

78485

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EASEMENT

DATED: August 25, 1987.

PARTIES: PETER ALAN NEVIN and MALINDA B. NEVIN (NEVINS) as owners of Parcel A described in Exhibit A attached hereto and incorporated hereby by this reference; and NEVIN CATTLE COMPANY (NCC) as owner of Parcel B described in Exhibit B attached hereto and incorporated hereby by this reference.

RECITALS:

A. NCC currently uses an existing road which runs north from Swan Lake Road along the west boundary of Parcel A to Parcel B.

B. The parties to this agreement intend to create a permanent, nonexclusive easement and right of way for use of said existing road. This easement is to be a private road and shall be appurtenant to and shall benefit Parcel B. The parties therefore agree as follows:

AGREEMENTS:

1. GRANT OF EASEMENTS:

1.1 Nevins hereby grant and convey to NCC a permanent, nonexclusive right of way over, across, and along the existing roadway which runs north from Swan Lake Road along the west boundary of Parcel A to Parcel B. Such easement shall be appurtenant to each and every part of Parcel B.

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1.2 Such easement may be used for vehicular and pedestrian ingress and egress purposes by NCC, its heirs, successors, and assigns.

2. SCOPE AND DEVELOPMENT OF EASEMENT:

The roadway shall be maintained where now existing without any expansion thereof.

3. INDEMNIFICATION:

NCC shall indemnify and defend the NEVINS from any loss, claim, or liability to the NEVINS arising in any manner out of NCC's use of the road easement.

IN WITNESS WHEREOF, the parties hereto have signed this agreement on the date first set forth above.

NEVINS:

Peter Alan Nevin
PETER ALAN NEVIN

Malinda B. Nevin
MALINDA B. NEVIN

NEVIN CATTLE CO., a Corporation

Victor E. Nevin - Pres.
By:

STATE OF OREGON)
County of Klamath) ss.

Personally appeared the above named PETER ALAN NEVIN and MALINDA B. NEVIN and acknowledged the foregoing document to be their voluntary act and deed.

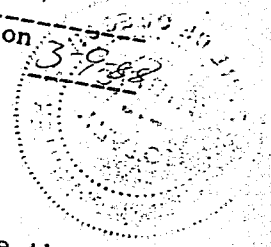
August 25, 1987

Before me:

15232

STATE OF Oregon)
County of Klamath) ss.

Paul S. Hite
Notary Public for Oregon
My Commission Expires: 3-9-89



The foregoing instrument was acknowledged before me this
25 day of August, 1987, by Victor E. Nevin President
of NEVIN CATTLE CO., a corporation, on behalf of the
corporation.

