

EASEMENT AGREEMENT

This agreement made and entered on the date last signed below by and between Edna M. Falkowski and Virginia Falkowski, tenants in common, hereinafter Grantors and John S. Wilda, Grantee, subject to the terms, conditions and covenants which follow:

1. Subject property. Grantors are the owners of the property described as Parcel No. 3 of Minor Land Partition 26-91, which is located in Sections 13 & 37, Township 37 South, Range 8 East of the Willamette Meridian in Klamath County, Oregon, as filed in the office of the County Clerk of Klamath County, Oregon, on March 30, 1992.
2. Grantee is the owner of Parcel No. 2 of Minor Land Partition 26-91, which is located in Sections 13 & 37, Township 37 South, Range 8 East of the Willamette Meridian in Klamath County, Oregon, as filed in the office of The County Clerk of Klamath County, Oregon, on March 30, 1992.
3. Property benefitted. Grantors grant to grantee, his heirs, successors and assigns a non-exclusive easement appurtenant for roadway purposes, measured 40' in width across property of grantors consisting of a roadway formerly the "Old Dalles-California Highway" (vacated) as described ORD. 6152 & 8152, from the point of its confluence with Algoma Road, in the NE $\frac{1}{4}$ of Parcel No. 3, to the point of its intersection with the property owned by grantee.
4. Driveway Easement. Grantors further grant to grantee a strip of land 52' in width and 150' +/- in length just North of the North-most portion of the NE $\frac{1}{4}$ of Parcel No. 3 of Minor Land Partition 26-91 as described above, for purposes of a driveway easement. Such driveway is to be used for non-commercial purposes only by the owners of Parcels 1, 2, & 3 of Minor Land Partition 26-91, as described above and shall not be deemed to constitute grant of further easement to other properties not contained in either Minor Land Partition 26-91 or any parcel that results from Preliminary Land Partition 75-96, as filed with the Klamath County Planning Commission in Nov. 15, 1996.
5. Cross Easement. Grantee agrees to grant to grantors, their heirs, successors and assigns, a 40' easement across Parcel No. 2 of Minor Land Partition 26-91 on that portion of the "Old Dalles-California Highway" and the 20' easement for the existing driveway across Parcel No. 2 necessary to access the Southerly portion of Parcel No. 3 as shown on the Preliminary Map for Land Partition 75-96, as filed with the Klamath County Planning Commission on Nov. 15, 1996.
6. Further Easement and License. The grant of this easement includes grant to access the southern portion of his property to the owner of Parcel No. 1 of Minor Land Partition 26-91, which is located in Sections 13 & 37 of Township 37 South, Range 8 East of the Willamette Meridian in Klamath County, Oregon, as filed in the office of the County Clerk of Klamath County, Oregon, on March 30, 1992. Such right of access is

by license only as described in paragraph 110 in Additional Terms portion of sales agreement for Parcel No. 1 dated Jan. 25, 1995, and is subject to termination by grantor at any time, and shall not be deemed to constitute grant of further easement to other properties not described herein.

7. Grant terminable. This easement and all rights herein shall be terminable upon dedication of and acceptance by Klamath County or any political subdivision having the right to receive dedication of lands for public roadway use provided the dedication includes the regular repair, improvement and maintenance of the same, at which time this easement shall terminate. Grantee and any sub-grantee, shall join with grantor in executing such instruments to permit dedication of the roadway for public use.

8 Maintenance and Repair. Grantors and grantees shall agree to maintain the road in as good condition as exists at the time of grant of easement, reasonable wear and tear and damage by the elements excepted. Notwithstanding this grant of easement, use of the roadway shall be limited to non-commercial use as a residential access only to those three properties created by Minor Land Partition 26-91 described above or the two properties that may be created from Preliminary Land Partition 75-96 as noted above.

9. No Cross-Easement Intended. Nothing herein shall be deemed to include grant of an easement to grantor or other persons over portions of the "Old Dalles-California Highway" on the property of the grantees, their heirs, successors or assigns, other than those expressly described above nor result in a dedication to the public of any rights herein.

10. This easement will be recorded with the next transfer of ownership of any land parcel involved in this agreement and will cover all parcels.

Dated: 9-10-98

John S. Wilda
John S. Wilda, Grantee

Dated: 9-10-98

Edna M. Falkowski
Edna M. Falkowski, Grantor

Dated: 9-10-98

Virginia Falkowski
Virginia Falkowski, Grantor

STATE OF OREGON,

County of Klamath

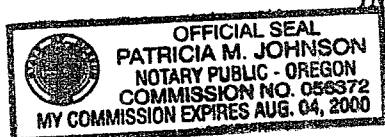
ss.

FORM No. 23—ACKNOWLEDGMENT.
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BE IT REMEMBERED, That on this 10th day of September, 1998, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named _____

known to me to be the identical individual they described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Patricia M. Johnson
Notary Public for Oregon

My commission expires Aug 4 2000

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of JOHN WILDA the 10th day of Sept, A.D., 19 98 at 1:49 o'clock P M., and duly recorded in Vol. M98 of DEEDS on Page 33398

Bernetha G. Letsch, County Clerk

FEE \$35.00/cc \$1.00

RETURN: John Wilda
PO BOX 5044
K FALLS OR 97601

By Imette Thibet