

A-28690

45964

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6757

EASEMENT AGREEMENT.

THIS AGREEMENT, Made and entered into this 3 day of April, 1978, by and between DELL GEORGE SMITH and VELDA MAE SMITH, husband and wife, hereinafter referred to as Grantors, and D. M. HESS and STEPHEN D. HESS, hereinafter referred to as Grantees;

Witnesseth;

WHEREAS, Smiths are the record owners of real property situate in Sections 18 and 19, Township 36 South, Range 12 E., W.M., Klamath County, Oregon; and

WHEREAS, There is an existing road across said lands which said road has existed in its present location for many years and no record has been made of the existence of said road; and

WHEREAS, The Grantees, D. M. Hess and Stephen D. Hess are the owners of real property hereinafter described; and

WHEREAS, The existing road serves as a right of way to the property owned by D. M. Hess and Stephen D. Hess; and

WHEREAS, It is in the best interests of all parties that record be made of the existing easement; Now, Therefore,

The Grantors do hereby grant and convey unto D. M. Hess and Stephen D. Hess, the perpetual easement for ingress and egress 30 feet wide located in Sections 18 and 19, Township 36 South, Range 12 East, W.M., being 15 feet on each side of the centerline of the existing roadway described as follows:

Beginning at the northerly right-of-way line of Highway #140 and the center of the existing roadway near the southeast corner of the N $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 30; thence northerly along the center of the existing roadway through the N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 30, the NE $\frac{1}{4}$ of Section 30, the W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 19, the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 19 and Lots 30, 27, 22 and 19 of Section 18 to the south boundary of Lot 14 of said Section 18,

where such description crosses the lands belonging to the grantors in Tax Lots 9000 and 8600.

The Easement granted in this agreement shall run with the land benefitted thereby for the use and benefit of the grantees herein, their heirs, successors and assigns, said lands being described as follows:

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PROCTOR & PUCKETT
ATTORNEYS AT LAW
280 MAIN STREET
KLAMATH FALLS, OREGON 97601

Return PCK 7

PARCEL 1: Lots 17, 18, 23, 24, 25, 26, 31, and 32 in Section 12;
Lots 1, 8, 9, 16, 17, and 24 in Section 13; all in
Township 36 South, Range 11 E.W.M.

PARCEL 2: E $\frac{1}{2}$ SW $\frac{1}{4}$ and Lots 3 and 4 Section 7 Township 36 South,
Range 12 E.W.M.

PARCEL 3: Lots 3, 4, 5, 6, 11, 12, 13, and 14 of Section 18
Township 36 South, Range 12 E.W.M.

PARCEL 4: Lots 1, 2, 7, 8, 9, 10, 15, and 16 Section 18
Township 36 South, Range 12 E.W.M.

PARCEL 5: SE $\frac{1}{4}$ Section 7 Township 36 South, Range 12 E.W.M.

26. 11. 28 The maintenance of the roadway to be at the expense and
discretion of the Grantees.

The easement created by this agreement is non-exclusive
and is for the use of the grantors and the grantees herein.

IN WITNESS WHEREOF, The Grantors have hereunto set their hands
this the day and year first herein written.

Dell George Smith Jr.
Velda Mae Smith

STATE OF OREGON,)
(ss.
County of Klamath.)

April 3, 1978,

Personally appeared the above-named DELL GEORGE SMITH and
VELDA MAE SMITH, husband and wife, and acknowledged the foregoing
instrument to be their voluntary act and deed.

Before me:

Robert A. Smith
Notary Public for Oregon.

My Commission Expires: *11/1/79*

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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
April A.D., 19 78 at 3:15 o'clock P M., and duly recorded in Vol. 470
of Deeds on Page 6757.

FEE \$6.00

WM. D. MILNE, County Clerk

By *Bernard A. Smith* Deputy