

EASEMENT

After recording, this Easement shall be delivered to:

JOHN D. SORLIE
BRYANT LOVLIE & JARVIS
P.O. BOX 1151
BEND, OR 97709-1151

Consideration for this transfer is -- other consideration.

KLAMATH COUNTY SCHOOL DISTRICT, hereinafter Grantors, grants to ERNST BROTHERS, LLC, an Oregon limited liability company, its heirs, successors and assigns hereinafter Grantees, a perpetual nonexclusive easement to use a strip of land which is located as follows across the property of Grantor:

See Exhibit 1 attached hereto and incorporated herein.

The terms of this easement are as follows:

1. Grantees their agents, independent contractors, invitees and successors shall use the easement strip for road purposes only and in conjunction with such use may construct, reconstruct, maintain and repair a road and associated improvements thereon.
2. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement strip. Grantees assume all risk arising out of its use of the easement strip and Grantors shall have no liability to Grantees or others for any condition existing thereon. Grantees agree and represents that Grantees are accepting the easement on the premises "AS IS".
3. This easement is appurtenant to the real property owned by Grantees and described below; however, it is anticipated that this property shall be subdivided. In the event of any subdivision or sale of any portion of such property this easement shall remain appurtenant only to the areas remaining as common areas in the unit of development. Such common areas are anticipated to be under the control of the Owner's Association for such development, and such Owner's Association shall have the right to reconvey this easement to the Grantors on behalf of all other owners of parcels within the subdivision.
4. This easement shall be perpetual; however, in the event that it is abandoned by Grantees, the easement shall automatically expire and Grantees shall upon request execute a recordable document evidencing such expiration.
5. This easement is granted subject to all prior easements or encumbrances of record.

1 - EASEMENT

(P:\DATA\USCLIENTS\C-ERNST34.003)

Bryant Lovlie & Jarvis
ATTORNEYS AT LAW

40 N.W. Greenwood • P.O. Box 1151 • Bend, Oregon 97709-1151 • (541) 382-4331 • Fax (541) 389-3386

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6. Following is a description of Grantees' property to which this easement is appurtenant:

See Exhibit 2 attached hereto and incorporated herein.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this ___ day of NOV, 21, 1996.

GRANTOR:

KLAMATH COUNTY SCHOOL DISTRICT

By: Bob Castaneda
Its: chair person

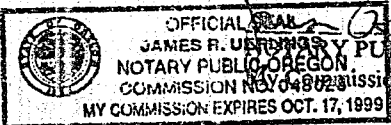
GRANTEE:

ERNST BROTHERS, LLC

By: Wayne G. Ernst
Its: Authorized Manager

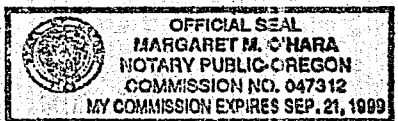
STATE OF OREGON, County of Klamath ss:

The foregoing instrument was acknowledged before me this 21 day of November, 1996, by Bob Castaneda of the Klamath County School District.



STATE OF OREGON, County of Klamath ss:

The foregoing instrument was acknowledged before me this 20 day of Nov, 1996, by Wayne G. Ernst, an authorized Manager of Ernst Brothers, LLC.



Margaret M. O'Hara
NOTARY PUBLIC FOR OREGON
My Commission Expires: Sept 21, 1999

2 - EASEMENT

(P:\DATA\CLIENTS\K-48023\134.00)

Bryant Lovlin Jarvis

10 N.W. Greenwood • P.O. Box 1151 • Bend, Oregon 97709-1151 • (541) 382-4331 • Fax (541) 399-3396

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8/7/96
1718-02

**MOUNTAIN VIEW DRIVE
EASEMENT DESCRIPTION**

Beginning at a 5/8" iron pin marking the Southwest corner of that certain parcel described in Deed Volume 76, Page 11148, Klamath County Book of Records; thence along the South line of said parcel South 73° 25' 25" East 399.28 feet; thence leaving said South line and along the arc of an 85.00 foot radius curve to the left, 55.76 feet, the long chord of which bears North 57° 09' 48" West 54.76 feet; thence North 75° 57' 22" West 347.05 feet to the point of beginning.

