

EASEMENT

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DIAMOND GROUP INC., a corporation, Grantor, conveys to RANDY G. NAWALANIEC, his heirs, successors and assigns, Grantee, a perpetual non-exclusive easement to use a strip of land fifteen feet (15') wide the centerline of which is located as follows across the property of Grantor:

Beginning at a point that is ten feet (10') South of the section corner common to Sections 35 and 36, Township 22 South, Range 10, E.W.M., and Sections 1 and 2, Township 23 South, Range 10, E.W.M., and on the section line between Sections 1 and 2, Township 23 South, Range 10, E.W.M.; thence S 70° 30' E 71'; thence S 87° 30' E 75'; thence S 67° E 61'; thence S 57° E 300'; thence S 76° E 150'; thence S 74° E 75'; thence S 69° E 46.5'; thence N 71° E 210'; thence N 62° E 256'; thence N 56° E 144', more or less, to a point on the section line between Section 36, Township 22 South, Range 10, E.W.M. and Section 1, Township 23 South, Range 10, E.W.M., and that is ten feet (10') East of the SW corner of the SW1/4 SE1/4 SW1/4 of Section 36, Township 22 South, Range 10, E.W.M., 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 road purposes only for access to one single family home located on the real property owned by Grantee which is accessed by this easement and in conjunction with said use, may construct, reconstruct, maintain and repair a road not more than ten feet (10') wide thereon.

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2. Grantor reserves the right to use, construct, reconstruct and maintain the road located upon the easement strip for purposes of access for forest management and heavy hauling of timber, rock or equipment. Grantor may grant use rights for such use to third parties. The parties shall cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the others, however, in the case of conflict, Grantor's right of use shall be dominant.

3. Grantor reserves the right to relocate the road at any time and in such case shall reconstruct the road at such new location and in as good or better condition as existed at the prior location. If the road is relocated, Grantor may record an instrument indicating the relocated road centerline and such instrument shall serve to amend this easement and eliminate any rights of Grantee in the original easement strip.

4. Grantee agrees to 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 risks arising out of his use of the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.

5. This easement is appurtenant to the real property owned by Grantee, for which this easement provides access.

6. This easement shall be perpetual, however, in the event it is not used by Grantee for a period of three years (3),

or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall upon request execute a recordable document evidencing such expiration. 6267

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

8. The consideration for this transfer is the sum of \$200.00.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 20th day of January, 1985.

DIAMOND GROUP INC.

BY Jane von der Heyde Randy G. Nawalaniec
Vice President RANDY G. NAWALANIEC

STATE OF NEW YORK County of New York, ss:

The foregoing instrument was acknowledged before me this 20th day of February 1985, by Jane von der Heyde, who is the Vice President of DIAMOND GROUP INC., on behalf of said corporation.

Stephanie T. Mijaki
NOTARY PUBLIC FOR NEW YORK
My Commission Expires: 1985

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this day of 1985, by RANDY G. NAWALANIEC.

Ret. Randy G. Nawalaniec
Box 413
Tupelo, Ore.
97730

NOTARY PUBLIC FOR OREGON
My Commission Expires:

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of
of April A.D. 19 86 at 11:54 o'clock A M., and duly recorded in Vol. 14th day
of Deschutes on Page 6265

FEE \$13.00

Evelyn Biehn, County Clerk
By