

42579

84-18365

VOL 78 PAGE 315

Vol. msd Page: 18325EASEMENT

In consideration of the sum of Ten Dollars (\$10.00), FRED J. HEETER and WINAFRED R. HEETER, husband and wife, Grantor, conveys to CHAD E. NIEDERMEYER and TERESE E. NIEDERMEYER, husband and wife, Grantee, their heirs, successors and assigns, a perpetual nonexclusive easement to use a strip of land described as follows:

A strip of land thirty (30) feet long across the southern boundary of the grantor's property.

The strip of land is located across the property of the grantor described as follows:

Lot Six (6), Block Three (3), TRACT 1052, CRESCENT PINES, according to the official plat thereof recorded in Klamath County, Oregon.

The terms of this easement are as follows:

1. Grantee, his agents, independent contractors and invitees shall use the easement strip for septic tank and drainfield purposes only for access to Grantee's property described in this agreement. In conjunction with this use, Grantee may construct, reconstruct, maintain and repair the septic tank and drainfield on the easement parcel.

2. Grantee shall indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement strip. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall

have no liability to Grantee or others for any condition existing on the easement strip.

3. This easement is appurtenant to the real property owned by Grantee and described below.

4. This easement shall be for a period of 99 years from the date of this agreement.

5. Grantee shall pay to Grantor the sum of \$10.00 per month for the first ten years of this agreement as consideration for this easement. The sum of \$10.00 has been received by Grantor and, by signature of this Easement, Grantor acknowledges its receipt. The first payment shall be due November 1, 1984 and each succeeding payment shall be due on the first day of each month thereafter.

6. This easement is granted subject to all prior easements or encumbrances of record.

7. Grantee's property, to which this easement is appurtenant, is described as follows:

A tract of land situated in Section 18, Township 24, South, Range 7 East of the Willamette Meridian more particularly described as follows: Beginning at the intersection of the south line of Pine Creek Loop and the line between Lots 6 and 7, Block 3 of Tract No. 1052, Crescent Pines, according to the plat thereof recorded in Klamath County, Oregon, plat records extended southerly; thence Westerly along the south line of said Pine Creek Loop (being 60 feet in width to its intersection with the centerline of Bearskin Road, if extended southerly; thence South 0°18'40" West, 240 feet, more or less, along the southerly extension of the centerline of Bearskin Road to a point on a line 5.0 feet northerly of the North bank of

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Crescent Creek; thence, Easterly along a line 5.0 feet northerly of the North bank of said Creek to a point on a line which bears South 0°18'40" West from the point of beginning; thence, North 0°18'40" East, 290 feet, more or less, to the point of beginning.

8. Grantee shall bear the costs of the easement and the construction and maintenance of the septic tank and drainfield and shall cut trees only if necessary. Grantee shall replant any cut trees within one growing season of cutting.

9. If suit or action is instituted to enforce any of the provisions of this agreement, the prevailing party shall be entitled to recover from the other party such sums as the Court may adjudge reasonable as attorney fees at trial or on appeal in such suit or action in addition to all other sums provided by statute. Prevailing party shall also recover the cost of a current title examination.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 3 day of October, 1984.

Fred J. Heeter  
FRED J. HEETER, Grantor

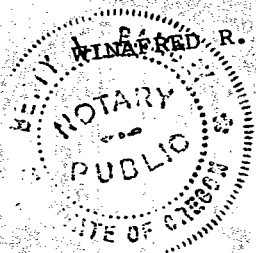
Chad E. Niedermeyer  
CHAD E. NIEDERMEYER, Grantor

Winifred R. Heeter  
WINIFRED R. HEETER, Grantee

Terese E. Niedermeyer  
TERESE E. NIEDERMEYER, Grantee

STATE OF OREGON )  
: ss.  
County of Deschutes )

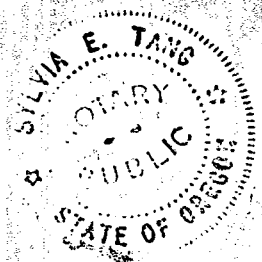
The foregoing instrument was acknowledged before me this 3 day of October, 1984, by FRED J. HEETER and



Betty L. Ramsey  
Notary Public for Oregon  
My Commission Expires: 3-22-86

STATE OF OREGON )  
County of Deschutes ) ss.

The foregoing instrument was acknowledged before me  
this 5 day of October, 1984, by CHAD E. NIEDERMEYER  
and TERESE E. NIEDERMEYER.



Sylvia E. Tang  
Notary Public for Oregon  
My Commission Expires: 3/3/86

STATE OF OREGON, )  
County of Klamath )  
Filed for record at request of

on this 25 day of October A.D. 19 84  
at 1:37 o'clock P M, and duly  
recorded in Vol. M84 of Deeds  
Page 18325  
EVELYN BIEHN, County Clerk  
By Tom Smith Deputy  
Fee 16.00

STATE OF OREGON )  
COUNTY OF DESCHUTES ) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

1984 OCT 23 PM 4:00

MARY SUE PENHOLLOW  
COUNTY CLERK

BY Al Gardner DEPUTY  
NO. 84-18365 FEE 17  
DESCHUTES COUNTY OFFICIAL RECORDS