Paul S. Hite
Notary Public for
My Commission Expires: 3-9-89

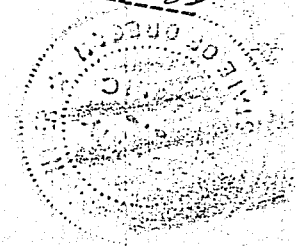


EXHIBIT A

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The following described real property situated in Klamath County, Oregon:
A tract of land containing 642 acres, more or less, situated in Sections 13, 14, 23, 24, 25, and 26 in Township 38 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a 1 inch iron pipe marking the quarter-corner common to said Sections 24 and 25; thence S. 89° 50' 59" W. along the South line of said Section 24 a distance of 1987.2 feet to a 5/8 inch iron rod; thence North a distance of 1320.0 feet to a point; thence S. 89° 50' 59" W. a distance of 660.0 feet to a point; thence North a distance of 1801.48 feet to a point; thence N. 22° 10' 47" W. a distance of 451.44 feet to a point; thence N. 28° 09' 31" W. a distance of 978.72 feet to a point; thence N. 59° 24' 05" E. a distance of 1337.44 feet to an intersection with the center line of a canal; thence N. 30° 24' 06" W., along said center line, a distance of 2753.49 feet to a point; thence continuing along said center line N. 00° 08' 43" W. a distance of 1177.76 feet to a point; thence leaving said center line, S. 89° 41' 23" W. a distance of 12.41 feet to a 5/8 inch iron pin reference point; thence continuing S. 89° 41' 23" W. a distance of 1672.4 feet, more or less, to the North-South center section line of Section 14; thence South along said center section line to the South one-quarter corner of said Section 14; thence continuing South along the center section line of Section 23 to its intersection with the Northerly right of way line of Swan Lake Road, thence Southeasterly along said right of way line to a 5/8 inch iron rod marking the most Westerly corner of tract of land described in Deed from Nevin Cattle Company to Thomas W. Lassett, et ux., recorded October 23, 1978, in Volume M78 page 23751, Deed records of Klamath County, Oregon; thence following the perimeter boundary of last mentioned tract the following courses and distances: N. 65° 46' E., 660.0 feet; N. 24° 14' W. 803.37 feet; N. 65° 46' E., 660.0 feet; S. 24° 14' E. 2092.77 feet, and S. 65° 46' W., 1320.0 feet to a 5/8 inch iron pin on the Northeasterly right of way line of Swan Lake Road; thence S. 24° 14' E. along said right of way line to its intersection with the Northerly line of the Lakeview Highway; thence Northerly and Easterly along the Northerly line of the right of way of the Lakeview Highway to its intersection with the North-South center line of Section 25; thence North along said center section line to the point of beginning.

Grantor reserves the right to the usage of existing roads in the East 1/2 of the West 1/2 of the above-mentioned Section 25 for the purpose of ingress and egress from Section 24, TWP. 38 S., R. 10 E., W.M. to the Lakeview Highway.

Exhibit B

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The premises are in Klamath County, and are described as follows:

Township 37 South, Range 10 East of the Willamette Meridian:

- Section 33: E $\frac{1}{2}$, SW $\frac{1}{4}$
Section 34: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Township 38 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian:

- Section 18: S $\frac{1}{2}$
Section 19: Lots 1, 2, 3, and 4, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 30: Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, that portion of SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying Northerly of Mitchell Road.
Section 31: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 1 and that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ lying Northerly of Mitchell Road; and also that portion of SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying North of Klamath Falls-Lakeview Highway.

Township 38 South, Range 10 East of the Willamette Meridian:

- Section 3: Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$
Section 4: Lots 1, 2, 3 and 4, S $\frac{1}{2}$ N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ Saving and Excepting therefrom a strip of land 30 feet in width running parallel along the Southerly boundary of N $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Section 10: N $\frac{1}{2}$
Section 11: N $\frac{1}{2}$ and SE $\frac{1}{4}$
Section 12: All
Section 13: All
Section 14: E $\frac{1}{2}$
Section 23: NE $\frac{1}{4}$ and SE $\frac{1}{4}$ which lies Northerly and Easterly of the Swan Lake Road, Saving and Excepting therefrom that portion deeded to Thomas W. Lassett and Penny L. Lassett, husband and wife, dated October 23, 1978, recorded October 23, 1978, in Volume M78 page 23751, Deed records of Klamath County, Oregon.
Section 24: N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$, SE $\frac{1}{4}$.
Section 25: NW $\frac{1}{4}$ Saving and Excepting that portion deeded to Thomas W. Lassett and Penny L. Lassett, husband and wife, dated October 23, 1978, recorded October 23, 1978, in Volume M78 page 23751, Deed records of Klamath County, Oregon; and that portion of W $\frac{1}{2}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Northerly of the Lakeview Highway.
Section 26: All that portion of the NE $\frac{1}{4}$ which lies Northerly and Easterly of Swan Lake Road, saving and excepting therefrom that portion deeded to Thomas W. Lassett and Penny L. Lassett, husband and wife, dated October 23, 1978, recorded October 23, 1978, in Volume M78 page 23751, Deed records of Klamath County, Oregon: S $\frac{1}{2}$ SE $\frac{1}{4}$

Per: Peter Novin
Star Route
Dunsmuir, Ca

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of August _____ A.D., 19 87 at 11:35 o'clock A M., and duly recorded in Vol. M87 on Page 15290
of _____

FEE \$21.00

Evelyn Biehn, County Clerk

By _____