

88025

09-13-94P02:27 RCVD

K-40482
EASEMENT

Vol. m94 Page 28850

After recording, this Easement shall be delivered to:

Paul G. Neiffer, Trustee

990 NW Brooks

Bend, OR 97701

TINA K. EMERY, as to an undivided one-half interest, and BRUCE EMERY, as to an undivided one-half interest, hereinafter Grantors, convey to PAUL G. NEIFFER, Trustee of the Tina K. Emery Trust Under Date 1/31/94, its heirs, successors and assigns hereinafter Grantee, a nonexclusive easement to use all existing roads on, over and across the following described real property as shown on the map attached hereto as Exhibit "A", and by this reference incorporated herein:

Parcel 2: Township 30 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon

Section 5: SE1/4SW1/4, S1/2SE1/4

Section 6: SW1/4SE1/4

Section 7: NE1/4NE1/4

The terms of this easement are as follows:

1. Grantee, its agents, independent contractors and invitees shall use the roads for the purpose of removing timber from the adjacent real property, provided, however, that Grantee's use of the roads shall be subject to all of the terms and conditions of that certain Correction Bargain and Sale Timber Deed recorded 9/13/94, in Book m94, Page 28850, Official Records, Klamath County, Oregon.
2. Grantors reserve the right to use, construct, reconstruct and maintain the roads located upon the easement. The parties shall cooperate so that each party's use shall cause a minimum of interference to the others.
3. Grantee agrees to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantee's use of the easement. Grantee shall pay Grantors for any property of Grantors damaged by Grantee's use of this easement. Grantee assumes all risk arising out of its use of the easement and Grantors shall have no liability to Grantee or others for any condition existing thereon. Grantee agrees and represents that Grantee is accepting the easement on the premises "AS IS".
4. This easement is appurtenant to the real property described below.
5. This easement shall terminate on the sooner of (a) July 1, 2024, or (2) the date on which

28851

Grantee has complete removal of the timber (Timber) granted under that Correction Bargain and Sale Timber Deed dated June 20, 1994, and recorded 9/13/94 in Book M94, Page 28850, Official Records of Klamath County, Oregon (Date of Termination). A Date of Termination prior to July 1, 2024 shall be that date stated in an affidavit by Grantors declaring that the Timber has been removed. Said affidavit shall be served on Grantee, its successors and assigns, thirty (30) days prior to recording.

6. This easement is granted subject to all prior easements or encumbrances of record.

7. Following is a description of Grantee's property to which this easement is appurtenant:

Parcel 1: Township 30 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon

Section 6: S1/2SE1/4SE1/4

Section 8: NE1/4

Section 9: W1/2NW1/4, NW1/4SW1/4

8. The consideration for this Easement is \$10.00 and other valuable consideration.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 8th day of September, 1994.

GRANTORS:

Tina K. Emery
TINA K. EMERY

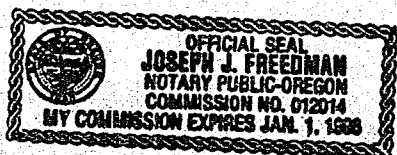
Bruce Emery
BRUCE EMERY

GRANTEE:

Paul G. Neiffer
PAUL G. NEIFFER, Trustee of the Tina K. Emery Trust Under Date 1/31/94

STATE OF OREGON, County of Deschutes ss:

The foregoing instrument was acknowledged before me this 27th day of August 1994, by TINA K. EMERY.



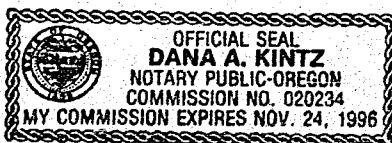
Joseph J. Freedman
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/1/98

2 - EASEMENT (sal.emery001.009)

28852

STATE OF OREGON, County of Lake, ss:The foregoing instrument was acknowledged before me this 15 day of July 1994, by BRUCE EMERY.Sharon L. Tuttle
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3/18/96

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 6th day of September 1994, by PAUL G. NEIFFER, Trustee of the Tina K. Emery Trust Under Date 1/31/94.Dana A. Kintz
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11-24-96

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co the 13th day
of Sept A.D., 19 94 at 2:27 o'clock P M., and duly recorded in Vol. M94
of Deeds on Page 28850

FEE \$40.00

Evelyn Biehn - County Clerk

By Pauline M. Mendenhall