

EASEMENT

THIS EASEMENT, Made the 14 day of June, 1979, between EARL F. FERNLUND and CAROLYN L. FERNLUND, Husband and Wife, as Grantors, and CHARLEY R. HOLLIDAY and EVELYN R. HOLLIDAY, Husband and Wife, their heirs, successors and assigns, as Grantees:

WITNESSETH:

That in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, receipt of which is hereby acknowledged, and the mutual covenants and agreements contained herein, and other valuable considerations, Grantors do hereby convey to Grantees a perpetual nonexclusive easement to use a strip of land one hundred fifty (150) feet in width described as follows:

A strip of land one hundred fifty (150) feet in width, parallel with and adjacent to the Northern boundary of land owned by Grantors and situated in Klamath County, Oregon, more particularly described as follows:

A portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East of the Willamette Meridian, more particularly described as follows: Beginning at an iron pin which is South 0°40'29" West 165 feet and North 89°31'24" West 281.0 feet, more or less, from the brass cap which marks the North quarter corner of said Section 23; thence South 10°45'24" East 391.5 feet to an iron pin which is also on the Northwesterly right of way of the Klamath Falls-Keno Highway; thence South 55°57'10" West 157.5 feet along said right of way to an iron pin; thence North 0°17' West 473.0 feet to a one-inch iron pin; thence South 89°31'24" East 60.0 feet, more or less, to the point of beginning.

The terms of this Easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement strip for the sole purpose of locating, establishing, constructing, and maintaining over and across the above described property, a lateral septic drain field line constructed for the residential use of one residence.
2. Grantees, their heirs, successors and assigns, covenant with Grantors, their heirs, successors and assigns, that Grantees will assume all liability for the cost and expense to repair and to maintain said lateral septic drain field line.
3. This Easement shall be perpetual.
4. This Easement is granted subject to all prior Easements or encumbrances of record.
5. This Easement is for the benefit of and appurtenant to that real property owned by Grantees and described as follows:

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A parcel of land in the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 23, Township 39 South, Range 8 East of the Willamette Meridian, more particularly described as follows:

A point North 89°31'24" West 77.0 feet and South 0°40'29" West 165.0 feet from the North $\frac{1}{4}$ corner of Section 23 to an iron pin which is true point of beginning; thence South 0°40'29" West 296.0 feet to a point on the Northerly right of way of Keno-Ashland Highway; thence South 55° 57'10" West along said right of way 154.6 feet to a point; thence North 10°45'24" West 391.5 feet to an iron pin; thence South 89°31'24" East 204.8 feet to the point of beginning.

SUBJECT TO:

Easement, including the terms and provisions thereof from Charley R. Holliday, et ux to J. Neil Clement, et ux, recorded January 30, 1978, in Volume M 78, page 1791, Deed Records of Klamath County.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

GRANTORS

Earl F. Fernlund
EARL F. FERNLUND

Carolyn L. Fernlund
CAROLYN L. FERNLUND

GRANTEES

Charley R. Holliday
CHARLEY R. HOLLIDAY

Evelyn R. Holliday
EVELYN R. HOLLIDAY

STATE OF OREGON)
) SS
COUNTY OF KLAMATH)

Personally appeared the above named EARL F. FERNLUND and CAROLYN L. FERNLUND, his wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me this 19 day of June, 1979.

Norman G. Ladd
NOTARY PUBLIC FOR OREGON
My Commission Expires: 4/14/81

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STATE OF OREGON)
) SS
COUNTY OF KLAMATH)

Personally appeared the above named CHARLEY R. HOLLIDAY and EVELYN R. HOLLIDAY, his wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me this 19 day of June, 1979.

David A. Beddoe
NOTARY PUBLIC FOR Oregon
My Commission Expires: 4/14/81

RETURN TO:

BEDDOE & HAMILTON
Attorneys At Law
298 Main Street
Klamath Falls Oregon 97601

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STATE OF OREGON)
) SS
COUNTY OF KLAMATH)

I certify that the within instrument was received for record on the 19 day of June, 1979, at 4:00 o'clock P.M. and recorded in Book 278 on Page 14611 or as file/recl number 60361, Record of Deeds of said county.

Witness my hand and seal of County affixed. Wm.D. Milne, Recorder

BY *Donna J. Helch* Deputy
Dec 19, 79