

EASEMENT AGREEMENT Made as of the last date set opposite the signatures of the parties hereto between JAMES A. ALLEN and LYDIA M. ALLEN, husband and wife (Allen), and BONITA H. CHEYNE, the unmarried widow of Leland L. Cheyne (Cheyne).

A. Recitals: The parties recite as follows:

1. The parties have an interest in adjoining real property situate in Klamath County, Oregon, as follows:

Allen Real Property: The SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 9 East of the Willamette Meridian, EXCEPT the portion thereof situate in the Northwest corner and more particularly described as follows: Commencing at a point in the center of the county road at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 2, and running thence Easterly along the North line of said quarter quarter section a distance of 493 feet; thence Southerly parallel with the center line of said county road a distance of 407 feet; thence Westerly parallel with the initial course of this description a distance of 493 feet; thence Northerly along the center line of said county road a distance of 407 feet to the point of beginning.

Cheyne Real Property: A portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, Township 40 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Commencing at a point in the center of the county road at the Northwest corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 2, and running thence Easterly along the North line of said quarter quarter section a distance of 493 feet; thence Southerly parallel with the center line of said county road a distance of 407 feet; thence Westerly parallel with the initial course of this description a distance of 493 feet; thence Northerly along the center line of said county road a distance of 407 feet to the point of beginning.

2. The parties desire to create an irrevocable easement across the Allen Property for the benefit of Cheyne.

B. Agreement: The parties agree as follows:

1. Allen grants and conveys to Cheyne an irrevocable easement 16 feet in width easterly along the north boundary of the Allen Property commencing at the northeast corner of the Cheyne Property and ending at U.S.B.R. No. 3 Drain on the easterly boundary of the Allen Property for the purpose of constructing, maintaining, and repairing an open or piped ditch or drain, or both, for the benefit of the Cheyne Property.

2. Except as herein granted, Allen shall continue to have the full use and enjoyment of the Allen Property.

3. Cheyne shall hold Allen harmless from any claim of damages to person or premises resulting from Cheyne's negligent conduct in Cheyne's use, occupancy and possession of the easement.

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4. This grant of easement shall run with the land and shall be binding on and shall inure to the benefit of the parties hereto, their heirs, successors, or assigns.

DATE

April 14, 1989April 14, 19893-8-89

SIGNATURE

James A. Allen

JAMES A. ALLEN

Lydia M. Allen

LYDIA M. ALLEN

Bonita H. Cheyne

BONITA H. CHEYNE

STATE OF OREGON, County of Klamath )ss: April 14, 1989, 1989  
 Personally appeared before me the above-named JAMES A. ALLEN and LYDIA  
 M. ALLEN and acknowledged the foregoing instrument to be their voluntary  
 act and deed.

(SEAL)

NOTARY PUBLIC  
OF OREGOND. B. Buehler  
NOTARY PUBLIC FOR OREGONMy Commission Expires: 12-19-92

STATE OF OREGON, County of Klamath )ss:  
 Personally appeared before me the  
 acknowledged the foregoing instrument to

March 8, 1989  
 above-named BONITA H. CHEYNE and  
 be her voluntary act and deed.  
Kirstine L. Prock  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 12/16/92

(KIRSTINE L. PROCK  
NOTARY PUBLIC — OREGON

My Commission Expires

WHEN RECORDED MAIL TO:

GIACOMINI & KNIIPS  
 ATTORNEYS AT LAW  
 635 MAIN STREET  
 KLAMATH FALLS, OREGON 97601

STATE OF OREGON

ss:

County of Klamath

I certify that the within  
 instrument was received for record  
 on the 17th day of April,  
 19 89, at 9:56 o'clock A.M., and  
 recorded in Book 6441 M89 on Page  
99123 or as filing fee number

Record of Deeds of said County.  
 Witness my hand and seal of  
 County affixed.

Evelyn Biehn, County ClerkBY: Quintine MendenhallTitle  
Deputy

Fee \$13.00