

97 EL 21 AM 1114 TC 02046831

AGREEMENT FOR EASEMENT

THIS AGREEMENT, made and entered into this 20th day of November, 1997, by and between Robert James McElley and Elizabeth Irene McElley, hereinafter referred to as "Grantors", and Bernard L. Simonsen and Rhea E. Simonsen, Co-Trustees of the Simonsen Family Trust, hereinafter referred to as "Grantees":

W I T N E S S E T H

WHEREAS, Grantors are the record owner of the following described real property in Klamath County, State of Oregon, to-wit:

Parcel 1 of Final Partition #65-93, Klamath County, Oregon.
Grantors have the unrestricted right to grant the easement hereinafter described relative to said real property.

For valuable consideration of Bernard L. Simonsen and Rhea E. Simonsen selling Parcel #1 to Grantors, Grantors convey to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement across the property of the Grantors, more particularly described as:

That 30' non-exclusive easement along the west-southwesterly boundary of that tract of land described as Final Partition #65-93, Klamath County, Oregon, as shown by Map of Survey #3039 filed in the office of the Klamath County surveyor December, 17, 1979. Commencing at a 1 1/2" aluminum cap marking the S 1/16 corner common to Sections 7 and 8, T. 39., R. 10E., W.M., Klamath County and continuing north-northwest along the south and westerly boundary of Final Partition # 65-93, to a point from which the C-E 1/16 corner of said Section 7 is N89° 49'13"W 375.45 feet and South 00°10'47"W 30.00 feet.

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for 1) location of utilities and 2) road

1. AGREEMENT FOR EASEMENT

purposes, for access to the property described in paragraph 7 and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon.

2. Grantors reserve the right to use, construct, reconstruct and maintain the road located upon the easement and Grantor may grant use rights for use by 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, Grantees' right of use shall be dominant.

3. 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. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

4. This easement is appurtenant and for the benefit of the real property owned by Grantees and described below in paragraph 7.

5. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be terminated upon written agreement by Grantors and Grantees, their heirs, successors and assigns.

6. This easement is granted subject to all prior easements or encumbrances of record.

7. The attached Exhibit A is a description of the Grantees dominant property to which this easement is appurtenant.

//

//

2. AGREEMENT FOR EASEMENT

38224

IN WITNESS THEREOF, the parties have caused this instrument to be executed this 20th day of November, 1997.

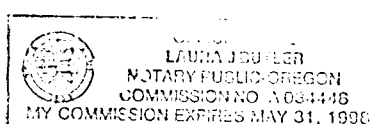
Robert James McElley
Robert James McElley

Elizabeth Irene McElley
Elizabeth Irene McElley

STATE OF OREGON)
County of Klamath) ss.

Nov 20, 1997

Personally appeared the above-named Robert James McElley and Elizabeth Irene McElley, and acknowledged the foregoing instrument to be their voluntary act and deed.



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 5/31/98

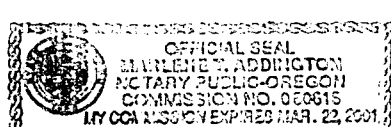
Bernard L. Simonsen Trustee
Bernard L. Simonsen, Co-Trustee of
the Simonsen Family Trust

Rhea E. Simonsen Trustee
Rhea E. Simonsen, Co-Trustee of
the Simonsen Family Trust

STATE OF OREGON)
County of Klamath) ss.

Nov 21, 1997.

Personally appeared before me the above-named Bernard L. Simonsen and Rhea E. Simonsen, Co-Trustees of the Simonsen Family Trust, and acknowledged the foregoing instrument to be their voluntary act and deed.