EXHIBIT 1

TRACT 1318 - GILCHRIST TOWNSITE

PROPERTY DESCRIPTION

A PARCEL OF LAND SITUATED IN SECTIONS 19 AND 20, TOWNSHIP 24 SOUTH, RANGE 09 EAST, WILLAMETTE MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF PARCEL 1, MINOR LAND PARTITION 52-91, BEING A 5/8" REBAR, THEN NORTH 15°00'41" EAST 2125.08 FEET ALONG THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY 97, TO A 5/8" REBAR, BEING THE SOUTHWESTERLY CORNER OF A PARCEL OF LAND AS DESCRIBED IN DEED VOL. M78 PAGE 26694, KLAMATH COUNTY RECORDS; THENCE LEAVING SAID RIGHT OF WAY SOUTH 74°59'19" EAST 234.17 FEET ALONG THE SOUTHERLY LINE OF SAID DEED TO A 5/8" REBAR, BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL; THENCE NORTH 15°00'41" EAST 130.75 FEET ALONG THE EASTERLY LINE OF SAID PARCEL TO A 5/8" PIN, BEING THE NORTHEASTERLY CORNER OF SAID PARCEL; THENCE NORTH 45°59'19" WEST 267.74 FEET ALONG THE NORTHERLY LINE OF SAID PARCEL TO A 2" PIPE, BEING THE NORTHWESTERLY CORNER OF SAID PARCEL AND A POINT ON THE EASTERLY RIGHT OF WAY OF U.S. HIGHWAY 97; THENCE LEAVING SAID PARCEL NORTH 15°00'41" EAST 404.42 FEET ALONG SAID RIGHT OF WAY TO A 1/2" REBAR; THENCE SOUTH 74°59'19" EAST 50.00 FEET ALONG SAID RIGHT OF WAY TO A 5/8" REBAR; THENCE NORTHERLY ALONG A SPIRAL CURVE, THE LONG CHORD OF WHICH BEARS NORTH 15°40'30" EAST 396.48 FEET, WITH A 400 FOOT CENTERLINE SPIRAL, S = 2', TO A 1/2" REBAR; THENCE ALONG A 5629.58 FOOT RADIUS CURVE TO THE RIGHT ALONG SAID RIGHT OF WAY, THE LONG CHORD OF WHICH BEARS NORTH 18°23'26" EAST 273.15 FEET, TO A 5/8" REBAR; THENCE LEAVING SAID RIGHT OF WAY SOUTH 65°00'00" EAST 416.37 FEET TO A 5/8" REBAR; THENCE SOUTH 16°37'34" WEST 88.83 FEET TO A 5/8" REBAR; THENCE NORTH 86°42'36" EAST 538.05 FEET TO A 5/8" REBAR; THENCE SOUTH 21°50'00" EAST 244.20 FEET TO A 5/8" REBAR; THENCE SOUTH 09°21'19" WEST 1012.92 FEET TO A 5/8" REBAR BEING THE NORTHEASTERLY CORNER OF THE PARCEL DESCRIBED IN DEED VOLUME 76 PAGE 11148 KLAMATH COUNTY RECORDS; THENCE ALONG THE FOLLOWING 9 COURSES OF SAID DEED, SOUTH 89°06'58" WEST 409.62 FEET TO A 5/8" REBAR; THENCE NORTH 74°32'49" WEST 523.55 FEET TO A 5/8" REBAR; THENCE SOUTH 15°05'00" WEST 250.95 FEET TO A 5/8" REBAR; THENCE SOUTH 75°24'00" EAST 119.20 FEET TO A 5/8" REBAR; THENCE SOUTH 14°32'55" WEST 110.25 FEET TO A 5/8" REBAR; THENCE NORTH 78°34'00" WEST 94.30 FEET TO A 5/8" REBAR; THENCE SOUTH 15°59'15" WEST 286.80 FEET TO A 5/8" REBAR; THENCE SOUTH 73°25'25" EAST 665.50 FEET TO A 5/8" REBAR; THENCE SOUTH 62°41'43" EAST 278.39 FEET TO A 5/8" REBAR BEING THE SOUTHEASTERLY CORNER OF SAID PARCEL; THENCE LEAVING SAID DEED SOUTH 63°30'04" WEST 114.56 FEET TO A 5/8" REBAR; THENCE NORTH 74°25'05" WEST 172.05 FEET TO A 5/8" REBAR; THENCE SOUTH 15°34'55" WEST 1015.57 FEET TO A 5/8" REBAR; THENCE NORTH 74°25'05" WEST 245.00 FEET TO A 5/8" REBAR; THENCE SOUTH 15°40'50" WEST 258.39 FEET TO A 5/8" REBAR; THENCE NORTH 80°57'30" WEST 764.08 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 69.45 ACRES MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS COUNTY SURVEY 5166.

EXHIBIT 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Bryant Lovlien & Jarvis the 22nd day
of November A.D., 19 96 at 10:16 o'clock A.M., and duly recorded in Vol. M96
of Deeds on Page 36792.

FEE \$45.00
50¢ copy

Bernetha G. Letsch County Clerk
By B. Lovlien