

MTL-20518K

AFTER RECORDING RETURN TO:  
Interstate Production Credit Association  
PO Box 148  
Klamath Falls, Oregon 97601

## EASEMENT

FROM: LOUIE HOLZHOUSER, as Personal  
Representative of the Estate of  
HENRY HOLZHOUSER, Deceased "Grantor"

TO: INTERSTATE PRODUCTION CREDIT  
ASSOCIATION, a federally chartered  
corporation ("IPCA"), FARM CREDIT  
BANK OF SPOKANE ("FCB"), a federally  
chartered corporation, successor by  
merger to Federal Land Bank of Spokane,  
and 5 H RANCH, INC. ("5 H"), an Oregon  
corporation "Grantees"

Grantor for and in consideration of the sum of \$500,  
receipt of which is hereby acknowledged, hereby grants, conveys  
and transfers to Grantees, their successors and assigns, a per-  
petual nonexclusive easement to use the following strip of land  
located in Klamath County, Oregon (the "Easement Strip"):

Beginning at the intersection of the West line of Section  
32, Township 38 South, Range 11 1/2 East of the Willamette  
Meridian with the Southerly right of way line of Highway  
140, thence Southerly along the West line of Section 32 to  
its intersection with the Southerly right of way line of  
the O.C. & E. Railroad, thence Westerly along the Southerly  
right of way line of the O.C. & E. Railroad a distance of  
30 feet, then Northerly along a line parallel to the West  
line of Section 32 to the Southerly right of way line of  
Highway 140, thence Easterly along such Southerly right of  
way line to the point of beginning.

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors  
and invitees may use the Easement Strip as a road for ingress  
and egress purposes only for access to the property of FCB

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described on attached Exhibit A, the property of IPCA described on attached Exhibit B and the property of 5 H described on attached Exhibit C, which Exhibits A, B and C are by this reference made a part hereof, and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon. Grantees are further granted the right to use the Easement Strip for the installation and maintenance of such utility lines as may be needed to serve the properties described in attached Exhibits A, B and C.

2. This easement is not personal or in gross but is to be appurtenant to the real property described on attached Exhibits A, B and C, and shall run with and bind the Easement Strip.

3. Grantees each assume all risks arising out of their use of the Easement Strip and Grantor shall have no liability to Grantees or others for any condition existing thereon, provided, however, that Grantor shall not unreasonably interfere with Grantees' use of the Easement Strip.

DATED this 30th day of November, 1988.

Louie Holzouser  
LOUIE HOLZHOUSER, as Personal  
Representative of the Estate of  
Henry Holzouser, Deceased

STATE OF OREGON )  
COUNTY OF KLAMATH ) ss.

The foregoing instrument was acknowledged before me this 30th day of November, 1988 by LOUIE HOLZHOUSER, as Personal Representative of the Estate of Henry Holzouser, Deceased.

Douglas V. Osborne  
Notary Public for Oregon  
My Commission Expires: 2-2-90

## EXHIBIT A

Lot 4, E1/2 SW1/4, S1/2 SE1/4 and NW1/4 SE1/4 of Section 31, Township 38 South, Range 11 1/2 East of the Willamette Meridian.

Lots 1, 2 and 3 of Section 6, Township 39 South, Range 11 1/2 East of the Willamette Meridian.

A piece or parcel of land situate in the S1/2 NE1/4 of Section 6, Township 39 South, Range 11 1/2 East of the Willamette Meridian, and more particularly described as follows: Beginning at a point North 89°50 1/2' West 613.6 feet from the Northeast corner of the SE1/4 NE1/4 of said Section 6; thence South 29°10' West 269.4 feet; thence South 85°39 1/2' West 606.2 feet; thence North 86°05' West 569.7 feet; thence North 29°38' West 278.9 feet; thence North 60°10' West 8.4 feet to a point on the Northerly boundary of the S1/2 NE1/4 of said Section 6; thence South 89°50 1/2' East 1449.4 feet, more or less, to the point of beginning.

