

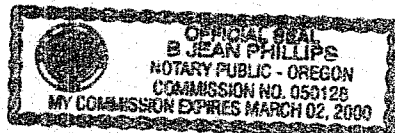
NO-C45796  
This Agreement to extinguish an easement created by instrument recorded in Volume M73 at Page 13197, Microfilm Records of Klamath County, Oregon, is made this 26th day of January, 1999 by E. J. Clough III AKA EDWIN J. CLOUGH, BEAR CAT, INC., AN OREGON CORPORATION, AND HENRY J. CALDWELL JR. AND DEBORAH L. CALDWELL, TRUSTEES OF THE CALDWELL FAMILY TRUST UDA JANUARY 5, 1996. The parties now desire to extinguish said easement as it is no longer necessary and is a burden to the respective parcels.

By the signatures below the parties are extinguishing the easement recorded in Volume M73 at Page 13197 originally created by Dean O. Miller and Naomi B. Miller, husband and wife and Bear Cat Inc., an Oregon Corporation for ingress and egress. By extinguishment of this easement the respective parcels shall no longer be burdened by the easement and the respective parcel owners will have the full enjoyment of the real property as if the easement never existed. Said easement being extinguished is attached hereto as Exhibit "A". This extinguishment of easement shall be binding to the respective parties and their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 27th day of January, 1999.

Edwin J. Clough III

State of Oregon  
County of Klamath



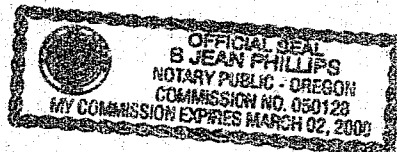
Signed before me this 27 of January, 1999 by Edwin J. Clough III aka E.J. Clough III to be his voluntary act and deed.

Before me

B. Jean Phillips  
Notary Public for Oregon

By Bear Cat Inc.  
Bear Cat Inc.

State of Oregon  
County of Klamath



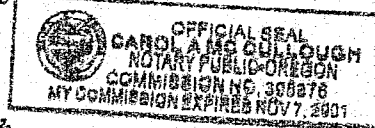
Signed this 27 day of January 1999 by Steve Carson as President of Bear Cat, Inc., an Oregon Corporation, as their voluntary act and deed.

Trustees of the Caldwell Family Trust UDA January 5, 1996

Henry J. Caldwell, Jr.  
Henry J. Caldwell, Jr., Trustee

Deborah L. Caldwell, Trustee  
Deborah L. Caldwell, Trustee

State of Oregon  
County of Klamath



Signed this 28 day of January, 1999 by Henry J. Caldwell, Jr. and Deborah L. Caldwell as Trustees of the Caldwell Family Trust UDA January 5, 1996 as their voluntary act and deed.

Before me Carol A. McCullough Notary Public for Oregon

Return after recording:

Trustees of the Caldwell Family Trust  
7990 Hill Road  
Klamath Falls, Oregon 97603

99 JAN 29 AM 143

642004

3197

## EASEMENT AGREEMENT

1  
2 THIS AGREEMENT, made and entered into this 25 day of  
3 September, 1973, by and between DEAN O. MILLER and NAOMI B. MILLER  
4 husband and wife, hereinafter referred to as First Party, and  
5 BEARCAT, INC., an Oregon Corporation, hereinafter referred to as  
6 Second Party,

## WITNESSETH:

7  
8 WHEREAS, contemporaneously herewith First Party is selling  
9 on contract unto Second Party a certain parcel of real property  
10 located in Klamath County, Oregon, and the parties hereto desire to  
11 enter into the within and foregoing agreement pertaining to access  
12 from said real property to Washburn Way, Klamath Falls, Oregon,  
13 an improved public road,

14 NOW, THEREFORE, for and in consideration of the premises,  
15 covenants of the parties herein contained and other valuable  
16 consideration,

17 IT IS MUTUALLY UNDERSTOOD BY AND BETWEEN THE PARTIES HERETO  
18 AS FOLLOWS:

19 1. That First Party does hereby grant, assign and set over  
20 unto Second Party an easement and right of way for the purpose of  
21 ingress to and egress from, over and across and upon that certain  
22 real property more particularly set forth and described as Parcel  
23 "1" which is attached hereto and by this reference made a part  
24 hereof and designated Exhibit "A";

25 2. That First Party does hereby further grant and assign  
26 unto Second Party the right to use that certain easement and right  
27 of way set forth and reserved in that certain deed recorded August  
28 7, 1973, in Volume M-73 of Deed Records on page 10206, Klamath  
29 County, Oregon, over and across that certain real property set  
30 forth and described as Parcel 2 which is attached hereto and by  
31 this reference made a part hereof and designated on said Exhibit

32 "A".

