

## EASEMENT AND RIGHT OF WAY AGREEMENT

1 THIS INDENTURE, made and entered into this 14th day of March,  
2 1978, by and between JAMES M. BARNES and MARGARET BARNES, also known  
3 as PEGGY BARNES, husband and wife, hereinafter referred to as  
4 GRANTORS, and, LEO E. MURRER and ALICE G. MURRER, husband and wife,  
5 hereinafter referred to as GRANTEES,

## W I T N E S S E T H:

6  
7 That for valuable consideration, GRANTORS, for themselves,  
8 their heirs, legal representatives and successors covenant and  
9 grant with and to GRANTEES, their legal representatives, heirs and  
10 assigns and their agents, and the tenants, owners and occupants  
11 from time to time of the real property located in Klamath County,  
12 Oregon, namely:

13 The SE 1/4 SE 1/4 of Section 4, Township 41 South,  
14 Range 10 E.W.M. ,

15 and any other person or persons, for their benefit, at all times to  
16 freely pass and repass by vehicle, or otherwise, through and over  
17 that certain road to be constructed by GRANTEES in Klamath County,  
18 Oregon, and generally described as being located in the

19 S 1/2 of the SW 1/4, Section 3, Township 41 South,  
20 Range 10 E.W.M., and beginning on the East line of  
21 the said above SE 1/4 SE 1/4 and running in a South-  
easterly direction to Merrill Pit Road near the inter-  
section thereof with Falvey Road.

22 The easement herein granted is non-exclusive and is subject  
23 to being extinguished by GRANTORS in the event of a default by  
24 GRANTEES with respect to that certain Agreement of Sale dated March  
25 14, 1978, and entered into by the parties hereto on said date.

26 GRANTEES in consideration of being granted the foregoing ease-

1 ment agree that they will at all reasonable and necessary times  
 2 maintain the right of way and easement herein granted commensurate  
 3 with their use thereof.

4 THIS AGREEMENT shall inure to the benefit of and bind the  
 5 heirs, successors and assigns of the parties hereto.

6 WITNESS the hands of the parties the day and year first here-  
 7 in above set forth.

8 GRANTORS: James M. Barnes

9 Peggy Barnes

10 GRANTEES: Leo E. Murrer

11 Alice G. Murrer

12  
 13 STATE OF OREGON )  
 14 County of Klamath ) ss.

March 14, 1978

15 Personally appeared the within named JAMES M. BARNES and  
 16 MARGARET BARNES, aka PEGGY BARNES, husband and wife, and, LEO E.  
 17 MURRER and ALICE G. MURRER, husband and wife, and acknowledged  
 the foregoing instrument to be their voluntary act and deed.

18 BEFORE ME:

19 Barbara D. Addington  
 Notary Public for Oregon

My Commission expires: 3-22-81

20 STATE OF OREGON, )  
 21 County of Klamath )

22 Filed for record at request of

23 Transamerica Title Co.

24 on this 14th day of March A.D. 19 78  
 at 10:52 o'clock A M, and duly  
 25 recorded in Vol. M78 of Deeds  
 page 4817

26 By Wm J. Miller, County Clerk

By Barbara D. Addington Deputy

Fee \$6.00

Return To:  
 Mr. & Mrs. Leo E. Murrer  
 P.O. Box 453  
 Merrill, Oregon 97633