A piece or parcel of land situate in Lot 4, Section 6, Township 39 South, Range 11 1/2 East of the Willamette Meridian, and more particularly described as follows: Beginning at the Northwestern corner of said Lot 4; thence along the Northerly boundary of said Lot 4, South 89°50 1/2' East 549.4 feet to the Northeasterly corner of said Lot 4; thence South 0°08' West 511 feet; thence North 57°25' West 651 feet to the Westerly boundary of said Lot 4; thence North 0°07' East 161.9 feet, more or less, to the point of beginning.

EXCEPTING, however, the following described real property: A piece or parcel of land situate in Lots 2 and 3, Section 6, Township 39 South, Range 11 1/2 East of the Willamette Meridian, and more particularly described as follows: Beginning at the Southwest corner of said Lot 3; thence South 89°50 1/2' East 1831.5 feet along the Southerly boundaries of said Lots 2 and 3 to a point in the Southerly boundary of said Lot 2; thence North 60°10' West 959.2 feet; thence North 75°31' West 1031.2 feet to a point in the Westerly boundary of said Lot 3; thence along the Westerly boundary of said Lot 3, South 0°08' West 730 feet, more or less, to the point of beginning.

ALSO EXCEPTING A piece or parcel of land situate in Lot 1, Section 6, Township 39 South, Range 11 1/2 East of the Willamette Meridian, and more particularly described as follows: Beginning at a point 30.3 feet West of the Southeast corner of said Lot 1, in the Westerly road right of way fence of the County road running Northerly along the Easterly boundary of said Lot 1; thence North 0°09 1/2' East along said County Road right of way 866.9 feet; thence South 46°44 1/2' West 295.3 feet; thence South 29°10' West 759.6 feet to the South boundary of said Lot 1; thence Easterly along said Southerly boundary of Lot 1, South 89°50 1/2' East 583.3 feet, more or less, to the point of beginning.

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## PARCEL 1

A parcel of land located in portions of Sections 31 and 32, Township 38 South, Range 11½ East of the Willamette Meridian, and Section 5, Township 39 South, Range 11½ East of the Willamette Meridian, being more particularly described as follows:

Beginning at a point on the West line of Section 32, Township 38 South, Range 11½ East of the Willamette Meridian from which point the Southwest corner of said Section 32 bears South 0°39'08" West 173.01 feet distant; thence North 0°30'08" East 1130.97 feet to the South 1/16 corner common to Sections 31 and 32; thence North 89°23'45" West 1324.66 feet to the SE 1/16 corner of Section 31; thence along the 1/16 Section line North 0°31'29" East 1821.16 feet to the Southerly right of way line of the O.C.&E. Railroad; thence along said right of way line South 89°51'30" East 1323.97 feet to its intersection with the West line of Section 32; thence North 0°30'08" East 100.00 feet to the Northerly right of way line of the O.C.&E. Railroad; thence along said right of way line South 89°51'30" East 238.48 feet; thence, leaving said right of way line, North 0°58'27" West 663.55 feet to a point on the Southerly right of way line of State Highway 140; thence along said right of way line North 87°48'03" East 74.28 feet; thence 233.07 feet along the arc of a 5699.58 foot radius curve to the right, the long chord of which bears North 88°58'20" East 233.04 feet; thence South 89°51'22" East 793.02 feet; thence North 89°57'40" East 3972.46 feet to a point on the East line of Section 32; thence, leaving said highway right of way line, South 0°38'57" West along the East line of Section 32 3388.87 feet to a point; thence, along an existing fence line, South 79°47'33" West 451.44 feet; thence South 69°53'43" West 797.73 feet; thence South 40°15'25" West 236.92 feet; thence South 5°08'47" West 253.49 feet to a point in an existing fence line; thence, along said fence line, South 22°34'24" West 384.64 feet; thence South 51°14'35" West 528.50 feet; thence South 74°03'10" West 284.95 feet; thence North 76°10'34" West 256.59 feet; thence North 52°15'26" West 201.63 feet; thence North 84°32'50" West 574.37 feet; thence, leaving said fence line, North 50°17'38" West 319.51 feet; thence North 77°13'10" West 222.13 feet; thence South 87°22'56" West 173.85 feet to a point in a North-South fence line; thence along said North-South fence line, North 0°16'05" East 711.54 feet to the center of an East-West ditch; thence along the centerline of said ditch and the Westerly extension thereof, North 89°34'20" West 1472.26 feet to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right of way of the O.C.&E. Railroad.

