

38182

Aspen Title #04037112

GRANT OF EASEMENT

* * * * *

RODNEY R. LYON and MARIE M. LYON, husband and wife ("Lyons"), as fee owners of the real property described herein and ground landlords of premises upon which the Servient Estate (hereinafter defined) is located, under lease dated August 10, 1984 with James L. Eckhardt T. and Nellie R. Eckhardt, husband and wife ("Eckhardts"), as ground lessees, a memorandum of which was recorded on January 16, 1985 in Klamath County, Oregon Mortgage records at Volume M-85, Page 946, et seq. (the "Ground Lease"), and as subtenants of premises upon which the Servient Estate is located, under sublease dated August 10, 1984, with the Eckhardts, as sublandlords, a memorandum of which was recorded on January 16, 1985 in Klamath County, Oregon Mortgage records at Volume M-85, Page 954, et seq. (the "Sublease"), for good and valuable consideration hereby grant to Circle C Truck Brokerage, Inc., an Oregon corporation, and its successors and assigns, a non-exclusive easement for vehicular access and egress, and for an underground water delivery service across the northerly and easterly 30 feet of the following described parcel (said 30 foot easement area being referred to herein as the "Servient Estate").

The East one-half of a parcel of land situate in portions of Government Lots 7 and 11 in Section 16, Township 41 South, Range 12 E.W.M., being more particularly described as follows:

Beginning at a point on the centerline of an existing drain ditch, from which point the monument marking the one-quarter section corner common to Sections 15 and 16, Township 41 South, Range 12 E.W.M., bears North 0°29'05" West 479.17 feet, South 89°43'05" East 12.50 feet, North 0°53' West 421.48 feet, North 0°14' East 30.00 feet, and South 89°46' East 2,692.06 feet distant; thence North 89°43'05" West 422.77 feet to a point; thence North 0°29'05" West 376.14 feet to a point; thence South 89°43'05" East 422.77 feet to a point on the centerline of an existing drain ditch; thence South 0°29'05" East 376.14 feet to the point of beginning.

Said easement shall benefit the following: A parcel of land located in portions of Government Lots 7 and 11 in Section 16, Township 41 South, Range 12 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

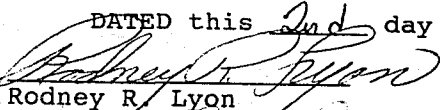
Beginning at the Southwest corner of Parcel 1 of Minor Partition No. 66-84 from which point the monument marking the one-quarter section corner common to Sections 15 and 16, Township 41 South, Range 12 East, Willamette Meridian bears S89°43'05"E 422.77 feet and N71°09'10"E 2846.75 feet; thence N00°29'05"W 376.14 feet; thence S89°43'05"E 187.50 feet; thence S00°29'05"E 376.14 feet; thence N89°43'05"W 187.50 feet to the Point of Beginning; containing 1.62 acres, more or less, and being subject to all rights-of-way and /or easements of record.

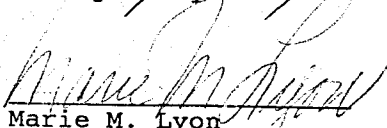
Also described as:

Parcel 1 of Minor Land Partition 66-84, as amended by Klamath County Lot Line Adjustment 17-91, situate in the SW 1\4, Section 16, Township 41 S, Range 12 E. Willamette Meridian, Klamath County, Oregon.

Consideration. Consideration for this transfer is other good and valuable consideration.

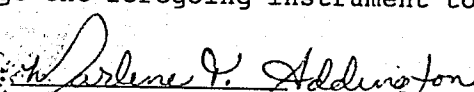
DATED this 2nd day of December, 1991.


Rodney R. Lyon


Marie M. Lyon

State of Oregon, County of Klamath, personally appeared the above named Rodney R. Lyon and Marie M. Lyon, husband and wife, acknowledge the foregoing instrument to be their voluntary act and deed

before me:


Notary Public for Oregon

My commission expires: 3-22-93

CONSENT

25290

For good and valuable consideration, James L. Eckhardt and Nellie R. Eckhardt, husband and wife (the "Eckhardts"), ground lessees under the Ground Lease and sublandlords under the Sublease, and Engineered Structures, Inc., an Idaho corporation, assignee for security purposes of the Eckhardts' interest in the Ground Lease and Sublease, by an agreement dated December 18, 1984, and recorded in the Klamath County, Oregon Mortgage records at Volume M-84, Page 21788, et seq., hereby consent to the non-exclusive easement granted by the Lyons in the aforesaid Grant of Easement, and agree that their interest in the Servient Estate, which is a portion of the leased premises described under the Ground Lease and Sublease, is subordinate to the non-exclusive easement granted.

Further, James L. Eckhardt hereby consents to the non-exclusive easement granted by the Lyons in the aforesaid Grant of Easement and agrees that his interest in the Servient Estate, which is a portion of the real property described in that certain Deed of Trust dated March 10, 1989, between the Lyons, as grantors, an unnamed trustee, and James L. Eckhardt, as beneficiary, recorded on March 22, 1989 in Klamath County, Oregon Mortgage records, at Volume M-89, Page 4851, et seq., is subordinate to the non-exclusive easement granted.

Engineered Structures, Inc.

By:

James L. Eckhardt
President

James L. Eckhardt
James L. Eckhardt, as Ground Lessee/
Sublandlord

Nellie R. Eckhardt
Nellie R. Eckhardt, as Ground Lessee/
Sublandlord

James L. Eckhardt
James L. Eckhardt, as Beneficiary
under Deed of Trust

STATE OF IDAHO)

) ss.

County of Ada)

On this 25th day of November, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared James L. Eckhardt, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jan E. Gabelein
NOTARY PUBLIC for Idaho

Residing at Meridian, Idaho

My commission expires: 10/25/93

STATE OF IDAHO)
County of Ada) ss.

On this 25th day of November, 1991, before me, the undersigned, a Notary Public in and for said State, personally appeared Nellie R. Eckhardt, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jon E. Gabrielsen
NOTARY PUBLIC for Idaho
Residing at Mendham, Idaho
My commission expires: 10/25/93

STATE OF IDAHO)
County of Ada) ss.

On this 25th day of November, 1991, before me, the undersigned, a Notary Public in and for said state, personally appeared James L. Eckhardt, known or identified to me to be the President of Engineered Structures, Inc., the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jon E. Gabrielsen
NOTARY PUBLIC for Idaho
Residing at Mendham, Idaho
My commission expires: 10/25/93

STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Aspen Title Co.
on this 4th day of Dec. A.D. 19 91
at 10:44 o'clock A.M. and duly recorded
in Vol. M91 of Deeds Page 25288
Evelyn Biehn County Clerk
By Pauline Mullendore
Deputy.

Fee, \$43.00