

K-51816-D

GRANT OF RIGHT TO TAKE ROCK

For good and valuable consideration, ROBERT F. BROWN ("Grantor") does hereby grant, convey and warrant to TERRY MARIE BENGARD, a married woman as her sole and separate property (Grantee), the perpetual and non-exclusive right to take pit run rock from the existing gravel pit on Grantor's property described in Exhibit "A" attached hereto, appurtenant to and for the exclusive benefit of Grantee's real property described in Exhibit "B" attached hereto.

Together with unlimited access thereto over and across the existing roadway on Grantor's property from McQuiston Road to Grantor's existing gravel pit.

This grant is made subject to the condition that the material taken and removed is to be used solely for the repair, maintenance and improvement of Grantor's property described in Exhibit "A" attached hereto, and on no other property.

DATED this 6 day of July, 1998.

Robert F. Brown

ROBERT F. BROWN

SUBSCRIBED AND SWORN to before me this
6th day of July, 1998.

Diane Loney
NOTARY PUBLIC - STATE OF OREGON

My Commission Expires: March 27, 1999 -



AFTER RECORDING RETURN TO:
Tom D. Bengard
P.O. Box 80090
Salinas, CA 93912

98 JUL -9 P 3:15

EXHIBIT "A"

Township 34 South, Range 6 East of the Willamette Meridian, Klamath County, Oregon,

Section 1: Lots 5 and 6, Lots 7 and 10 less that portion conveyed to Robert D. Helms et ux, by Deed recorded in Volume 227 of Deeds, page 92, Lots 11, 12, 13 and 20

Section 2: Lots 1, 2, 3, 6, 7, 8, 9, 10, 16, 17 and 24

EXCEPTING THEREFROM a road right of way 155 feet in width across the E $\frac{1}{2}$ of Section 35, Township 33 South, Range 6 East of the Willamette Meridian, as conveyed to Klamath County, Oregon by Deed recorded April 9, 1965 in Deed Volume 360 at page 541 and by Deed recorded April 10, 1965 in Volume 360 at page 656.

ALSO EXCEPTING THEREFROM a road right of way across the E $\frac{1}{2}$ of Section 35, Township 33 S., R. 6 E.W.M. and across the W $\frac{1}{2}$ of Section 36, Township 33 S., R. 6 E.W.M., as conveyed to Klamath County, Oregon, by deed recorded July 14, 1965 in Deed Volume 363 at page 178.

EXHIBIT "B"

DESCRIPTION OF PROPERTY

Township 34 South, Range 7 ½ East of the Willamette Meridian, Klamath County, Oregon,

