

## EASEMENT AGREEMENT

(Common Ownership)

Gary N. &  
WHEREAS, Lois K. Welburn ("GRANTOR") is the owner of the following  
two lots (or parcels) of real property located in Klamath County, Oregon, To-wit:

Lot I:

T36, R10, S2; TL300

Lot II:T36, R10, S2; TL400  
Parcel 22.5

WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a report of site evaluation for the proposed construction of an individual on-site sewage disposal system ("Report") on Lot I intended to serve Lot II; and

WHEREAS Oregon Administrative Rules, 340-71-130(11)(b) and 340-71-150(4)(a) require GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a favorable report concerning the construction of a system on one lot intended to serve another lot;

NOW THEREFORE, in consideration of the issuance of the report to GRANTOR by the State, and other good and valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys to the State ("GRANTEE"), Its successors and assigns, a perpetual, non-exclusive, appurtenant easement in, upon, and running with Lot I allowing the GRANTEE'S officers, agents, employees and representatives to enter and inspect, including by excavation, the on-site sewage disposal system on Lot I serving Lot II.

GRANTORS, for themselves and their heirs, successors and assigns, covenant and agree:

1. To grant or reserve, and record a utility easement, in a form approved by the GRANTEE, in favor of the owner of Lot II upon severance of the above described lots; and
2. That Lot I shall not be put to any use which would be detrimental to the permitted system or contrary to any law (including an administrative rule) applicable to the permitted system.

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IN WITNESS WHEREOF, the GRANTOR executed this easement on this 21 day of May, 19 98.

(Grantors)

STATE OF OREGON )
County of Jackson ) ss.
May 21, 19 98 )

Gary N. Welburn
Lois K. Welburn

Personally appeared the above-named Gary N. & Lois K. Welburn and acknowledged the foregoing instrument to be

their voluntary act.

Before me:



Cathy A. Bailey
Notary Public For Oregon
My commission expires: Jan. 15, 2001.

STATE OF OREGON,
County of Klamath ss.

Filed for record at request of:

Return to:
Gary N. Welburn
515 Creel Rd.
Talent, Or. 97540

Gary N. Welburn
on this 22nd day of May A.D., 1998
at 3:29 o'clock P. M. and duly recorded
in Vol. M98 of Deeds Page 17472

Bernetha G. Letsch, County Clerk

By Kathryn Rosa
Fee, \$15.00 Deputy.