

EASEMENT

THIS EASEMENT is granted this 18 day of June, 1985, by DAVID H. BRENDA AND ANN E. BRENDA, husband and wife, herein called "GRANTORS," to OREGON, CALIFORNIA & EASTERN RAILWAY COMPANY, an Oregon corporation, herein called "OC&E," WITNESSETH:

## I

Grantors, for and in consideration of the faithful observance and the strict performance of the terms and conditions hereof, hereby grant and convey to OC&E perpetual nonexclusive easements and rights-of-way, thirty-three (33) feet in width upon, over and across the following described real property in Klamath County, Oregon:

Township 37 South, Range 11½ East, W.M.  
SE¼NW¼: E½SW¼ Section 22  
NW¼NE¼: SE½NE¼: NE¼SE¼ Section 27

being sixteen and one-half (16½) feet on each side of the centerlines of the existing roads located approximately as shown in red on the attached "Exhibit A."

Subject as to said lands to all matters of public record.

## II

It is mutually agreed by the parties hereto the rights herein granted are subject to the following terms and conditions:

1. The rights herein granted are for the purposes of reconstruction, use and maintenance of said roads for the purpose of providing ingress to and egress from lands and facilities now owned or hereafter acquired by OC&E.
2. Grantors reserve for themselves, their heirs and assigns the right at all times and for any purpose to go upon, cross and recross, at any place on grade or otherwise, said rights-of-way, and to use said roads in any manner that will not unreasonably interfere with the rights granted OC&E hereunder.
3. When either party is the sole user of said road(s), or any portion(s) thereof, such party shall maintain that portion of said road(s) so used at its sole expense. However, during periods of time when other parties are using the same portion(s) of said road(s), maintenance shall be in proportion to each party's use.

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For the purpose of this agreement, maintenance is defined as the work normally necessary to preserve and keep the roadway, road structure and road facilities as nearly as possible in their present condition or as hereafter improved.

4. Grantors have made no representation as to the present or future condition of their property, or the character of the traffic on their roads, and OC&E assumes all risk of damage to property of and injury to OC&E in connection with the exercise of rights granted hereunder.

5. OC&E shall indemnify and hold harmless Grantors against all claims or liabilities asserted by third persons resulting directly or indirectly from OC&E's acts or omissions hereunder whether negligent or otherwise.

6. Grantors reserve for themselves, their heirs and assigns, all timber now on or hereafter growing within said rights-of-way.

7. The rights herein granted shall not be assignable without Grantors' written consent.

IN WITNESS WHEREOF, Grantors have executed and OC&E has accepted this instrument, in duplicate, as of the day and year hereinabove first written.

David H. Brenda

David A. Brenda

H. D.H.B.

Ann E. Brenda

Ann E. Brenda

Subscribed and sworn before  
me this 1st day of July, 1985

Marjorie L. Elsemore

Marjorie L. Elsemore  
Notary - State of Oregon  
My Commission Expires:  
2/28/88

Accepted in behalf of  
OREGON, CALIFORNIA & EASTERN RAILWAY COMPANY  
this 1st day of July, 1985

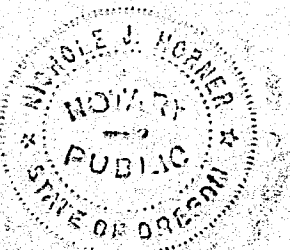
By: J.P. Tessier

Title: President

STATE OF Oregon }  
COUNTY OF Klamath } ss.

On this 18<sup>th</sup> day of June, 1985, before me personally appeared DAVID H. BRENDA and ANN E. BRENDA, husband and wife, to me known to be the individuals described in, and who executed the above and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

