

MTC-19918 P  
When recorded mail to:  
MTC.

AGREEMENT AND GRANT OF EASEMENT  
FOR ACCESS AND UTILITIES

THIS AGREEMENT AND GRANT OF EASEMENT consisting of two pages and a plat map is made and entered into by and between John Thomas Vestal and Hellen Bernice Vestal, hereinafter called Grantor and Martin Peter Johnson and Gloria Mary Johnson, hereinafter called Grantee.

Grantor hereby grants unto Grantee, its successors and assigns forever, a non-exclusive easement to use, maintain and/or repair a driveway, utilities, drainages, refuse collection facilities, fences, a sign and landscaping upon, across, over and under that certain real property in the County of Klamath, State of Oregon, described as follows:

A strip of land 25 feet in width more or less; parallel to the south line of Section 35, all along the south boundary of the lands of the Grantor as indicated on the attached plat that becomes a part of this agreement and Grant of Easement.

Also, this easement is to specifically include access to the valves and controls located in the driveway in front of the garage of the above stated property.

THE PROVISIONS ON PAGE TWO AND THE PLAT MAP CONSTITUTE A PART OF THIS AGREEMENT

GRANTOR:

GRANTEE:

DATED

8-2-88

BY

John Thomas Vestal

BY

Hellen Bernice Vestal

DATED

7-25-88

BY

Martin Peter Johnson by Glen McGuire  
as Attorney in fact

BY

Gloria Mary Johnson by Glen McGuire  
as Attorney in fact

# AGREEMENT AND GRANT OF EASEMENT FOR ACCESS AND UTILITIES - VESTAL TO JOHNSON

PROVIDED, this Grant of Easement is subject to the following terms and conditions:

1. This Grant is subject to existing contracts, leases, licenses, easements, encumbrances, and claims which may affect said property and the use of the word "Grant" herein shall not be construed as a covenant against the existence of any thereof.
2. Grantee waives all claims against Grantor, Successors, Assigns, Tenants, agents, and employees, for loss or damage caused by, arising out of, or in any way connected with the exercise of this Easement, and Grantee agrees to save harmless, indemnify, and defend Grantor, Successors, Assigns, Tenants, agents, and employees, from any and all loss, damage or liability which may be suffered or incurred by Grantor, Successors, Assigns, Tenants, agents, and employees caused by, arising out of, or in any way connected with exercise by Grantee of the rights hereby granted, except those arising out of the sole negligence of Grantor or his tenants, agents, employees, invitees or successors.
3. Grantor reserves the right to use said real property in any manner, provided such use does not interfere with Grantee's rights hereunder.
4. ~~This Easement shall terminate in the event Grantee fails for a continuous period of 12 months to use the Easement for the purposes herein granted. Upon such termination, Grantee shall forthwith upon service of written demand, deliver to Grantor a quitclaim deed, to its right, title and interest hereunder.~~ *J.V. HB*
5. Grantee shall not call upon Grantor, nor shall Grantor have any responsibility to perform any maintenance work or to make any repairs or improvements on said easement caused by normal wear or deterioration.
6. Grantee shall immediately repair any damage caused by Grantee, Grantees tenants or invitees, to the road surface, fences, landscaping, utilities or other appurtenances of Grantor. Likewise the Grantor shall immediately repair any damage caused by Grantor, Grantors tenants or invitees that adversely affect the Grantee.

Owners  
Erwin R. Ritter, L.S.  
Dennis A. Ensor

12363

# TRU SURVEYING LINE

TELEPHONE (503) 884-3681  
2333 SUMMERS LANE - KLAMATH FALLS, OREGON 97603  
JULY 29, 1988

## LEGAL DESCRIPTION OF A NON-EXCLUSIVE EASEMENT

A non-exclusive easement situated in Tract 68 of Fair Acres Subdivision No. 1 in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 35, T38S, R9EW1, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin which lies West, along the south line of said Section 35, a distance of 30 feet and N00°11'E, parallel to the east line of said Section 35, a distance of 293.2 feet from the iron pin which marks the Southeast corner of said Section 35; thence continuing N00°11'E 33.0 feet; thence West, parallel with the south line of said Section 35, 12.0 feet; thence S00°11'W 8.0 feet; thence West, parallel with the south line of said Section 35, 158.0 feet; thence S00°11'W, parallel with the east line of said Section 35, 25.0 feet to a point on the south line of that tract of land described in Deed Volume M83 Page 8260 of the Klamath County Deed Records; thence East, parallel to the south line of said Section 35, 170.0 feet, more or less, to the point of beginning.

