

32711

Vol. <sup>m</sup> 17 Page 12771

EASEMENT

THIS AGREEMENT, Made and entered into this 14 day of July, 1977, by and between KLAMATH RIVER ACRES OF OREGON, LTD., hereinafter called Klamath River Acres, and FIDELITY FUNDING & REALIZATION CO., INC., hereinafter called FF&R;

WITNESSETH:

WHEREAS, Klamath River Acres is the owner of the following described real property, hereinafter referred to as Parcel A, located in Klamath County, Oregon, to-wit:

Lot 21, Block 27, Third Addition to Klamath River Acres of Oregon, Ltd., and

WHEREAS, FF&R is the owner of certain real property immediately adjacent to the above described Parcel A owned by Klamath River Acres, said property hereinafter referred to as Parcel B and being described as follows:

A parcel of land situated in the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 6, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Beginning at a 5/8 inch iron pin marking the SW corner of Lot 21 of the Third Addition to Klamath River Acres, a duly recorded subdivision in said Klamath County; thence S 00°16'59" W along the Easterly right-of-way line of Morgan Way, a public road, 191.65 feet to a 5/8 inch iron pin on the Northerly right-of-way line of Oregon Highway 66; thence N 88°57'00" E along said Northerly right-of-way line 217.62 feet to a 5/8 inch iron pin at the beginning of a curve to the left; thence along the arc of a 378.00 feet radius curve to the left (delta=20°23'24"; long chord=N 78°45'17" E 133.81 feet) 134.52 feet to a PK nail at a point-on-curve and the Southerly right-of-way line of

277 JUL 13 PM 2 15



12772

vacated Pine St.; thence N 56°53'37" W along said Southwesterly right-of-way line of vacated Pine Street, 296.47 feet to a 5/8 inch iron pin marking the most SE corner of said Lot 21; thence S 89°47'18" W along the South line of said Lot 21, 99.54 feet to the point of beginning, and

WHEREAS, FF&R desires to use the above described Parcel A owned by Klamath River Acres for the purpose of septic tank drain fields, which septic tanks and systems shall be located on that property referred to as Parcel B belonging to FF&R upon which said property there shall be located a shopping center.

IT IS HEREBY AGREED as follows:

That for and in consideration of One and No/100 (\$1.00) Dollar and other valuable consideration paid by FF&R to Klamath River Acres, the receipt of which is hereby acknowledged Klamath River Acres does hereby grant, assign and set over to FF&R an easement upon and across the above Parcel A for the purpose of establishing a drain field or drain fields thereon which said easement shall be for the use and benefit of Parcel B, including, but not limited to the use and benefit of that shopping center and all facilities therein which shall be located upon Parcel B. This easement described herein shall be permanent in nature and shall run for the benefit of Parcel B and the owners, heirs and assigns of Parcel B.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument on this 14 day of July, 1977.

E. J. Shipsey  
E. J. Shipsey, A General Partner  
of Klamath River Acres of  
Oregon, Ltd.

E. J. Shipsey  
E. J. Shipsey as Attorney-in-  
fact for Benjamin Curtis Harris,  
A General Partner of Klamath  
River Acres of Oregon, Ltd.

12773

## ACKNOWLEDGEMENT

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss:July 14, 1977

Personally appeared the above named E. J. Shipsey, a general partner of Klamath River Acres of Oregon, Ltd., and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Margaret Curral  
Notary Public for Oregon  
My Commission Expires: 11-20-77

## ACKNOWLEDGEMENT BY ATTORNEY-IN-FACT

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss:July 14, 1977

Personally appeared the above named E. J. Shipsey, who being first duly sworn, did say that he is the attorney-in-fact for Benjamin Curtis Harria, a general partner of Klamath River Acres of Oregon, Ltd., and that he executed the foregoing instrument by authority of and in behalf of said principal; and that he acknowledged said instrument to be the act and deed of said principal.

Before me:

Margaret Curral  
Notary Public for Oregon  
My Commission Expires: 11-20-77

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~on~~ 19th day of JULY A. D. 1977 at 2:15 PM andJuly recorded in Vol. M77, of DEEDS to Page 12771

Return to:

FEE \$ 9.00

WESTERN BANK

P. O. Box 669

Klamath Falls, Ore. 97601

Wm D. MILNE, County  
By Pat M. O'Leary