

5/26/78*

43687

Vol. ^M78 Page 12188

Highway Division
File 49828
M-2298 (2)

ORIGINAL

PERMANENT SLOPE EASEMENT

KNOW ALL MEN BY THESE PRESENTS, That EARL A. MARTENS and ARLINE M. MARTENS, husband and wife, Grantors, for the consideration of the sum of One Thousand and No/100 DOLLARS (\$1,000.00) received, do hereby grant to KLAMATH COUNTY, a political subdivision of the State of Oregon, Grantee, a perpetual easement to construct, maintain, repair, and have free access to all slopes of cuts or fills occasioned by or resulting from the construction, operation or maintenance of Shasta Way and appurtenances, upon the following described property, to wit:

The North 3 feet of the E $\frac{1}{2}$ of Lot 1, Block 1, HOME ACRES, A SUBDIVISION OF ENTERPRISE TRACT NO. 25, Klamath County, Oregon, containing 225 square feet.

IT IS UNDERSTOOD that this easement only conveys the rights expressly stated herein and that Grantors shall be allowed to use the above described property, provided, that Grantors' use does not interfere with the widening and improvement of the South Sixth Street - East Side By-Pass (Klamath Falls) Section of Shasta Way, or damage or destroy lateral support to said public way. It is further understood that Grantee shall never be required to remove the dirt or other materials used for the construction of said slopes nor shall Grantee be subject to any damages to Grantors', their heirs and assigns, by reason thereof, or by reason of the slopes constructed thereon, or by reason of change of grade of said public way abutting Grantors' property.

It is further understood that this easement will terminate when Grantors build a retaining wall sufficient to provide lateral support for said Shasta Way.

And Grantors do hereby covenant to and with Grantee, that they are the owners in fee simple of the said property which is free from all encumbrances and will warrant and defend the easement rights herein granted from all lawful claims whatsoever.

Dated this 7th day of June, 1978.

Earl A. Martens
Earl A. Martens

Arline M. Martens
Arline M. Martens

STATE OF OREGON, County of KLAMATH

JUNE 2, 1978. Personally appeared the above named Earl A. Martens and Arline M. Martens, who acknowledged the foregoing instrument to be their voluntary act. Before me:

W. D. [Signature]
Notary Public for Oregon

My Commission expires 7-30-81

12189 Highway Division
File 49828
M-2298 (2)

SUBORDINATION OF MORTGAGE INTEREST

KNOW ALL MEN BY THESE PRESENTS, That FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF KLAMATH FALLS, a federal corporation, being the holder of that certain mortgage executed by Forest A. Johnson and Frances N. Johnson, husband and wife, dated February 25, 1956, and recorded February 25, 1956, in Volume 169, Page 171, Mortgage Deed Records of Klamath County, Oregon, does hereby consent to the easement hereinabove set forth, and does hereby subordinate the lien of said mortgage to said easement.

Dated this _____ day of _____, 1978.

*No mortgage by
First Federal
Earl Martens*

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION
OF KLAMATH FALLS, a federal corporation

By _____
By _____

SUBORDINATION OF DEED OF TRUST INTEREST

KNOW ALL MEN BY THESE PRESENTS, That FIRST NATIONAL BANK OF OREGON, a national banking association, being the beneficiary named in that certain Deed of Trust executed by Earl A. Martens and Arline M. Martens, husband and wife, to First National Bank of Oregon, recorded October 25, 1963, in Volume 220, Page 71, Microfilm Records of Klamath County, Oregon, does hereby consent to the easement hereinabove set forth, and does hereby subordinate the lien of said Deed of Trust to said easement.

Dated this 2nd day of June, 1978.

FIRST NATIONAL BANK OF OREGON, a
national banking association

By Robert V. L. Mgr.
By E. Huff out mgr.

cnch

*Oregon St. Hwy Div.
40 E/W Section
119 Transp. Bldg.
Salem, Or. 97310*

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Oregon State Highway Division
this 8th day of June A. D. 1978. at 9:53 clock A. M., and
fully recorded in Vol. N78, of Deeds on Page 12188

Wm D. MILNE, County Clerk
By Berntha J. Helrich