

6769

09-27-95A10:26 RCVD

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File 58888
6B-14-8

ORIGINAL

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 17th day of August, 1995, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and HANSON NATURAL RESOURCES COMPANY, a Delaware partnership consisting of Cavenham Forest Industries, Inc., a Delaware corporation; Gold Fields Mining Corporation, a Delaware corporation; and Cavenham Energy Resources, Inc., a Delaware corporation; and ^{AS per} ~~Jx~~ SPEAR RANCH CO., hereinafter called "Owner".

WHEREAS, State by deed recorded April 28, 1994, in Volume M94, Page 13469, Klamath County Deed Records, acquired from Hanson Natural Resources Company, a Delaware partnership consisting of Cavenham Forest Industries, Inc., a Delaware corporation; Gold Fields Mining Corporation, a Delaware corporation; and Cavenham Energy Resources, Inc., a Delaware corporation, certain property situated in Sections 1, 11, 12, 13, 14, 23, 24, 25, 26, 35, and 36, Townships 30, 31, 32, and 33 South, Range 7 East, W.M., Klamath County, Oregon, which deed, in part, reserved access rights, for the service of said grantor's remaining property, to and from the West side of the relocated The Dalles-California Highway, opposite Engineer's Station 2482+50; and

WHEREAS, Owner has requested that its access rights opposite said Station 2482+50 be moved, and that access rights be substituted, therefor to and from the West side of said highway opposite Engineer's Station 2551+00; and

WHEREAS, State is agreeable to the granting of Owner's request.

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant hereinafter made by State, OWNER does transfer and relinquish unto State, its successors and assigns, Owner's access rights to and from the West side of the relocated The Dalles-California Highway opposite said Station 2482+50, reserved in said deed recorded April 28, 1994. Owner represents and warrants that no one, other than Owner, is using or entitled to

7-28-95

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
417 TRANSPORTATION BLDG.
SALEM, OREGON 97310

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use the access rights herein relinquished. STATE, in consideration of the relinquishment and warranties herein made, does grant access rights unto Owner, its successors and assigns, to and from the West side of said highway, opposite said Station 2551+00, in a width of 35 feet, and unrestricted as to use.

The access rights reserved herein are subject to the statutes and regulations controlling access to the highway system. A standard Approach Road Permit must be applied for and obtained from the Oregon Department of Transportation's District Maintenance Office before construction is begun. When the State constructs the approach road, Grantee will be required to sign a standard Approach Road Permit to assure proper operation and maintenance of the approach road.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

APPROVED AS TO LEGAL SUFFICIENCY

By [Signature]
Assistant Attorney General

Date 9/11/95

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By [Signature]
Deolinda G. Jones,
Acting Right of Way Manager

HANSON NATURAL RESOURCES COMPANY, a Delaware partnership consisting of
Cavenham Forest Industries, Inc., a Delaware corporation;
Gold Fields Mining Corporation, a Delaware corporation;
and Cavenham Energy Resources, Inc., a Delaware corporation

By [Signature]
Russell A. Carson, Co-Chief Executive
Officer of the Partnership and
Authorized Signatory YIB

JR SPEAR RANCH CO.

By [Signature]
President

By [Signature]
Secretary

By [Signature]
ODOT Region Manager

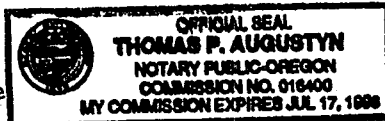
Date 9-11-95

STATE OF OREGON, County of Marion

9-20, 1995. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the Acting Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:

[Signature]
Notary Public for Oregon

My Commission expires 7/17/96

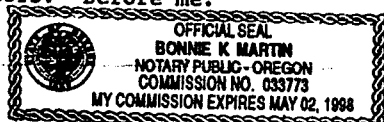


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STATE OF OREGON, County of Multnomah

August 17, 19 95. Personally appeared the above named Russell A. Carson, who being sworn, stated that he is the Co-Chief Executive Officer of the partnership of HANSON NATURAL RESOURCES COMPANY, a Delaware partnership consisting of Cavenham Forest Industries, Inc., a Delaware corporation; Gold Fields Mining Corporation, a Delaware corporation; and Cavenham Energy Resources, Inc., a Delaware corporation, and he acknowledged that the foregoing instrument was voluntarily signed by him on behalf of said partnership by authority of its Directors. Before me:



Bonnie K. Martin
Notary Public for Oregon

My Commission expires 5/2/98

STATE OF OREGON, County of Klamath

August 24, 19 95. Personally appeared Thomas J. Shaw and Donald A. Isensee, who, being sworn, stated that they are the President and Secretary of ^{Tilcox} ~~Jr~~ Spear Ranch Co., and that this instrument was voluntarily signed in behalf of the corporation by authority of its Board of Directors. Before me:



Patsy L. Brennan
Notary Public for Oregon

My Commission expires 10-15-97

7-28-95

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Department of Transportation the 27th day of September A.D., 19 95 at 10:26 o'clock A M., and duly recorded in Vol. M95 of Deeds on Page 26145.

FEE \$20.00

Bernetha G. Letsch, County Clerk
By Bernetha G. Letsch