RECORDED IN BOOK 11  
PAGE 10206  
Klamath County, Oregon  
1973

Page (1) Easement Agreement

3100

3. It being understood that the foregoing rights granted unto  
 2 Second Party are non-exclusive in that other persons, firms and  
 3 entities are also entitled to the use of said real property,  
 4 Parcels 1 and 2, for purposes of ingress and egress.

4. This agreement shall inure to the benefit of and bind the  
 6 heirs, personal representatives and assigns of the parties hereto.

5. Second Party shall at all times use the rights conveyed  
 8 herein reasonably and with due regard to the rights of others to  
 9 so use the easements and rights of way above referred to.

First Party:

Dean O. Miller  
 Dean O. Miller

Naomi S. Miller  
 Naomi S. Miller

Second Party:

BEARCAT, INC., an Oregon Corporation

By: Donald C. Carson  
 President

By: Patricia A. Carson  
 Secretary

19 STATE OF OREGON )  
 20 COUNTY OF KLAMATH ) ss

September 25, 1973

21 Personally appeared the within named DEAN O. MILLER and NAOMI  
 22 S. MILLER, husband and wife, and acknowledged the foregoing instru-  
 23 ment to be their voluntary act and deed.

BEFORE ME:

Notary Public for Oregon  
 My Commission expires:

25 STATE OF OREGON )  
 26 COUNTY OF KLAMATH ) ss.

September 25, 1973

27 Personally appeared DONALD C. CARSON and PATRICIA A. CARSON  
 28 who, being duly sworn, each for the other, did say that the former  
 29 is the President and that the latter is the secretary of BEARCAT,  
 30 INC., a corporation, and that the seal affixed to the foregoing  
 31 instrument is the corporate seal of said corporation and that said  
 32 instrument was signed and sealed in behalf of said corporation by  
 authority of its Board of directors; and each of them acknowledged  
 said instrument to be its voluntary act and deed.

BEFORE ME:

Notary Public for Oregon  
 My Commission expires:

Page (2) Easement Agreement

3389

13199

## EXHIBIT "A"

## DESCRIPTION OF EASEMENT

The following described real property situate in Klamath County, Oregon:

## PARCEL 1

The following described parcel of land for ingress and egress purposes:

Beginning at a point which is East a distance of thirty feet and North 00°34' West a distance of 748 feet, said point also being the Northwest corner of instrument recorded August 7, 1973 in Vol. M73 page 10206; thence East along the North line of said instrument 300 feet to the Northeast corner of said Deed; thence South 00°34' East 12 feet; thence East 15 feet; thence North 12 feet; thence East 517.73 feet to the West line of an existing road; thence North 20 feet along said right of way; thence West 532.73 feet; thence South 12 feet; thence West 300 feet to a point that is North 00°34' West from the point of beginning; thence South 00°34' East 8 feet to the point of beginning. EXCEPTING therefrom any portion lying within the right of way of Washburn Way.

## PARCEL 2

The N $\frac{1}{2}$  of the following described property:

A tract of land situated in the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 10, Township 39 South Range 9 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at an iron pin on the east boundary line of Washburn Way, which point is East a distance of thirty feet and North 00°34' West a distance of 398.0 feet from the SW corner of the NW $\frac{1}{4}$  of Section 10; thence North 00°34' West along the East boundary of Washburn Way a distance of 350.0 feet to an iron pin; thence East a distance of 300.0 feet to a point; thence South 00°34' East parallel to the East boundary of Washburn Way a distance of 350.0 feet to a point; thence West a distance of 300 feet to the point of beginning. Less that portion conveyed to Klamath County, Oregon, by deed dated December 10, 1960, recorded December 14, 1960, in Volume 326 page 178, Deed records of Klamath County, Oregon. ALSO, excepting therefrom any portion lying within the right of way of Washburn Way.

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of JACK DRIMPSEY  
this 25th day of SEPTEMBER A.D. 1973 at 2:50 o'clock P.M. and duly recorded in  
Vol. M 73 of DEEDS on Page 13197  
FEE \$6.00

WM. D. MILNE, County Clerk  
by [Signature]

STATE OF OREGON; COUNTY OF KLAMATH: ss.

Filed for record at request of AmeriTitle  
of January A.D. 1999 at 11:43 o'clock AM. and duly recorded in Vol. M99  
of Deeds on Page 3386

Linda Smith, County Clerk

by [Signature]

FEE \$45.00