Public for Oregon.
My Commission expires 8/21/79

15646

The following described real property in Klamath County, Oregon:

Government Lots 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30 and 31 in Section 16, Township 36 South, Range 12 East of the Willamette Meridian, EXCEPTING THEREFROM any portion lying within the right of way of Great Northern Railway and ALSO EXCEPTING the following tract of land:

Commencing at a point which is the Southwest corner of the SE $\frac{1}{4}$ of Section 16; thence North 208 feet; thence West 208 feet; thence South 208 feet; thence East 208 feet to the point of beginning.

*Ref: Smith & Lee
210 No. 4th
City*

EXHIBIT A

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

SMITH & LEE ATTYS

on this 11 day of DECEMBER A.D. 19 75

at 4:10 o'clock P M, and duly

recorded in Vol. M 75 of DEEDS

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Wm D. MILNE, County Clerk

By *Hazel D. Dwyer* Deputy

for 12.00