

EASEMENTVol. m Page 80 378

THIS AGREEMENT, made and entered into this 10th day of March, 1978, by and between ANDERSON and BRANCH, a co-partnership consisting of Fred A. Anderson and Verna F. Anderson, husband and wife, and John W. Branch and Elma Branch, herein called "Anderson and Branch," and WEYERHAEUSER COMPANY, a Washington corporation, herein called "Weyerhaeuser,"

WITNESSETH:

I

- A. Anderson and Branch, for valuable consideration, hereby grants and conveys to Weyerhaeuser, its successors and assigns, a perpetual easement to reconstruct, use, and maintain a road on a right of way thirty-three (33) feet in width over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, both in Township 36 South, Range 17 East, W.M., Lake County, Oregon and located approximately as shown in red on the attached "Exhibit A."

Subject as to said lands to an unrecorded contract to John E. O'Leary, Marie L. O'Leary, Daniel E. O'Leary, and Patricia J. O'Leary as disclosed by Memorandum of Contract recorded January 1, 1977 in Book 172, at page 638 of Record of Deeds, Lake County, Oregon and subject as to said lands to all other matters of public record.

II

It is mutually agreed by the parties hereto that the rights herein granted are subject to the following terms and conditions:

- A. The rights herein granted are for the purpose of ingress to and egress from lands now owned or hereafter acquired by Weyerhaeuser.
- B. Weyerhaeuser shall indemnify and hold harmless Anderson and Branch against all claims and liabilities asserted by third persons resulting directly or indirectly from Weyerhaeuser's acts or omissions hereunder whether negligent or otherwise.
- C. Anderson and Branch reserves for itself, its successors and assigns, all timber now on or hereafter growing within said right of way and Weyerhaeuser agrees not to cut any trees without the prior written consent of Anderson and Branch.
- D. If for a period of five (5) years Weyerhaeuser, its successors or assigns, shall cease to use or preserve for prospective future use, said road, or any portion thereof, for the purposes herein granted, the easement traversed thereby shall terminate. In the event of such termination, Weyerhaeuser, its successors or assigns, shall furnish Anderson and Branch, its successors or assigns, a statement, in recordable form, evidencing such termination.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the day and year first above written.

John F. O'Leary
John F. O'Leary
Marie L. O'Leary
Marie L. O'Leary
Daniel E. O'Leary
Daniel E. O'Leary
Patricia J. O'Leary
Patricia J. O'Leary

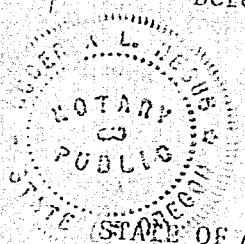
ANDERSON and BRANCH
By Fred A. Anderson
Fred A. Anderson
By Verna F. Anderson
Verna F. Anderson
By John W. Branch
John W. Branch
By Elma Branch
Elma Branch
WEYERHAEUSER COMPANY
By Robert M. [Signature]
Land & Timber Resources Manager
Attest Robert M. [Signature]
Assistant Secretary

STATE OF Oregon }
COUNTY OF Lake } ss.

Oct 9, 1978

Personally appeared the above named FRED A. ANDERSON and VERNA F. ANDERSON, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:



STATE OF Oregon }
COUNTY OF Lake } ss.

Blanche Humm
NOTARY PUBLIC for Oregon
My Commission Expires Dec 11-1979

October 8, 1978

Personally appeared the above named JOHN W. BRANCH and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

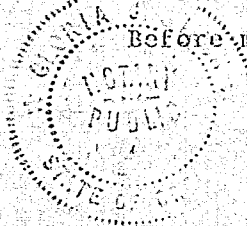
Roberta L. Nege
NOTARY PUBLIC for Oregon
My Commission Expires Nov 16, 1981

STATE OF Oregon }
COUNTY OF Thur } ss.

July 11, 1978

Personally appeared the above named ELMA BRANCH, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:



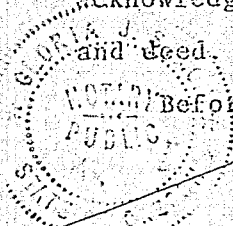
Gloria J. Simon
NOTARY PUBLIC for Oregon
My Commission Expires 9-2-79

STATE OF Oregon }
COUNTY OF Thur } ss.

July 11, 1978

Personally appeared the above named JOHN F. O'LEARY and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



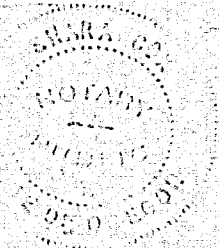
Gloria J. Simon
NOTARY PUBLIC for Oregon
My Commission Expires 9-2-79

STATE OF Oregon }
COUNTY OF Lake } ss.

November 1, 1978, 1978

Personally appeared the above named MARIE L. O'LEARY and John F O'Leary
acknowledged the foregoing instrument to be ^{their} ~~her~~ voluntary act
and deed.

Before me:



Shara Cox
NOTARY PUBLIC for Oregon
My Commission Expires

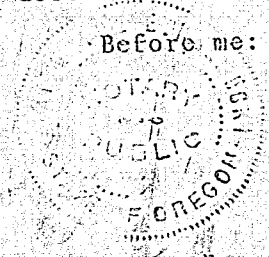
MY COMMISSION EXPIRES 3-22-81
MY BOND FILED IN LAKE COUNTY, OREGON

STATE OF Oregon }
COUNTY OF Multnomah } ss.