Marlene W. Addington
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-22-01

3. AGREEMENT FOR EASEMENT

A tract of land situated in the E 1/2 E 1/2 of Section 7, the SW 1/4 SW 1/4 of Section 8, the NW 1/4 NW 1/4 of Section 17, and the SE 1/4 SE 1/4 of Section 18, all in Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

26196

38225

Beginning at a 5/8 inch iron rebar marking the South 1/16 corner common to said Sections 7 and 8; thence West 299.19 feet; thence along the arc of a curve to the right (radius = 188.70 feet and central angle = 100 degrees 12' 14") 330.02 feet to a point 45 feet Easterly of an existing drain; thence paralleling said drain as follows: along the arc of a curve to the left (radius point bears North 79 degrees 47' 46" West 165.00 feet and central angle = 64 degrees 29' 22") 185.72 feet, North 54 degrees 17' 08" East 70.42 feet, along the arc of a curve to the right (radius = 135.00 feet and central angle = 33 degrees 10' 29") 60.80 feet, North 21 degrees 06' 39" West 31.90 feet, along the arc of a curve to the right (radius = 125.00 feet and central angle = 21 degrees 50' 41") 47.65 feet, North 00 degrees 44' 02" East 528.19 feet; thence leaving said drain along the arc of a curve to the left (radius = 289.41 feet and central angle = 90 degrees 33' 15") 157.40 feet; thence North 89 degrees 49' 13" West 345.45 feet to the Easterly right of way line of South Road; thence along said Easterly right of way line South 00 degrees 10' 47" West 30.00 feet to a point from which the C-E 1/16 corner of said Section 7 bears North 89 degrees 49' 13" West 30.00 feet; thence South 39 degrees 49' 13" East 345.45 feet; thence along the arc of a curve to the right (radius = 289.41 feet and central angle = 90 degrees 33' 15") 409.99 feet to a point 15 feet Easterly of the said drain; thence paralleling said drain as follows: South 00 degrees 44' 02" West 528.19 feet, along the arc of a curve to the left (radius = 135.00 feet and central angle = 21 degrees 50' 41") 59.10 feet, South 21 degrees 06' 39" East 31.90 feet, along the arc of a curve to the left (radius = 135.00 feet and central angle = 33 degrees 10' 29") 78.17 feet, South 54 degrees 17' 08" East 70.42 feet, along the arc of a curve to the right (radius = 135.00 feet and central angle = 64 degrees 29' 22") 151.95 feet; thence North 79 degrees 47' 46" West 15 feet to the centerline of said existing drain; thence along the centerline of said drain Southwesterly to a point on the West line of the SE 1/4 SE 1/4 of said Section 7; thence along said West line South 00 degrees 29' 26" West 420 feet, more or less, to the Northerly right of way line of the O.C. & E. Railroad; thence Southeasterly along said right of way line 1773 feet, more or less, to the Easterly bank of an existing drain; thence Northerly along said Easterly bank, passing through a point 304 feet East of the Southeast corner of said Section 7, to a point on the South line of the N 1/2 SW 1/4 SW 1/4 of said Section 8; thence Easterly along said South line 1019.7 feet, more or less, to the Southeast corner of said N 1/2 SW 1/4 SW 1/4; thence Northerly to the Northeast corner of the SW 1/4 SW 1/4 of said Section 8; thence Westerly to the point of beginning.

EXCEPTING a strip of land lying between the West line of the E 1/2 SE 1/4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, and the existing fence line with the said E 1/2 SE 1/4, said strip of land being more particularly described as follows:

Beginning at a point marked by a 5/8 inch iron pin with plastic cap on the West line of said E 1/2 SE 1/4, said point being South 00 degrees 29' 26" West 1327.79 feet from the C-E 1/16 corner of said Section 7; thence South 00 degrees 29' 26" West 405.11 feet to a 5/8 inch iron pin with plastic cap on the Northerly right of way line of the O.C. & E. Railroad; thence South 53 degrees 52' 30" East, along said right of way line, 34.9 feet, more or less, to the said existing fence line; thence Northerly along said existing fence line, 422 feet, more or less, to the centerline of an existing drain ditch; thence Westerly 27 feet, more or less, to the point of beginning, with bearings based on recorded Minor Land Partition 49-83.

EXHIBIT "A"

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 21st day of November A.D., 19 97 at 11:11 o'clock A.M., and duly recorded in Vol. M97 of Deeds on Page 38222.

WHR

\$45.00

By Bernetha G. Leisch, County Clerk
Kathleen Riser