

## EASEMENT

DATED: April 26, 1995

Grantor conveys to Laurel Pinole, her heirs, successors and assigns, a perpetual non-exclusive easement to use a strip of land approximately 25 feet wide, the center line of which is located across the property of Grantor. The aforementioned strip of land currently exists as a roadway and is directly inside the Grantor's western border of their property and begins at Highway 66 and continues in a northerly direction across the Grantor's property in the form of a roadway.

The terms of the easement are as follows:

1. Grantee, his agents, independent contractors, and invitees, shall use the easement strip for road purposes only for access to the property described in paragraph 7, below.
2. Grantor may grant use rights for such use to third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however in case of conflict, Grantor's right of use shall be dominant.
3. Grantee assumes all risk arising out of its use of the easement strip and Grantor shall have no liability to Grantee or others for any condition existing thereon.
4. The easement is appurtenant to the real property owned by Grantee and described below. However, in the event of any subdivision or sale of any portion of such property this easement shall remain appurtenant only to the largest remaining parcel and owners of other parcels into which the property described below may be divided shall have no right to use of the easement strip.
5. This easement shall be perpetual; however, in the event that it is not used by Grantee for a period of three years, or if otherwise abandoned by Grantee, the easement shall automatically expire and Grantee shall, upon request, execute a recordable document evidencing such expiration.
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:

A portion of that tract of real property recorded in Volume 266, Page 629, of Deed Records of Klamath county, Oregon, described therein as being in the W $\frac{1}{2}$  E $\frac{1}{2}$  NE $\frac{1}{4}$  of

Section 32 and in the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 29, all in Township 39 South, Range 8 East of the Willamette Base and Meridian, said portion of tract being described as:

All of aforesaid tract of real property lying Westerly of a line joining a point on the north boundary, distant 359.0 feet easterly from the northwest corner thereof and a point on the northerly right of way boundary of the Klamath Falls-Ashland Highway (Oregon 66) as constructed, this date; said point being distant 381.7 feet, as measured easterly along the aforesaid highway right of way boundary from the westerly boundary of said tract of real property. Property above described contains 18.5 acres, more or less.

SUBJECT TO: Provisions of Emmitt Improvement District Company thereto pertaining; Easements and rights of way of record and those apparent on the land, if any.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the day and year first written above.

  
KENNETH LEPPERT, SR.,  
Grantor


  
KATHY R. LEPPERT, Grantor

LAUREL PINOLE, Grantee

STATE OF OREGON, County of Klamath) SS

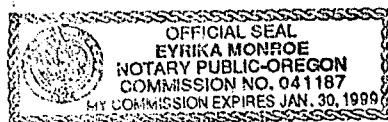
Personally appeared the above named Kenneth Leppert, Sr. and acknowledged the foregoing instrument to be his voluntary act and deed.

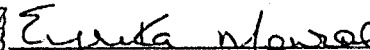


  
NOTARY PUBLIC FOR OREGON  
My commission expires: 1-30-99

STATE OF OREGON, County of Klamath) SS

Personally appeared the above named Kathy R. Leppert and acknowledged the foregoing instrument to be her voluntary act and deed.



  
NOTARY PUBLIC FOR OREGON  
My commission expires: 1-30-99

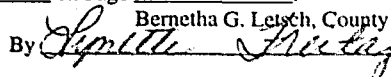
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael Polsan the 4th day  
of May A.D., 19 95 at 2:42 o'clock P M., and duly recorded in Vol. M95  
of Deeds on Page 11640.

FEE \$35.00

RETURN: Michael Polsan  
635 Main St  
K Falls, Or 97601

By  Bernetha G. Leisch, County Clerk