381

December 6, 1978

Personally appeared the above named DANIEL E. O'LEARY and acknowledged the foregoing instrument to be his voluntary act and deed.

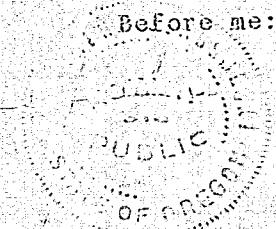


Catherine E. Kosmicki
NOTARY PUBLIC for Oregon
My Commission Expires 7-24-81

STATE OF Oregon }
COUNTY OF Multnomah } ss.

December 6, 1978

Personally appeared the above named PATRICIA J. O'LEARY and acknowledged the foregoing instrument to be her voluntary act and deed.



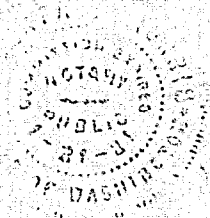
Catherine E. Kosmicki
NOTARY PUBLIC for Oregon
My Commission Expires 7-24-81

STATE OF WASHINGTON)
COUNTY OF KING) ss.

*Land & Timber Resources

On this 10th day of March, 1978, before me personally appeared R. N. Witter, Jr. and Robert N. Mogensen, to me known to be the Manager* and Assistant Secretary respectively, of Weyerhaeuser Company, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Robert J. Morris
Notary Public in and for the State of
Washington, residing at Puyallup

Weyerhaeuser Co.
P.O. Box 9
K. Falls.

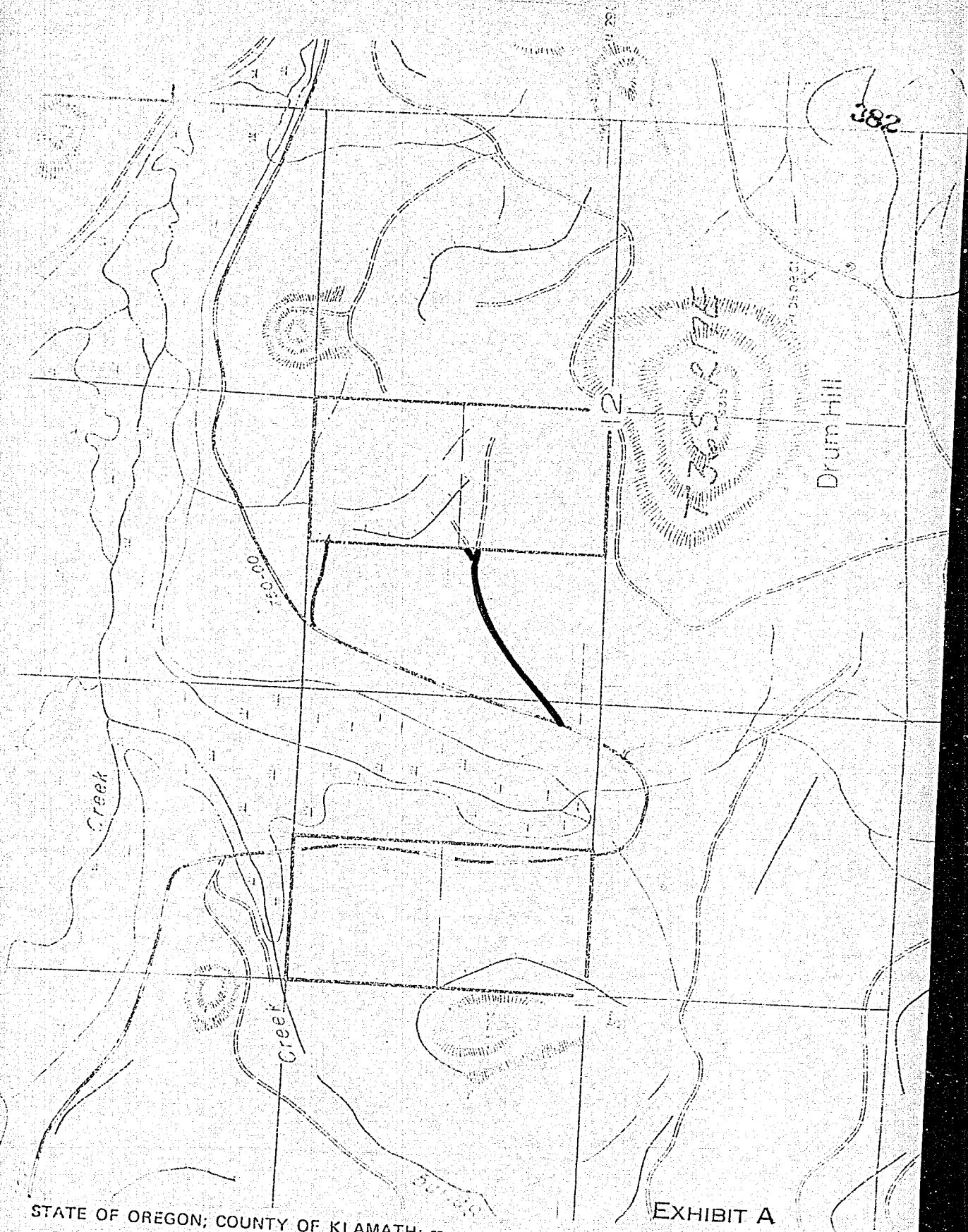


EXHIBIT A

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 3th day of
January A.D., 19 80 at 1:57 o'clock P M., and duly recorded in Vol M80
of Deeds on Page 378.

FEE \$17.50

WM. D. MILNE, County Clerk
By Bernice Shetch Deputy