

## EASEMENT

THIS AGREEMENT, Made and entered into this 10 day of May, 1978, by and between WILLIAM L. GALLAGHER and NADINE F. GALLAGHER, husband and wife, hereinafter referred to as Grantors, and D. M. HESS and STEPHEN D. HESS, hereinafter referred to as Grantees;

## WITNESSETH:

WHEREAS, Grantors are the owners of real property situated in Section 30, Township 36 South, Range 12 E., W.M., Klamath County, Oregon; and

WHEREAS, There is an existing road across said property which 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;

NOW, THEREFORE, The Grantors do hereby grant and convey unto the Grantees, a perpetual easement for ingress and egress across that existing roadway in Section 30, Township 36 South, Range 12 E., W.M., Klamath County, Oregon, being more particularly 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 $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 30; thence northerly along the center of the existing roadway through the N $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, the NE $\frac{1}{4}$  of Section 30, the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 30, the E $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19, the E $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 19, S $\frac{1}{4}$ S $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 18, and Lots 27, 22 and 19 of Section 18, to the South boundary of Lot 14 of said Section 18, the width of the road shall be not less than 16 feet,

where such description crosses the lands belonging to the Grantors in Tax Lots 14000, 14100 and 14200.

The Easement granted in this agreement shall run with the land and for the use and benefit of the Grantees herein, their heirs, successors and assigns, and if the dominant estate is subdivided this Easement shall benefit only the largest portion in the subdivision. The dominant estate being described as follows:

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 $\frac{1}{4}$ 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.

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

The easement created by this agreement is non-exclusive.

The maintenance of the roadway is to be at the expense  
and discretion of the Grantees.

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

William L. Gallagher  
Nadine F. Gallagher

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

Personally appeared the above-named WILLIAM L. GALLAGHER  
and NADINE F. GALLAGHER, husband and wife, and acknowledged the  
foregoing instrument to be their voluntary act and deed, this  
10th day of May, 1978.

Charles E. Dunder  
Notary Public for Oregon.  
My Commission Expires: June 1, 1980

STATE OF OREGON; COUNTY OF KLAMATH; ss.

for record at request of Klamath County Title Co.

on 10th day of May, A.D. 1978 at 2:45 P.M. on  
filed in Vol. M78, of Dues on Page 9573

W. D. MILNE, County Clerk

Bernard Schuch

Fee \$6.00

Ret!  
Klamath County Title

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