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ROAD USE AGREEMENT

THIS AGREEMENT, Made and entered into this \_\_\_\_\_ day of August, 1980, by and between Leo G. Pierce and Joyce Pierce, husband and wife, hereinafter called the first party, and Kenneth Gregg and Leona Gregg, husband and wife, hereinafter called second party;

W I T N E S S E T H:

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

PARCEL 1:

The W½E½SE½NE½ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, LESS the Southerly 60 feet thereof.

EXCEPTING THEREFROM an undivided one-half interest in all oil as reserved in instrument recorded in Deed Volume 55, page 124, Records of Klamath County, Oregon.

PARCEL 2:

Beginning at the East 1/4 corner of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 100 feet along the Section line between Sections 33 and 34; thence West 100 feet to the true point of beginning; thence West, 231.67 feet; thence South 40 feet; thence East 231.67 feet; thence North 40 feet to the point of beginning;

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, they agree as follows:

First party grants and conveys to second party a non-exclusive easement in common with other users for ingress and egress over and across the following described parcel of real property located within the County of Klamath, State of Oregon, to-wit:

An existing road situate across a portion of the W½E½SE½NE½ of Section 33, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM the South 60 feet thereof, and being more particularly described as follows: Beginning at a point lying South 00° 11' 04" East 1364.20 feet from the North 1/16 corner common to Sections 33 and 34; thence South 89° 54' 57" West 663.34 feet to the true point of beginning; thence North 00° 11' 04" West 880 feet; thence due East 12 feet; thence South 880 feet to a point lying North 89° 54' 57" East 12 feet from the point of beginning; thence South 89° 54' 57" West 12 feet to the point of beginning, with bearings based on Survey No. 1980.

TO HAVE AND TO HOLD, the above described and granted easement is granted to second party only and is not granted to their heirs and assigns, and this easement does not run with the land. That is to say that in the event second party sells their property in the future that this easement is null and void.

First Party reserves the right to use said road for purposes of ingress and egress. Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

This easement is granted to second party subject to all prior easements or encumbrances of the road.

Said easement to be used by second party as access connected with agricultural - residential use only and for no other use or purpose.

First party and second party each agree to maintain the road

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and to share equally the maintenance expense therefor. In the event second party refuses or neglects to maintain said road or fails to reimburse first party for the maintenance of said road this easement shall be null and void.

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 corporations.

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

Leo G. Pierce  
LEO G. PIERCE

Joyce Pierce  
JOYCE PIERCE

"FIRST PARTY"

Kenneth L. Gregg  
KENNETH GREGG

Leona Gregg  
LEONA GREGG

"SECOND PARTY"

STATE OF OREGON )

County of Klamath )

ss

August \_\_\_\_\_, 1980

Personally appeared the above named LEO G. PIERCE, JOYCE PIERCE, <sup>ONLY</sup> KENNETH GREGG and LEONA GREGG, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Wm D. Milne  
Notary Public for Oregon

My Commission Expires: 7-30-81

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~at Klamath Falls~~

this 22nd day of September A. D. 1980 at 11:15 o'clock A. M., and  
fully recorded in Vol. M80, of Deeds on Page 17954

Wm D. MILNE, County Clerk

Berntha Hetsch

Fee \$7.00

Joyce Pierce  
9990 Washburn Way  
Klamath Falls, Or.