ERWIN R. RITTER

O.L.S. 658

ACRES

12364

PLAT OF EASEMENT

VESTAL - GRANTOR  
JOHNSON - GRANTEE

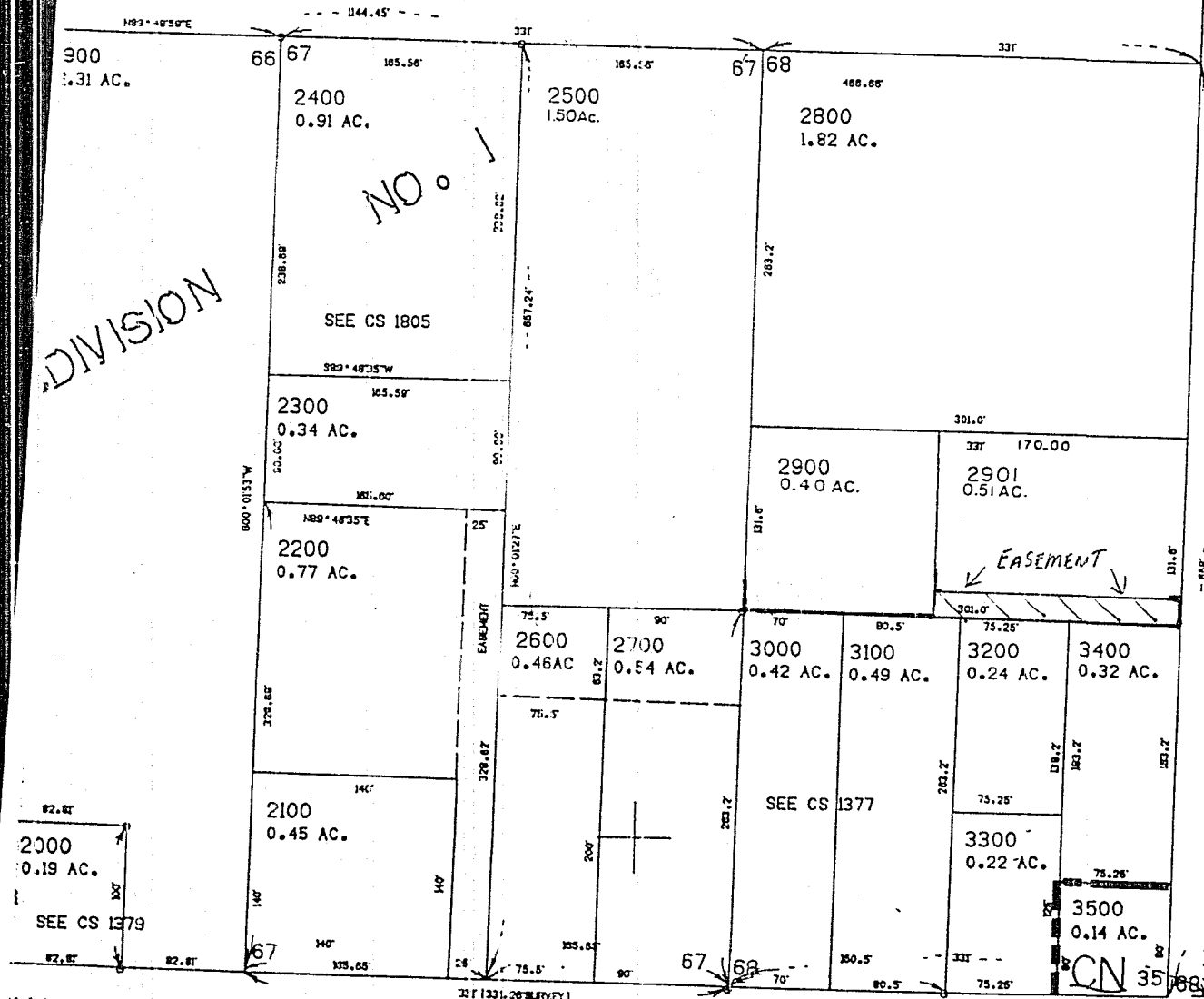
41

DIVISION

NO. 1

(FIRST ST

MADISON



1 ACRES  
SHASTA  
WAY  
NORTH LINE CABA MANANA  
DET PT.  
CABA  
MANANA

STATE OF OREGON,

County of Klamath } ss.

BE IT REMEMBERED, That on this 2nd day of August, 1988,  
before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within  
named JOHN THOMAS VESTAL & HELEN BERNICE VESTAL

known to me to be the identical individual described in and who executed the within instrument and  
acknowledged to me that they executed the same freely and voluntarily.

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

*Cameluphence*  
Notary Public for Oregon.

My Commission expires 8/16/88

FORM No. 159—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT

STATE OF OREGON,

County of Klamath } ss.

On this the 25th day of July, 19 88 personally appeared  
Glen McGuire  
who, being duly sworn (or affirmed), did say that he is the attorney in fact for Martin Peter Johnson  
& Gloria Mary Johnson  
that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowl-  
edged said instrument to be the act and deed of said principal.

(Official Seal)

Before me:

*Cameluphence*  
(Signature)

*Notary Public for Oregon*  
(Title of Officer) Expires 8-16-88

After recording return to:  
Martin & Gloria Johnson  
1622 Madison Space #11  
Klamath Falls, OR 97603

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 2nd day  
of Aug. A.D., 19 88 at 12:04 o'clock P. M., and duly recorded in Vol. M88  
of Feeds on Page 12361

Evelyn Biehn County Clerk

By *Pauline Mullins*

FEE \$28.00