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10-25-95A11:48 RCVD

Vol. M95 Page 29143ODOT
File 58045
9B-31-21

ORIGINAL

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 20th day of October, 1995, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and KLAMATH AND MODOC TRIBES AND YAHOOOSKIN BAND OF SNAKE INDIANS [known as the KLAMATH TRIBES], hereinafter called "Owner".

WHEREAS, State by deed recorded February 15, 1990, in Volume M90, Page 3084, Klamath County Deed Records, acquired from Fred Koehler, certain property lying in Lots 23 and 28 situated in Section 16, Township 35 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 East side of the The Dalles - California Highway, opposite Engineer's Station 3252+21; and

WHEREAS, Owner, by deed recorded September 15, 1995, in Volume M95, Page 25033, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner has requested that its access rights opposite said Station 3252+21 be terminated, and that access rights be substituted, therefor to and from the East side of said highway opposite Engineer's Station 3251+39; 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 East side of the The Dalles - California Highway opposite said Station 3252+21, reserved in said deed recorded February 15, 1990. Owner represents and warrants that no one, other than Owner, is using or entitled to 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 East side of said highway, opposite said Station 3251+39, in a width of 35 feet, and unrestricted as to use.

10-11-95

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

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

Deolinda G. Jones
Assistant Attorney General

Date 10/16/95

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Deolinda G. Jones

Deolinda G. Jones, Acting Right of Way Manager

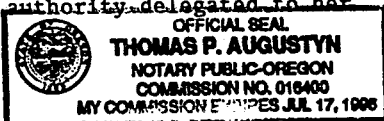
KLAMATH AND MODOC TRIBES AND YAHOOSSKIN BAND OF
SNAKE INDIANS [known as the KLAMATH TRIBES]

By Marvin Garcia

President

STATE OF OREGON, County of Marion

10-23, 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:



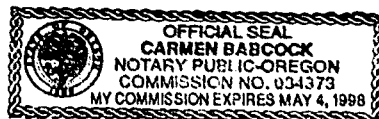
Thomas P. Augustyn
Notary Public for Oregon
My Commission expires 7/17/98

STATE OF OREGON, County of Klamath

October 20, 1995. Personally appeared Marvin Garcia, who, being sworn, stated that he is the President of Klamath and Modoc Tribes and Yahooskin Band of Snake Indians [known as the Klamath Tribes], and that this instrument was voluntarily signed in behalf of the tribe by authority of its Board of Directors. Before me:

Carmen Babcock
Notary Public for Oregon
My Commission expires 5/4/98

10-11-95
Page 2 - Indenture
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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Oregon Department of Transportation the 25th day of October A.D., 19 95 at 11:48 o'clock A M., and duly recorded in Vol. M95 of Deeds on Page 29143.

FEE \$15.00

Bernetha G. Letsch, County Clerk
By Annette Mueller