## PARCEL 2

A portion of Section 32, Township 38 South, Range 11½ East of the Willamette Meridian, more particularly described as follows:

Beginning at a point on the West line of Section 32 at its intersection with the Northerly right of way line of the O.C.&E. Railroad, from which point the ¼ corner common to Sections 31 and 32 bears S. 0°30'08" W., 627.87 feet distant; thence along the section line N. 0°30'08" E. 654.38 feet to a point on the Southerly right of way line of Highway 140; thence along said right of way line N. 87°48'03" E. 221.63 feet; thence leaving said right of way line S. 0°58'27" E. 663.55 feet to a point on the Northerly right of way line of the O.C.&E. Railroad; thence along said right of way line N. 89°51'30" W. 238.48 feet to the point of beginning.

A parcel of land located in portions of Sections 32 and 33, Township 38 South, Range 11½ East of the Willamette Meridian and in Sections 5, 6, and 8, Township 39 South, Range 11½ East of the Willamette Meridian, being more particularly described as follows:

Those portions of Section 32, Township 38 South, Range 11½ East, and Section 5, Township 39 South, Range 11½ East of the Willamette Meridian lying South of the following described line: Beginning at a point on the East line of said Section 32 from which point the Southeast corner of said Section 32 bears South 0° 38' 57" West 551.64 feet distant; thence along an existing fence line, South 79° 47' 33" West 451.44 feet; thence South 69° 53' 43" West 797.73 feet; thence South 40° 15' 25" West 236.92 feet; thence South 5° 08' 47" West 253.49 feet to a point in an existing fence line; thence along said fence line, South 22° 34' 24" West 384.64 feet; thence South 51° 14' 35" West 528.50 feet; thence South 74° 03' 10" West 284.95 feet; thence North 76° 10' 34" West 256.59 feet; thence North 52° 15' 26" West 201.63 feet; thence North 84° 32' 50" West 574.37 feet; thence leaving said fence line, North 50° 17' 38" West 319.51 feet; thence North 77° 13' 10" West 222.13 feet; thence South 87° 22' 56" West 173.85 feet to a point in a North-South fence line; thence along said North-South fence line, North 0° 16' 05" East 711.54 feet to the center of an East-West ditch; thence along the centerline of said ditch and the Westerly extension thereof, North 89° 34' 20" West 1472.26 feet to a point on the West line of Section 32; from which point the Southwest corner of Section 32 bears South 0° 30' 08" West 173.01 feet distant; excepting therefrom Government Lot 1 in Section 5.

In Section 33, Township 38 South, Range 11½ East of the Willamette Meridian, all of those portions; of the SW¼NE¼, S¼NW¼, SW¼ and W¼ of SE¼; lying south of State Highway 140; excepting therefrom that portion lying within the right of way of the O.C. & E. Railroad.

In Section 6, Township 39 South, Range 11½ East of the Willamette Meridian, all of Section 6 lying South of the following described line. Beginning at a point on the West line of Section 6 from which point the Northwest corner of Section 6 bears Northerly 161.9 feet; thence South 57° 25' East 651.0 feet; thence South 75° 31' East 1031.2 feet; thence South 60° 10' East 967.6 feet; thence South 29° 38' East 278.9 feet; thence South 86° 05' East 569.7 feet; thence North 85° 39' East 606.2 feet; thence North 29° 10' East 1029.0 feet; thence North 46° 44' East 295.3 feet; thence East 30.3 feet to the East line of Section 6; from which point the Southeast corner of Government Lot 1, Section 6 bears South 0° 09' West 866.9 feet; excepting therefrom Government Lots 6 and 7 of said Section 6, the bearings and distances of the above described line being based on descriptions contained in Deed Volume M80, pages 15699 and 15700.

In Section 8, Township 39 South, Range 11½ East of the Willamette Meridian, all of the N¼NE¼ and the NE¼NW¼.

## EXHIBIT C

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 19th day of Jan. A.D., 1989 at 9:15 o'clock AM., and duly recorded in Vol. M89, of Deeds on Page 1092.

Evelyn Biehn, County Clerk

FEE \$33.00

By Pauline Miller