

MTC 43092-MG
 EASEMENT

THIS grant of easement is made this 9 day of December, 1997, by LORREE A. BUNYARD, hereinafter referred to as Grantor, granting to RONALD C. STUTZMAN and JENNIFER STUTZMAN, hereinafter referred to as Grantee.

97 DEC 19 AM 11:42

1. WHEREAS, Grantor and Grantee hereto own real property which is to be benefited by a common easement;

2. WHEREAS, Grantor owns the real property in Klamath County, Oregon, in Blocks 7 and 8 of Ewauna Park, Klamath County, Oregon and more particularly described in that document recorded in Vol. 339 Page 542 records of Klamath County, herein referred to as "Grantor's parcel"; and

3. WHEREAS, Grantee owns adjoining real property described as that real property in Klamath County, Oregon, more particularly described in Exhibit "A" attached hereto, hereinafter referred to as "Grantee's parcel."

In consideration of the covenants contained herein, Grantor hereby grants a non-exclusive easement across Grantor's property for the mutual benefit of Grantor and Grantee. Said easement is described as being the existing road approximately 16 feet in width running from Old Midland Road along the southerly boundary of Grantee's parcel and includes the southerly portion of Lot 4 in Block 7, EWAUNA PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon

Said easement shall be for ingress and egress, and for location of utilities, including delivery of water, electricity and communication. Neither party shall conduct activities upon the easement which shall unreasonably interfere with the rights enumerated herein.

The easement, duties and obligations herein created are appurtenant and shall run with the land, as a benefit to both Grantor's and Grantee's parcels and as a burden to Grantor's parcel.

All expenses of maintenance, repair and replacement of said easement or of Grantee's facilities shall be the responsibility of Grantee; such road maintenance shall include keeping it free of pot-holes and maintaining a surface of gravel or such surface comparable to or better than gravel.

If suit or action is instituted to enforce any of the provisions of this Contract, the party prevailing therein shall be entitled to recover from the other such sum as the Court may adjudge reasonable as attorney's fees therein, including any appeal thereof.

This agreement and grant is binding on the parties hereto and upon the heirs, successors in interests, personal representatives and assigns of the parties hereto.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the date first above written.

Lorree A. Bunyard
LORREE A. BUNYARD

Ronald C. Stutzman
RONALD C. STUTZMAN

Jennifer Stutzman
JENNIFER STUTZMAN

STATE OF OREGON

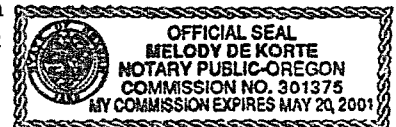
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] ss.
]

County of Klamath.

The foregoing instrument was acknowledged before me this 9 day of December, 1997, by LORREE A. BUNYARD.

Melody De Korte

Notary Public for Oregon
My Commission expires:



STATE OF OREGON

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] ss.
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County of Klamath.

The foregoing instrument was acknowledged before me this 10 day of December, 1997, by RONALD C. STUTZMAN and JENNIFER STUTZMAN.

Melody De Korte

Notary Public for Oregon
My Commission expires:



EXHIBIT 'A'
LEGAL DESCRIPTION

A tract of land situated in Block 7, EWAUNA PARK, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeast corner of Lot 4 in said Block 7; thence Northerly along the West right of way line of the Old Midland Road 16 feet to the true point of beginning; thence continuing along said right of way line 96 feet; thence Westerly at right angles 138 feet; thence Southerly at right angles 96 feet; thence Easterly at right angles 138 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 19th day
of December A.D., 19 97 at 11:42 o'clock A M., and duly recorded in Vol. M97,
of Deeds on Page 41219.

FEE \$40.00

By Bernetha G. Letsch County Clerk
Kathleen Ross