

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 23 day of April, 1981, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, hereinafter called "State", and E. SUSAN FLURY, hereinafter called "Owner"; and

WHEREAS, State by deed recorded January 14, 1952, in Volume 252, Page 220, Klamath County Deed Records, acquired from Ora F. Blay certain property situated in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36, Township 24 South, Range 8 East, W.M., which deed reserved for the service of said grantor's remaining property access rights to and from the Easterly side of the relocated The Dalles-California Highway opposite Engineer's Station 45+10, restricted to ordinary travel to and from the abutting land only and shall not be used in connection with any commercial institution or activity established or conducted on the adjoining property, which, in any manner, caters to, invites, solicits from or is dependent upon the users of said highway; and

WHEREAS, by Indenture of Access recorded July 7, 1958, in Book 300, Page 562, Document No. 29857, Klamath County Deed Records, the access rights on the Easterly side of said highway opposite Engineer's Station 45+10 were eliminated and there was substituted therefor access rights to and from the Easterly side of said highway opposite Engineer's Station 47+10; and

WHEREAS, by deed recorded August 16, 1962, in Volume 339, at Page 417, Klamath County Deed Records, an access opposite said Station 47+10 was granted by State to Willis A. and Elsa I. Burns; and

WHEREAS, Owner, by deed recorded May 22, 1980, in Volume M80, Page 9381, Klamath County Official Records, acquired fee title to the property affected by the access changes herein made; and

WHEREAS, Owner has requested that her access rights opposite said Station 47+10 be terminated and that there be substituted therefor access rights to and from the

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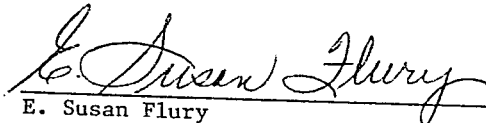
Easterly side of said highway opposite Engineer's Station 45+75; and

WHEREAS, State is agreeable to the granting of Owner's request.

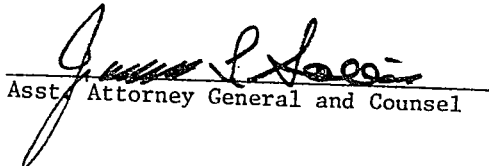
NOW, THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant hereinafter made by State, OWNER does hereby transfer and relinquish unto State, its successors and assigns, her access rights to and from the Easterly side of the relocated The Dalles-California Highway opposite said Station 47+10 granted by said Indenture and said deed recorded on August 16, 1962. Owner represents and warrants that no one, other than Owner, is using or entitled to use the access rights herein relinquished. STATE, in consideration of the relinquishment and warranties herein made, does grant and convey unto OWNER, her heirs and assigns, access rights to and from the Easterly side of said highway, opposite said Station 45+75 in a width of 25 feet and subject to all of the terms, conditions, and the use limitations set out in said deed recorded January 14, 1952.

Except as modified herein and by said Indenture of Access, said deed recorded January 14, 1952, shall remain in full force and effect, and the access rights herein granted shall be subject to all of the provisions affecting the access contained in said deed.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.


E. Susan Flury

APPROVED AS TO FORM:


Asst. Attorney General and Counsel

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION,
Highway Division

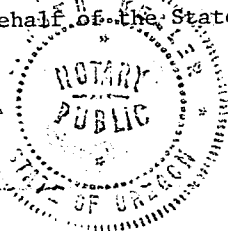
By 
J. B. Boyd, Right of Way Manager

4/23/81

STATE OF OREGON, County of Douglas Marion

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4-23-, 1980. Personally appeared J. B. Boyd, who being sworn, stated that he is the Right of Way Manager for the State of Oregon, Department of Transportation, Highway Division, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



E. Ruth Keller
Notary Public for Oregon

My Commission expires Oct. 8, 1981

STATE OF OREGON, County of Douglas

4-13-81, 1980. Personally appeared the above named E. Susan Flury, who acknowledged the foregoing instrument to be her voluntary act. Before me:



Dorothy E. Inew
Notary Public for Oregon

My Commission expires June 10 1984

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of _____
this 13th day of May A.D. 19 81 at 10:26 clock A., and
duly recorded in Vol. M81, of Deeds on Page 8434

EVELYN BIEHM, County Clerk

Fee \$7.00

By Debra A. Jansen