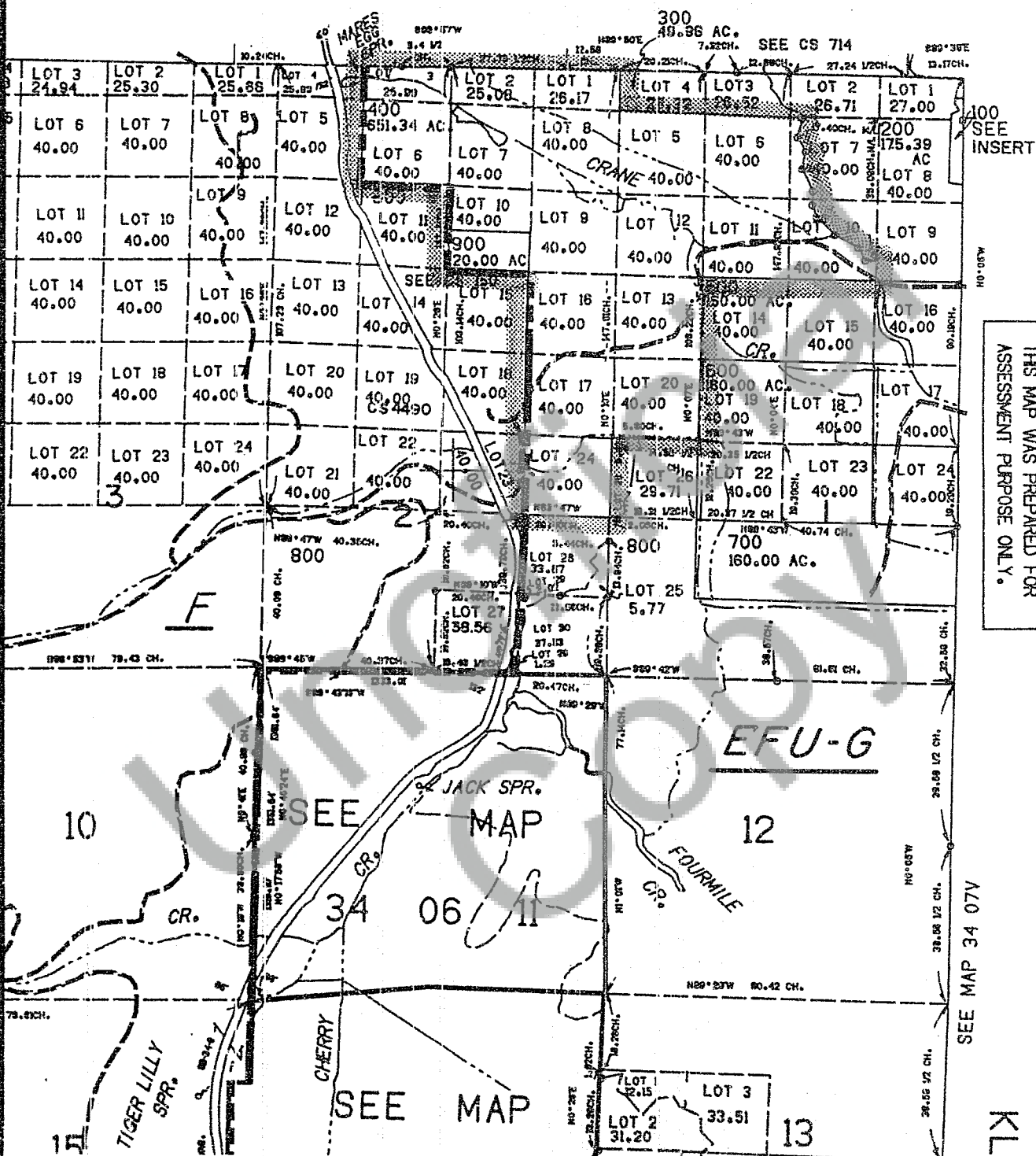
A piece or parcel of land situated in Sections 5, 8, 16, 17, 20 and 21, and being more particularly described as follows:

Beginning at the intersection of the center line of Seven Mile Canal as the same is now located and constructed, with the line marking the Westerly boundary of the said Section 5, Township 34 South, Range 7 ½ East of the Willamette Meridian, and from which point the Southeasterly corner of Section 1, Township 34 South, Range 6 East of the Willamette Meridian, as established by Norman D. Price, U.S. Cadastral Engineer, between October 31, 1930 and June 22, 1931, bears South 83°59' West, 5310.1 feet distant, and running; thence downstream along the said center line of Seven Mile Canal South 61°35' ½ ' East 861.2 feet; thence South 31°46' ½ ' East 2306.4 feet; thence South 34°25' ½ ' East 1252.4 feet; thence South 32°27' ½ ' East 2101.8 feet; thence South 41°02' ½ ' East 8802.1 feet, more or less, to the intersection of the said center line of Seven Mile Canal, with a line which is parallel with and 70.0 feet at right angles Southeasterly from the center line of the Dixon and McQuiston Levee, as the same is now located and constructed; thence leaving the center line of Seven Mile Canal and following the said line parallel with the said Dixon and McQuiston Levee South 44°40' West 6437.9 feet, more or less, to its intersection with the Southerly boundary of the said Section 20, Township 34 South, Range 7 ½ East of the Willamette Meridian; thence Westerly along the Southerly boundary of said Section 20, 4905.3 feet, more or less, to the Southwesterly corner of the said Section 20, Township 34 South, Range 7 ½ East of the Willamette Meridian; thence North along the Westerly boundary of the said Sections 20, 17, 8 and 5, Township 34 South, Range 7 ½ East of the Willamette Meridian, 16,570.6 feet, more or less, to the said point of beginning.

EXCEPTING THEREFROM that portion conveyed to D'Arney Bros., a Co-partnership, by deed recorded in Volume 331 at page 367, Deed records of Klamath County, Oregon.

ALSO EXCEPTING THEREFROM that portion conveyed to Byron W. Bacchi, et ux., and Henry Francis Bacchi, et ux., by Deed recorded in Volume 350 at page 675, Deed records of Klamath County, Oregon.

MAP OF EXHIBIT "A"



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of FIRST AMERICAN TITLE the 9TH day
 of JULY A.D., 19 98 at 3:15 o'clock P. M., and duly recorded in Vol. M98
 of DEEDS on Page 24359

FEE: \$45.00

Bernetha G. Letsch, County Clerk
 By Kathleen Rosa