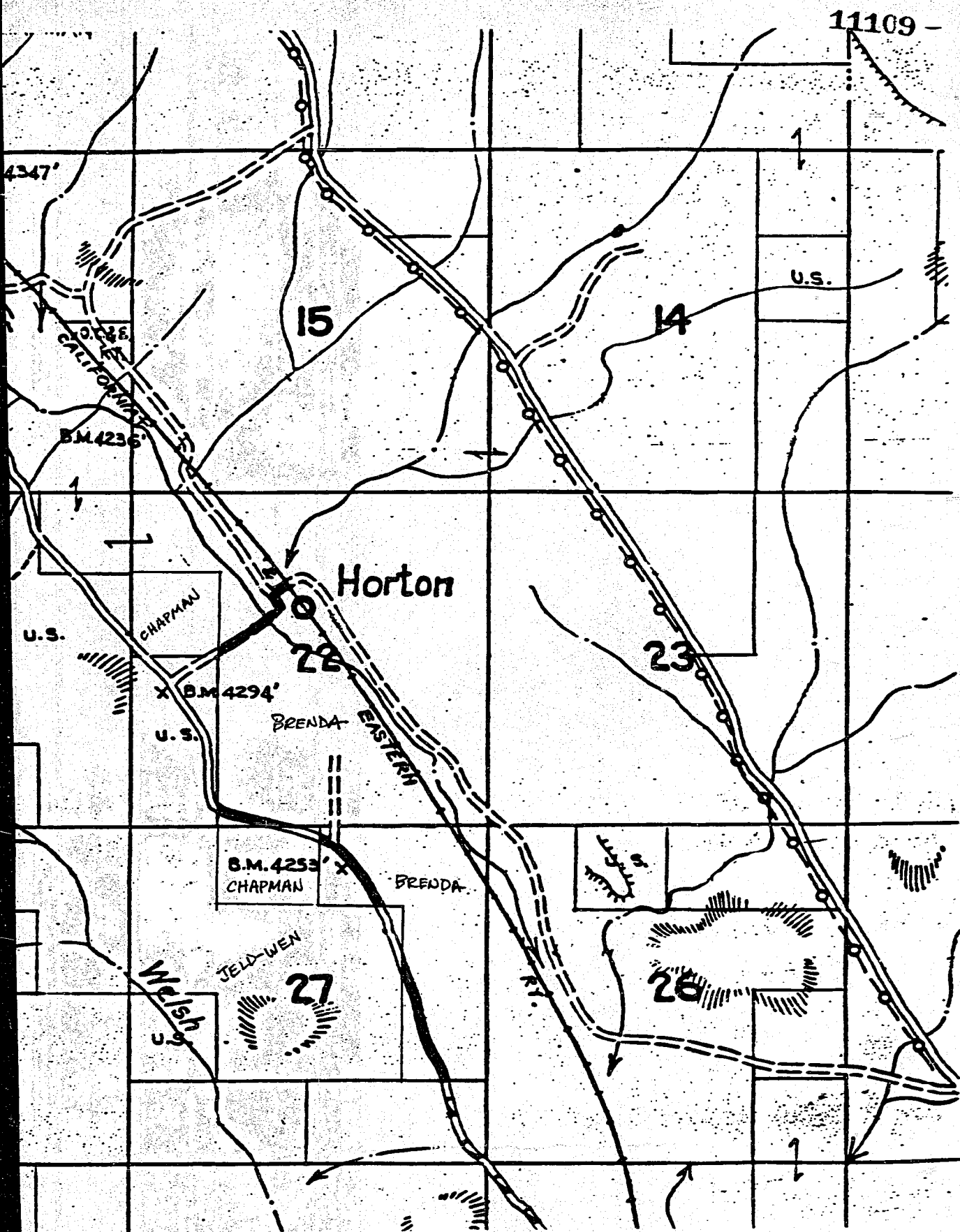
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Nichole J. Horner  
Notary Public in and for the State of  
Oregon residing at Klamath Falls

My commission expires 4/16/89.

Return to:  
Weyerhaeuser Co.  
Attn: John Monfore  
P.O. Box 9  
Klamath Falls, OR  
97601



TWP. 37S. - R6E. 11 1/2 E., W.M.  
KLANATH COUNTY, OR

STATE OF OREGON: COUNTY OF KLAMATH: ss.

EXHIBIT A

Filed for record at request of \_\_\_\_\_ the 15th day  
of July A.D., 19 85 at 1:52 o'clock P M., and duly recorded in Vol. M85  
of \_\_\_\_\_ on Page 11106  
Deeds

FEE \$17.00

By Evelyn Biehn, County Clerk  
[Signature]