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ATC # 604409

## EASEMENT

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CLARK UNRUH, TRUSTEE OF THE DOROTHY UNRUH BY-PASS TRUST, GRANTOR, DOES HEREBY GRANT AND CONVEY TO JAMES T. CHAFFIN AND SHAUNA R. CHAFFIN, HUSBAND AND WIFE, GRANTEES, A PERMANENT, NONEXCLUSIVE EASEMENT AND RIGHT-OF-WAY TEN (10) FEET IN WIDTH, OVER, ACROSS, AND ALONG THE NORTH BOUNDARY LINE OF THE NORTH 1/2 NORTHEAST 1/4 OF SECTION 8, TOWNSHIP 41 SOUTH, RANGE 12 EAST OF THE WILLAMETTE MERIDIAN IN KLAMATH COUNTY, OREGON, FOR THE PURPOSE OF INSTALLING AND MAINTAINING AN IRRIGATION MAINLINE IN AN EXISTING DRAINAGE DITCH LOCATED ON THE EASEMENT DESCRIBED BELOW. **CL**

THIS GRANTED EASEMENT SHALL BE APPURTENANT TO AND SHALL BENEFIT THE REAL PROPERTY OF THE GRANTEES DESCRIBED AS THE NORTH 1/2 NORTHWEST 1/4 OF SAID SECTION 8, LYING NORTH OF THE U.S.R.S. CANAL IN SAID SECTION 8 IN KLAMATH COUNTY, OREGON. THIS GRANT OF EASEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. AT SUCH TIME PRIOR TO THE MAINLINE BEING BURIED, THE GRANTEES SHALL PAY TO THE GRANTOR THE SUM OF SEVEN HUNDRED FIFTY DOLLARS (\$750.00). SAID MAINLINE WILL BE BURIED TO A MINIMUM DEPTH OF FOUR (4) FEET TO THE TOP OF THE PIPE, AND SHALL BE INSTALLED AT SUCH TIME AS NOT TO INTERFERE WITH AN EXISTING CROP OR ANY OF THE GRANTOR'S CURRENT FARMING PRACTICES.

2. THE COST OF PERIODIC MAINTENANCE AND NECESSARY REPAIRS OR IMPROVEMENTS TO THE MAINLINE SHALL BE BORN EXCLUSIVELY BY THE GRANTEES. SUCH MAINTENANCE AND REPAIRS SHALL BE PERFORMED BY THE GRANTEES IN A DILIGENT MANNER AND ON A REGULAR BASIS IN ACCORDANCE WITH GENERALLY ACCEPTED MAINTENANCE STANDARDS, INCLUDING, BUT NOT LIMITED TO, PROMPTLY PATCHING OR REPAIRING ANY BREAKS OR LEAKS IN SAID MAINLINE.

3. IF THE GRANTEES FAIL TO UNDERTAKE SAID REPAIRS IN A PROMPT AND DILIGENT MANNER, THAN THE GRANTORS, AFTER 24 HOURS WRITTEN NOTICE DELIVERED TO THE GRANTEES OR THE GRANTEES' RESIDENCE, MAY CAUSE SUCH REPAIRS TO BE COMPLETED WITH A RIGHT OF REIMBURSEMENT FOR ALL SUMS NECESSARILY AND PROPERLY EXPENDED TO REPAIR SAID LEAKS.

4. THE GRANTEES SHALL INDEMNIFY AND HOLD GRANTORS HARMLESS FROM ANY DAMAGE OR LIABILITY ARISING FROM GRANTEES' SAID USE OF THE EASEMENT.

5. THE GRANTEES SHALL NOT UNNECESSARILY INTERFERE WITH GRANTORS' USE OF GRANTORS' LAND WHICH ADJOINS THE EASEMENT.

6. IN THE EVENT THAT ANY PARTY SHALL FAIL TO PERFORM ITS OBLIGATIONS UNDER THIS GRANT OF EASEMENT, THEN THE OTHER PARTY SHALL BE ENTITLED TO REQUIRE SUCH PERFORMANCE BY SUIT FOR SPECIFIC PERFORMANCE OR, WHERE APPROPRIATE, THROUGH INJUNCTIVE RELIEF. SUCH REMEDIES SHALL BE IN ADDITION TO ANY OTHER REMEDIES AFFORDED UNDER OREGON LAW AND THOSE RIGHTS OF CURE AND REIMBURSEMENT SPECIFICALLY GRANTED UNDER THIS EASEMENT.

EASEMENT -1- CLARK UNRUH TRUSTEE OF THE DOROTHY UNRUH BY-PASS TRUST

*This document is being rerecorded. due to error in discription - Should be range 12 not range 21.*

'96 MAR 28 AIO:43

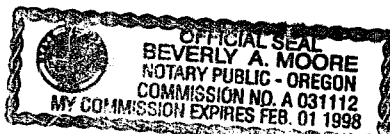
7. IN THE EVENT OF ANY LITIGATION ARISING UNDER THIS EASEMENT, THE PREVAILING PARTY SHALL RECOVER FROM THE LOSING PARTY THE PREVAILING PARTY'S REASONABLE ATTORNEY'S FEES AT TRIAL OR APPEAL AS ADJUSTED BY THE TRIAL OR APPELLATE COURT.

8. THE EASEMENT GRANTED HEREUNDER SHALL RUN WITH THE LAND AS TO ALL PROPERTY BURDENED AND BENEFITED BY SUCH EASEMENT, INCLUDING ANY DIVISION OR PARTITION OF SUCH PROPERTY. THE RIGHTS, COVENANTS, AND OBLIGATIONS CONTAINED IN THIS EASEMENT SHALL BIND, BURDEN, AND BENEFIT EACH PARTY'S SUCCESSORS, ASSIGNS, LESSEES, AND MORTGAGEES.

Clark Unruh TTEF  
CLARK UNRUH, TRUSTEE OF THE DOROTHY  
UNRUH BY-PASS TRUST, GRANTOR

STATE OF OREGON, COUNTY OF KLAMATH ss.

THIS EASEMENT WAS ACKNOWLEDGED BEFORE ME ON THIS 21<sup>st</sup> DAY OF FEBRUARY, 1996 BY CLARK UNRUH, TRUSTEE OF THE DOROTHY UNRUH BY-PASS TRUST.



Beverly A. Moore  
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: 2/1/98

EASEMENT -2- CLARK UNRUH TRUSTEE OF THE DOROTHY UNRUH BY-PASS TRUST

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title the 13th day of March A.D., 19 96 at 10:52 o'clock A. M., and duly recorded in Vol. M96 of Deeds on Page 6740.

FEE \$35.00

Bernetha G. Letsch, County Clerk  
By Cheryl Russell

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 28th day of March A.D., 19 96 at 10:43 o'clock A M., and duly recorded in Vol. M96 of Deeds on Page 8656.

FEE \$10.00

Re-Recorded to Correct Legal  
Discription.

Bernetha G. Letsch, County Clerk  
By Cheryl Russell