

DATE: July 16, 1991

GRANTOR: William DeLane Chambers

GRANTEE: Cathy Cogar

RECITALS:

A. Grantor is the owner of a parcel of real property situated in Klamath County, Oregon, described as:

Lot 28 in Block 15, Tract 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

hereinafter called the "Grantor's Property".

B. Grantee is the owner of a parcel of real property situated in Klamath County, Oregon, described as:

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County Oregon and Lots 1 through 7 and the East 20 feet of Lot 8, Elmwood Park. EXCEPTING THEREFROM that portion conveyed to the United States of America recorded in Volume 99, page 481, Deed Records of Klamath County Oregon. ALSO EXCEPTING THEREFROM that portion conveyed to Klamath County by deed recorded July 6, 1977 in Volume M77, page 11849, Microfilm Records of Klamath County, Oregon.

which requires water service and utility services, hereinafter called the "Grantee's Property".

C. The parties agree as follows:

AGREEMENT:

SECTION 1. GRANT OF EASEMENT.

1.1 Grantor grants to Grantee an easement over and across the Grantor's Property described as follows:

A strip of land 16 feet in width lying parallel and eight feet east of the west line of Lot 28 in Block 15, Tract 1064, First Addition to Gatewood, hereinafter called "The Easement".

which Easement shall be used for a water line for the use and benefit of the Grantee's Property, and shall run with the land and be continuous. Grantor further grants to the Grantee the right of the Grantee to convey the easement to the City of Klamath Falls for use in it's water system.

1.2 Grantor grants to Grantee the right to enter upon the Easement for purposes of repair, installation or reinstallation of water lines. Grantee will repair any damage to the landscaping, driveway and fencing caused by the repair, installation or reinstallation.

SECTION 2. CONSIDERATION

In consideration of the grant of this Easement, Grantee has paid the Grantor the sum of \$1,500.00.

1. GRANT OF EASEMENT

SECTION 3. BREACH OF OBLIGATIONS

In the event of any litigation arising under this Agreement, the other party shall be entitled to require such performance by suit for specific performance or, where appropriate, through injunctive relief. Such remedies shall be in addition to any other remedies afforded under Oregon law and those rights of cure and reimbursement specifically granted under this Agreement.

SECTION 4. ATTORNEY FEES

In the event of any litigation arising under this Agreement, the prevailing party shall recover from the losing party the prevailing party's reasonable attorney fees at trial or on appeal as adjudged by the trial or appellate court.

SECTION 5. EFFECT OF AGREEMENT

The Easement granted hereunder shall run with the land as to all property burdened and benefitted by such easement, including any division or partition of such property. The rights, covenants and obligations contained in this Agreement shall bind, burden and benefit each party's successors and assigns, lessees, mortgagees or beneficiaries under a deed trust.

GRANTOR:

William DeLane Chambers
William DeLane Chambers

GRANTEE:

Cathy Cogar
Cathy Cogar

STATE OF OREGON)
) ss.
County of Klamath)

The foregoing instrument was acknowledged before me this 16 day of July, 1991 by William DeLane Chambers.

Merlene H. Miller
Notary Public for Oregon
My Commission Expires: 9-16-93

STATE OF OREGON)
) ss.
County of Klamath)

The foregoing instrument was acknowledged before me this 16 day of July, 1991 by Cathy Cogar.

Merlene H. Miller
Notary Public for Oregon
My Commission expires: 9-16-93

STATE OF OREGON. ss.
County of Klamath

Filed for record at request of:

RETURN TO:
Brandsness & Brandsness, P.C.
411 Pine St.
Klamath Falls, OR 97601

2. GRANT OF EASEMENT

Brandsness, Brandsness
on this 16th day of July A.D. 19 91
at 4:28 o'clock P M. and duly recorded
in Vol. M91 of Deeds Page 13900
Evelyn Biehn County Clerk
By Daniel M. Anderson Deputy.

Fee, \$33.00