

MTC-4810

42678

AGREEMENT FOR EASEMENT Vol. 18 Page 2192

THIS AGREEMENT, Made and entered into this 25th day of January, 1978,
by and between EDWARD B. BRENNAN
hereinafter called the first party, and EDWARD CAREY BRENNAN
hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Klamath
County, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT "A"

and has the unrestricted right to grant the easement hereinafter described relative to said real estate;

NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party a tract of land beginning at the SE 1/16 corner of said Section 36, Township 39 S., Range 7, E.W.M., as shown on recorded survey #2556 in the office of the County Surveyor; thence N 89°55'18" W 295.16 feet to the true point of beginning of said easement; thence continuing N 89°55'18" W 360.03 feet to the Westerly right of way line of an easement shown on said survey #2556; thence S 00°09'58" W 30 feet; thence S 89°55'18" E 360.03 feet; thence N 00°09'58" E 30 feet to the point of beginning.

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of forever, always subject, however, to the following specific conditions, restrictions and considerations:

If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

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and second party's right of way shall be parallel with said center line and not more than 15 feet distant from either side thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

Edward B. Brennan

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON,

County of Klamath } ss.

January 25, 1978.

Personally appeared the above named

EDWARD B. BRENNAN

and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Lucy J. Shuck
Notary Public for Oregon

My commission expires: 8/11/78

STATE OF OREGON, County of } ss.

Personally appeared

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

**AGREEMENT
FOR EASEMENT**

BETWEEN

Edward B. Brennan

AND

Edward Carey Brennan

AFTER RECORDING RETURN TO

Edward Carey Brennan
Box
Keno, Oregon

STATE OF OREGON

County of } ss.

I certify that the within instrument was received for record on the day of 19, at o'clock M., and recorded in book on page or as file/reel number Record of of said county. Witness my hand and seal of County affixed.

Recording Officer

By Deputy

EXHIBIT "A"

A tract of land situated in the SE $\frac{1}{4}$ of section 36, T39S, R7EWM and the NE $\frac{1}{4}$ of section 1, T40S, R7EWM, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the south line of the SE $\frac{1}{4}$ of said section 36, said point being S89°31'06"E 532.42 feet from the southwest corner of the said SE $\frac{1}{4}$; thence N00°20'04"W, parallel to and 70.00 feet westerly of the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said section 36, 1864.02 feet to a point 850.00 feet from the north line of the SE $\frac{1}{4}$ of said section 36; thence S89°50'53"E, parallel to and 850.00 feet from the north line of the said SE $\frac{1}{4}$ to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said section 36; thence northerly along said east line 300.00 feet; thence along the following courses as shown on recorded survey No. 1168, as recorded in the Klamath County Surveyor's Office: S18°48'55"E 587.39 feet, S18°15'57"E 480.42 feet, N89°35'55"W 228.16 feet, N00°00'39"E 30.00 feet, N89°35'55"W 360.25 feet to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said section 36; thence southerly along the said east line to the south line of the SE $\frac{1}{4}$ of said section 36; thence S89°31'06"E along said south line 356.31 feet to the northwest corner of that tract of land described in M68-3307 of the Klamath County deed records; thence southerly along the west line of said described tract of land 428 feet, more or less, to the northerly right of way line of State Highway No. 66; thence S57°40'W along said northerly right of way line 704.21 feet; thence N32°20'W 766.06 feet; thence N00°20'04"W 220.37 feet to the point of beginning, excepting that tract of land deeded to the State Highway Department as described in D.V. 104, P557 of the Klamath County deed records, with the bearings being based on PONDOSA, a duly recorded plat.

The above described tract of land subject to a 30-foot access easement along the following described line: Beginning at a point on the northerly right of way line of State Highway No. 66, said point being S89°31'06"E 532.42 feet and S00°20'04"E 220.37 feet and S32°20'E 766.06 feet from the northwest corner of the NE $\frac{1}{4}$ of said section 1; thence N32°20'W 766.06 feet; thence N00°20'04"W 2084.39 feet; thence S89°50'53"E 740.40 feet, more or less, to the east line of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of said section 36.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 7th day of February A.D., 1978 at 11:10 o'clock A M., and duly recorded in Vol M78, of Deeds on Page 2192.

FEE \$9.00

WM. D. MILNE, County Clerk

By Bernetha S. Sides Deputy

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Klamath List
Federal*