

22457

MTC 1396

Vol. 483 Page 5684

GRANT OF EASEMENT AND JOINT USE AGREEMENT

THIS AGREEMENT made and entered into this ____ day of October, 1982, by and between GEORGIA LEE BROWN, the duly appointed, qualified and acting Personal Representative of the ESTATE OF JAMES GORDON BROWN, deceased, hereinafter referred to as "Grantor", and HOWARD KEATH BROWN, hereinafter referred to as "Grantee".

WHEREAS, Grantee owns the following described real property per Exhibit "A" attached hereto and by this reference made a part hereof, and hereinafter referred to as Grantee's property.

WHEREAS, Grantor owns a certain property adjacent to Grantee's property, said property being described per Exhibit "B" attached hereto and by this reference made a part hereof, and hereinafter referred to as Grantor's property.

WHEREAS, at one time said respective parcels of land referred to above were under common ownership.

WHEREAS, the Grantor desires to grant to Grantee a joint use of the pump and irrigation system presently located upon Grantor's property, as well as an easement across Grantor's property, which said easement conforms with the location of the pump and irrigation system referred to immediately above, together with a nonexclusive ingress and egress easement to repair, inspect or maintain said pump and irrigation system and related facilities thereto and pipelines which carry water from the pump to the Grantee's property across Grantor's property.

NOW, THEREFORE, in consideration of \$10.00 in hand paid and for other good and valuable consideration, and the mutual covenants and promises herein contained, the parties agree as follows:

Page 1 - GRANT OF EASEMENT AND JOINT USE AGREEMENT

ROBERT S. HAMILTON, P.C.
Attorney at Law
292 Main Street
Klamath Falls, Oregon 97601
Telephone (503) 883-1123

1
2 1. Grantor does hereby grant unto Grantee a perpetual
3 right and easement across Grantor's property for the purposes set
4 forth above.

5 2. Grantee agrees to pay 21 percent of the cost of
6 repair, maintenance and operation of the pump and pipeline and
7 related facilities thereto. Grantor agrees to pay 79 percent of
8 said cost.

9 3. Said easement shall run with the lands, hereinabove
10 described, and shall extend to and be binding upon the heirs, execu-
11 tors, administrators, successors and assigns of the respective parties.

12 IN THE EVENT Grantee shall develop for the purpose and
13 use of Grantee's land described above an alternate irrigation system
14 and shall have no longer a need for the easement referred to in this
15 Agreement, and shall give written notice to Grantor that Grantee has
16 developed said alternate system, and shall no longer make use of the
17 system referred to herein or the easement accompanying said system,
18 and shall in writing signed before a Notary Public, in order to enable
19 a recording of said document, reconvey all of the easement rights and
20 joint uses described in this Agreement to Grantor or whoever may be
21 Grantor's successor in interest, then and in that event Grantee shall
22 have no further obligations under the terms of this Agreement, including
23 but not limited to the obligation to pay 21 percent of the cost of
24 repair, maintenance and operation of the pump and pipeline and related
25 facilities thereto.

DATED this _____ day of October, 1982.

26 Georgia Lee Brown
Page GEORGIA LEE BROWN

Howard Keith Brown
HOWARD KEATH BROWN

JOINT USE AGREEMENT
ROBERT S. HAMILTON, P.C.
Attorney at Law
292 Main Street
Klamath Falls, Oregon 97601
Telephone (503) 883-1123

2 - GRANT OF EASEMENT AND

1 STATE OF OREGON)
 2 County of Klamath) ss:
 3

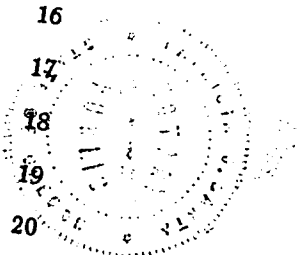
4 Personally appeared GEORGIA LEE BROWN, Personal Represen-
 5 tative of the Estate of James Gordon Brown, and acknowledged the
 6 foregoing instrument to be her voluntary act and deed. BEFORE ME
 7 on this 24 day of October, 1982.



[Signature]
 Notary Public for Oregon
 My Commission Expires: 11-24-85

10 STATE OF OREGON)
 11 County of Klamath) ss:
 12

13 Personally appeared HOWARD KEATH BROWN, and acknowledged
 14 the foregoing instrument to be his voluntary act and deed. BEFORE ME
 15 on this 14 day of April, 1983



[Signature]
 Notary Public for Oregon
 My Commission Expires: 3/11/83

EXHIBIT "A"

The following described property situated in Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Section 7 : A portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$, more particularly described as follows:

Beginning at the Northwest corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence South along the West line of the E $\frac{1}{2}$ SE $\frac{1}{4}$, 1352.7 feet to an existing fence line, thence East along said fence line, 1320 feet to a point on the East line of said E $\frac{1}{2}$ SE $\frac{1}{4}$; thence North along said East line to the Northeast corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$; thence West to the point of beginning. ALSO, that portion of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ lying South of the North boundary of the Algoma Lumber Company Railroad right of way, now abandoned, as shown by deed recorded in Volume 42 at page 557, Deed Records of Klamath County, Oregon, EXCEPTING THEREFROM the following:

A parcel of land lying in the NE $\frac{1}{4}$ of Section 7, Township 37 South, Range 9 East of the Willamette Meridian, described as follows: Starting from the Northeast corner of said Section 7; thence South a distance of 2218.6 feet to a point; thence West a distance of 934.1 feet, more or less, to the point of beginning; thence North 29° 05' West a distance of 374.9 feet to an iron pin; thence South 29° 05' East a distance of 59.0 feet to a point; thence North 60° 59' East, a distance of 252.0 feet to an iron pin; thence South 29° 05' East a distance of 315.9 feet to a point; thence South 60° 59' West a distance of 44.3 feet to an iron pin; thence continuing South 60° 59' West a distance of 207.7 feet, more or less, to the point of beginning.

Section 8: The NW $\frac{1}{4}$ SW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows: Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence South along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.7 feet, thence East along an existing fence line 14.8 feet, thence diagonally Northwesterly to the point of beginning.

RESERVING unto the Grantor that certain hayshed which is located approximately along the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, TOGETHER WITH an easement for ingress and egress thereto.

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SOUTH PROPERTY

The following described property situate in Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon:

Section 7: A portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$, being more particularly described as follows:
Beginning at the Northwest corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence South along the West line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ 1352.7 feet to an existing fence line, said point being the true point of beginning of this description, thence East along said fence line to the East line of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence South along said East line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ to the Southeast corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence West along the South line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ to the Southwest corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$, thence North along the West line of the E $\frac{1}{2}$ SE $\frac{1}{4}$ to the point of beginning.

Section 8: The SW $\frac{1}{4}$ SW $\frac{1}{4}$, EXCEPTING THEREFROM that portion described as follows:
Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$; thence South along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ 32.7 feet to an existing fence line, thence East along said fence line 14.8 feet, thence diagonally Northwesterly to the point of beginning.

Section 18: The N $\frac{1}{2}$ NE $\frac{1}{4}$

EXHIBIT "B"

Return to : Robert Hamilton
292 main
City

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 14th day of April A.D. 1983 at 3:08 o'clock P M., and
duly recorded in Vol. M83, of Deeds on Page 5684

By Evelyn Biehn
EVELYN BIEHN, County Clerk

Fee 20.00