

THIS DECLARATION is made by ANN S. FAIRCLO, DAVID P. FAIRCLO, SUSAN E. HOUSE (formerly known as Susan E. Fairclo) and RICHARD S. FAIRCLO, herein referred to as "Owners."

WHEREAS, Owners are fee simple owners of the real estate in Klamath County, Oregon described as Klamath County Land Partition LP 51-97;

WHEREAS, Owners wish to establish an easement for drainage; and

The following is declared and agreed to be restrictions and benefits on the title to the land and to run with the land:

Owners hereby create a mutual easement across irrigation and storm water drainage, on the property described in exhibit "A" attached hereto.

The owners of each Parcel created by Klamath County Land Partition LP 51-97 shall prorate the costs of all common maintenance and construction costs, unless such common maintenance and costs is caused by the activities of one of the parties or their agents, contractors or employees in which case such common maintenance and costs shall be borne by the owners of such Parcel or Parcels causing or benefiting from such costs. For purposes herein "common maintenance and costs" shall be maintenance of shared facilities or other improvement.

In the event that a dispute arises as regards the subject matter of this declaration, the owners shall submit to arbitration where each party appoints one arbitrator and those two arbitrators choose a third. The three arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby. The costs of arbitration shall be borne equally by the parties. In the event that dispute is among more than two parties, alternate arbitration procedures shall be agreed upon by the parties, or if such parties fail to agree, then arbitration shall be according to the American Arbitration Association.

If suit or action is instituted to enforce any of the provisions of this declaration, 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.

Withdrawal of the rights and obligations of the respective premises or the inclusion of additional premises shall be effective only upon written consent of all owners of Parcel 1, Parcel 2 and of Parcel 3, Klamath County Land Partition LP 51-97, and upon such terms that are mutually agreeable.

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98 APR 30 P2:11

6a
20/5000

IN WITNESS WHEREOF, Owners hereunto set their hands this date
as below stated.

David S. Fairclo
PS

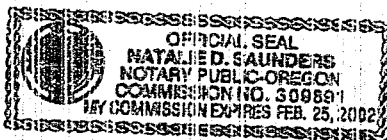
Richard S. Fairclo
Richard S. Fairclo

STATE OF OREGON

County of Klamath

] ss.

The foregoing instrument was acknowledged before me this 16th day of
April, 1998, by Richard S. Fairclo.



Natalie D. Saunders
Notary Public for Oregon

My Commission expires: Feb. 25, 2002

STATE OF OREGON

County of Deschutes

] ss.

The foregoing instrument was acknowledged before me this 16th day of
April, 1998, by David P. Fairclo.



Renae Fletcher
Notary Public for Oregon

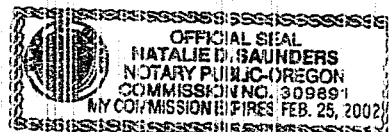
My Commission expires: MAY 7, 2000

STATE OF OREGON

County of Klamath

] ss.

The foregoing instrument was acknowledged before me this 17th day of
April, 1998, by Susan E. Fairclo.



Natalie D. Saunders
Notary Public for Oregon

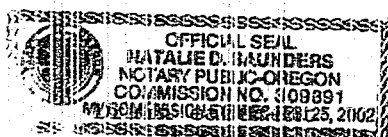
My Commission expires: Feb. 25, 2002

STATE OF OREGON

County of Klamath

] ss.

The foregoing instrument was acknowledged before me this 20th day of
April, 1998, by Ann S. Fairclo.



Natalie D. Saunders
Notary Public for Oregon

My Commission expires: Feb. 25, 2002

DRAINAGE EASEMENT SITUATED IN THE NE $\frac{1}{4}$ NE $\frac{1}{4}$ SECTION 1
TOWNSHIP 40 SOUTH RANGE 9 EAST OF THE WILLAMETTE
MERIDIAN IN KLAMATH COUNTY, OREGON AND BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH BEARS S 00° 14' 50" W 1273.55
FEET AND WEST 349.00 FEET FROM THE NORTHEAST CORNER
OF SAID SECTION 1; THENCE N 04° 40' 39" W 331.10 FEET;
THENCE WEST 16.05 FEET; THENCE S 04° 40' 39" E 331.10
FEET; THENCE EAST 16.05 FEET TO THE POINT OF BEGINNING
CONTAINING 0.12 ACRES MORE OR LESS.

Exhibit "A"

Drainage Easement Declaration, page 3,

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Richard Fairclough the 30th day
of April A.D., 19 98 at 2:11 o'clock P. M., and duly recorded in Vol. 498
of Deeds on Page 14429.

FEE \$20.00

1.50 copy

Return: Richard Fairclough

280 Main

Klamath Falls, OR 97601

By Bernetha G. Letch, County Clerk

Kathleen Brass