

MTC-8837-L

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85383

AGREEMENT FOR EASEMENT

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THIS AGREEMENT, Made and entered into this 2nd day of MAY, 1980, by and between WALTER JAMES EGGSMAN and CLOVERINE M. EGGSMAN, husband and wife, hereinafter called the first party, and WILBUR EGGSMAN and MARIE EGGSMAN, husband and wife, hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Klamath County, State of Oregon, to-wit:

The West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 23, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, lying Southerly of the Williamson River Road and North of Sprague River.

and has the unrestricted right to grant the easement hereinafter described relative to said real estate; NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party; they agree as follows:

The first party does hereby grant, assign and set over to the second party

An easement over and across the North 30 feet of that portion of the West $\frac{1}{2}$ of the East $\frac{1}{2}$ of Section 23, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, lying Southerly of the Williamson River Road and North of the Sprague River, and being more particularly described as follows:

Beginning at the North $\frac{1}{4}$ corner of Section 23, Township 34 South, Range 8 East of the Willamette Meridian; thence South 00° 01' 10" West 30 feet; thence East to the Southerly right of way line of Williamson River Road; thence Northwesterly along said right of way line to a point lying due East of the point of beginning; thence South 89° 06' 00" West to the point of beginning.

SAID EASEMENT is for the benefit of the property of the second party described as: The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, and the East $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$, Section 23, Township 34 South, Range 8 E.W.M., Klamath County, Oregon. (SEE ATTACHED (Insert here a full description of the nature and type of the easement granted to the second party.) EXHIBIT "A")

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of perpetual, always subject, however, to the following specific conditions, restrictions and considerations:

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If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows: **10601**

and second party's right of way shall be parallel with said center line and not more than feet distant from either side thereof.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.

IN WITNESS WHEREOF, the parties hereto have subscribed this instrument in duplicate on this, the day and year first hereinabove written.

Walter James Eggman
WALTER JAMES EGGSMAN
Cloverine M. Eggman
CLOVERINE M. EGGSMAN

(If the above named first party is a corporation, use the form of acknowledgment opposite.)

(ORS 93.490)

STATE OF OREGON, }

ss.

County of Klamath

MAY 12 1980

Personally appeared the above named WALTER JAMES EGGSMAN AND CLOVERINE M. EGGSMAN and acknowledged the foregoing instrument to be THEIR voluntary act and deed.

(OFFICIAL SEAL)

Before me:

John A. Kalta
Notary Public for Oregon

My commission expires:

July 16, 1980

STATE OF OREGON, County of) ss.

, 19.....

Personally appeared.....

and

..... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of.....

..... a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

**AGREEMENT
FOR EASEMENT
BETWEEN**

AND

AFTER RECORDING RETURN TO

MTC-Linda

STATE OF OREGON

County of

ss.

I certify that the within instrument was received for record on the day of 19..... at o'clock M., and recorded in book on page or as file/reel number of said county. Record of Witness my hand and seal of County affixed.

SPACE RESERVED
FOR
RECORDER'S USE

Recording Officer

Deputy

By

Exhibit "A"
Major Land Partition 79-42 10602
portion of the NW 1/4 of
Section 23, Township 34 S,
Range 8 E. W. M., Klamath
County Oregon.

2300
NATIONAL

S 89° 06' 00" W — 2663.46'
(S 89° 06' W — 2683.5')

S 89° 06' 00" W — 1089.14'

N 1/4 COR.
SEC. 23

PARCEL NO. 1
15.00 ACRES

S 89° 06' 00" W — 1089.14'

30' WIDE
EASEMENT

PROPOSED
30 FT. WIDE
EASEMENT
(4% GRADE)

TAX LOT 4300
WALTER JAMES B
EGGSMAN

TAX LOT 4100
WILBUR B MABIE S. EGGSMAN

PARCEL NO 2
13 ACRES

(N 49° 32' E 1992.6')

LOT 4200
F. FRANCIS

C 1/4 COR
FD. 1 1/2" IRON
PIPE

Approved by the

Approved by the

Examined and

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 10th day of
June A.D., 1980 at 11:32 o'clock A M., and duly recorded in Vol. M80
of Deeds on Page 10600.

FEE \$10.50

WM. D. MILNE, County Clerk

By Bernetha Hetsch Deputy