

34012

EASEMENT

KNOW ALL MEN BY THESE PRESENTS that Martin I. Monti and James J. Monti, hereinafter called the grantor, in consideration of the development and sale of the following described property situated in Klamath County, State of Oregon:

Lot 14 in Block 121 Buena Vista Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon;

the owner of which is hereinafter called the grantee, do hereby grant the easement hereinafter described relative to the above-described real estate.

The legal description of the easement being granted hereby is a 20 foot wide access easement along the east side of the following described real property situated in the County of Klamath, State of Oregon, according to the official records on file in the office of the County Clerk of Klamath County, State of Oregon:

A TRACT OF LAND BEING A PORTION OF LOT 12 AND VACATED THRALL STREET, BLOCK 121 OF BUENA VISTA ADDITION TO THE CITY OF KLAMATH FALLS, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 12; THENCE S88°33'49"E 20.37 FEET TO THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE N15°36'08"E 144.57 FEET TO THE NORTH LINE OF SAID LOT 12; THENCE ALONG SAID NORTH LINE OF LOT 12 ON THE ARC OF A 574.87 FOOT RADIUS CURVE TO THE RIGHT (CHORD = S82°44'14"E 33.32 FEET) 33.32 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE ALONG THE SOUTH LINE OF CALIFORNIA AVENUE ON THE ARC OF A 574.87 FOOT RADIUS CURVE TO THE RIGHT (CHORD = S89°34'52"E 30.01 FEET) 30.02 FEET TO THE CENTER LINE OF THRALL STREET; THENCE ALONG SAID CENTER LINE OF THRALL STREET S21°59'20"W 140.82 FEET; THENCE N68°00'40"W 30.00 FEET TO THE WESTERLY LINE OF SAID THRALL STREET AND THE SOUTHEAST CORNER OF SAID LOT 12; THENCE ALONG THE SOUTH LINE OF SAID LOT 12 N88°33'49"W 18.29 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH:

THE EASTERLY 2.00 FEET OF THE FOLLOWING DESCRIBED TRACT OF LAND, BEING PARCEL 2004 AS SHOWN ON RECORD OF SURVEY 5053.

A PARCEL OF LAND SITUATED IN LOT 11 AND LOT 12 IN BLOCK 121, BUENA VISTA ADDITION, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 11; THENCE ALONG THE SOUTH LINE OF SAID LOT 12 S88°33'49"E 20.37 FEET; THENCE N15°36'08"E 144.57 FEET TO THE NORTH LINE OF SAID LOT 12; THENCE ALONG SAID NORTH LINE OF LOT 12 ON THE ARC OF A 574.87 FOOT RADIUS CURVE TO THE LEFT (CHORD = N75°43'38"W 26.68 FEET) 26.68 FEET TO THE NORTHEAST CORNER OF SAID LOT 11; THENCE ALONG THE NORTH LINE OF SAID LOT 11 ON THE ARC OF A 574.87 FOOT RADIUS CURVE TO THE LEFT (CHORD = N78°53'01"W 36.66 FEET) 36.66 FEET; THENCE S09°17'22"W 153.70 FEET TO THE SOUTH LINE OF SAID LOT 11; THENCE ALONG THE SOUTH LINE OF SAID LOT 11 S88°33'49"E 27.39 FEET TO THE POINT OF BEGINNING.

The grantee shall have all rights of ingress and egress to the grantee's property for all non-commercial private use. Grantee's rights to use of the easement are non-exclusive, and the grantee shall share maintenance expense as may be reasonably necessary for travel across the easement with the owner of Lot 13 in Block 121 Buena Vista Addition to the City of Klamath Falls, and grantor shall have no duty to maintain the easement.

Except as to grantee's rights of access herein, grantor shall have full use and control of all of said 20 foot wide easement, including all subsurface rights.

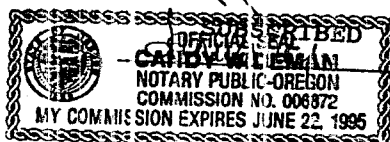
Grantee shall hold and save grantor harmless from any and all claims of any third parties arising out of grantee's use of the rights granted herein.

This easement is granted to provide grantee a non-commercial access to grantee's property, and this easement shall terminate upon access being made available to grantee's property by way of

public access from the south entering onto Thrall Street where said street adjoins grantee's property. Upon the termination of the easement, any and all improvements to the easement shall revert to the grantor and grantee shall have no claim arising from the termination of said easement.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators, and successors in interest as well.

IN WITNESS WHEREOF the parties have subscribed this instrument on the 5th day of January, 1995.



AND SWORN to before me this 5th day of January, 1995.

Candy Williams
NOTARY PUBLIC FOR OREGON
My Commission Expires: 6-22-95

AGREEMENT FOR EASEMENT (STATE OF OREGON, County of Klamath)ss:

and

I certify that the within instrument was received for record on the 6th day of January, 1995, at 2:38 o'clock P.M., and recorded in book M95 on page 41 or Record of Deeds of said county.

After Recording Return to:

Martin's Construction
1524 Oregon Ave
Klamath Falls, OR 97601

Witness my hand and seal of County affixed.

Bernetha G. Letsch County Clerk
Recording Officer

By Pauline M. Mendenhall Deputy

Fees: \$40.00