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K-40362
 MAJOR LAND PARTITION
 CREATION OF A PRIVATE ROAD

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KNOWN ALL MEN BY THESE PRESENTS, Marjorie A. Divine, personal representative of the estate of Russell Griffith, in consideration of the approval by Klamath County of a Statutory Major Partition of the hereinafter described real property, and in consideration of the benefits accruing to the above named by reason of said approved Major Partition, the undersigned, do hereby irrevocably create the following described non-exclusive private easement to be appurtenant to the respective partitioned parcels, with the rights and obligations hereinafter contained to run with the title to said parcels.

The Parcel to be partitioned is described as follows:

PARCEL 1:

A tract of land situated in Government Lots 3, 4, 7 and 8 and the N½S½ of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a monument (all monuments are 5/8 inch iron pins with Tru-Line Surveying plastic cap, unless otherwise noted) on the Northwestern right-of-way line of the Southern Pacific Railroad, from which the corner common to Sections 8, 9, 16 and 17 bears N. 28°47'57" E. 3642.74 feet and also being the point of beginning of that Road Easement described in Volume M88 page 2525 Klamath County Deed records; thence N. 54°46'27" W., along said road easement 877.30 feet to a monument marking the end of said easement; thence N. 35°13'33" E. 30.00 feet to a monument; thence N. 26°07'00" W. 201.55 feet to a railroad spike driven into sandstone; thence N. 02°51'48" W. 323.68 feet to a "U" bolt on the West side of a willow tree; thence N. 02°18'49" W. 1119.07 feet to a railroad spike driven into the root on the West side of a willow tree; thence continuing N. 02°18'49" W. 25 feet, more or less, to the Mean High Water Line of Klamath River; thence Southwesterly, along said water line, to the Northwest corner of said Lot 8; thence Southerly to the SW 1/16 corner; thence Southeasterly, towards the South 1/4 corner, to a point on the Northwestern right-of-way line of the Southern Pacific Railroad; thence along said right-of-way line to a point which bears S. 34°35'38" W. 300.00 feet from the point of beginning; thence N. 54°46'27" W. 198.00 feet; thence N. 34°35'38" E. 270.00 feet; thence S. 54°46'27" E. 198.00 feet to a point on said railroad right-of-way line; thence N. 34°35'38" E. 30.00 feet to the point of beginning, containing 108 acres, more or less, and with bearings based on a solar observation.

PARCEL 2:

A tract of land situated in Government Lots 2, 3, 4, 8, and 9 of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin monument (monuments are a 5/8 inch iron pin with plastic cap marked Tru-Line Surveying, unless otherwise noted) from which the Northeast corner of said Section 17 bears N. 66°19'58" E. 1444.16 feet; thence S. 01°04'57" W. 1142.28 feet to a monument; thence S. 29°02'57" W. 567.71 feet to a monument; thence S. 20°59'21" W. 901.22 feet to a monument marking the centerline of a road easement as described in Deed Volume M88 page 2525 of the Klamath County Deed Records; thence N. 54°46'27" W., along said road easement, 647.30 feet to a monument marking the end of said easement; thence N. 35°13'33" E. 30.00 feet to a monument; thence N. 26°07'00" W. 201.55 feet to a Railroad Spike driven into sandstone; thence N. 02°51'48" W. 323.68 feet to a "U" Bolt on the West side of a willow tree; thence N. 02°18'49" W. 1119.07 feet to a Railroad Spike driven into the root on the West side of a willow tree; thence continuing N. 02°13'49" W. 25 feet, more or less, to the Mean High Water Line of the Klamath River; thence Northeasterly, along said Water Line, 1520 feet, more or less, to a point N. 01°04'57" E. of the point of beginning; thence S. 01°04'57" W. 65 feet, more or less, to the point of beginning, containing 52 acres, more or less, and with bearings based on a solar observation.

PARCEL 3:

A tract of land situated in Government Lots 6, 7, 8 and 9 of Section 8, the SW 1/4 of Section 9 and in Government Lots 2, 3, 4, 8 and 9 of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Section line 1025.5 feet North (by deed) of the corner common to Sections 8, 9, 16 and 17; thence S. 54°05' E. (by deed) 930 feet, more or less, to a point on the Northwestern right-of-way line of the Southern Pacific Railroad; thence S. 34°35'38" W., along said right-of-way line, 569 feet to a point on the line common to Sections 9 and 16; thence Westerly to the corner common to Sections 8, 9, 16 and 17; thence Southerly, along the line common to Sections 16 and 17 to its intersection with said Northwestern right-of-way line; thence S. 34°35'38" W., along said right-of-way line to a monument (monuments are a 5/8 inch iron pin with Tru-Line Surveying plastic cap) that bears S. 28°47'57" W. 3642.74 feet from the corner common to said Sections 8, 9, 16 and 17 and being the point of beginning of Parcel 1 of Major Land Partition 43-87 and that Road Easement described in Deed Volume M88 page 2525, Klamath County Deed Records; thence N. 54°46'27" W., along said road easement, 230.00 feet to a monument; thence N. 20°59'21" E. 901.22 feet to a monument; thence N. 29°02'57" E. 567.71 feet to a monument; thence N. 01°04'57" E. 1142.28 feet to a monument marking the point of beginning of Parcel 2 of Major Land Partition 43-87 from which said common Section corner bears N. 66°19'58" E. 1444.16 feet; thence continuing N. 01°04'57" E. 65 feet, more or less, to the Mean High Water Line of the Klamath River; thence Northerly, along said water line 2760 feet, more or less, to a point that bears N. 54°05' W. (by deed) from the point of beginning; thence S. 54°05' E. 1720 feet, more or less, to the point of beginning, containing 105 acres, more or less, with bearings based on a solar observation, unless otherwise noted.

The Easement hereby created shall provide vehicular and public utility access over and across the following:

A 60 foot road easement situated in Government Lot 4 of Section 17, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin with plastic cap, stamped Tru-Line Surveying, on the Westerly right-of-way line of the Southern Pacific Railroad and the centerline of an existing road, from which the Northeast corner of Section 17 bears N. 28°47'57" E. 3642.74 feet; thence N. 54°46'27" W., along the centerline of said easement and the center of the existing road, 877.30 feet to a 5/8 inch iron pin with plastic cap, stamped Tru-Line Surveying, with bearings based on a solar observation.

Marjorie A. Divine
Marjorie A. Divine, Personal
Representative of the Estate of
Russell Griffith

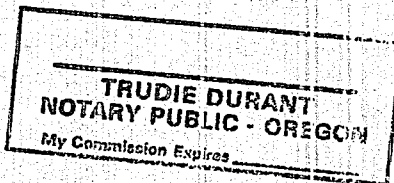
State of Oregon)
County of Klamath) ss.

Dated 2/22/88

Personally appeared the above-named Marjorie A. Divine, as Personal Representative of the Estate of Russell Griffith and acknowledged the foregoing instrument to be her voluntary act.

Before me:

Trudie Durant
Notary Public for Oregon
My Commission expires 9/30/89



Marjorie Divine
5540 Tingley Lane
Klamath Falls, Oregon 97603

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 23rd day
of February A.D., 19 88 at 9:01 o'clock A M., and duly recorded in Vol. M88
of Deeds on Page 2525

FEE \$15.00

Evelyn Biehn,
By PRATT Smith County Clerk