## EASEMENT

Date: M44 20, 1999

For valuable consideration received, Rudy Velik, Jr. and Rudy Velik, Sr. (Grantor) convey to JELD-WEN, inc. (Grantee) a nonexclusive easement to use a road which presently exists on and passes across the following described land owned by Grantor:

Lots One and Two (otherwise described as  $W1/2\ NW1/4$ ) of Section 31, Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon

for the purpose of ingress and egress to and from real property owned by Grantee, described in Item 7 below.

The terms of this easement are as follows:

- 1. Grantee, its agents, independent contractors and invitees shall use said road for ingress and egress to and from Grantee's land only. These ingress and egress rights include access for land and timber management purposes, hauling logs by truck from Grantee's land over said road and also heavy machinery and equipment travel over said road and are effective while Grantee owns the property described in Item 7, below.
- 2. Grantee shall have the duty to repair, at Grantee's own expense, any excessive or unusual damage to said road caused by Grantee's use thereof.
- 3. Grantor reserves the right to use and maintain said road for Grantor's own purposes and Grantor may grant use rights to third parties. The parties may cooperate during periods of joint use so that each party's use shall cause a minimum of interference to the others', however, in case of conflict Grantor's right to use shall be dominant.
- 4. Grantor reserves the right to relocate said road at any time and in such case shall reconstruct the road at such new location in as good or better condition as existed at the prior location, so long as Grantor does not cut off or deny Grantee's right of access to Grantee's property. If said road is relocated, Grantor may record an instrument indicating the location of the new road and such instrument shall serve to amend this easement and eliminate the rights of Grantee in the original road covered by this easement. Such amendment shall be effective whether or not signed by grantee, but Grantee shall execute it or such other document necessary to indicate relocation of the road when and if requested by Grantor.

ROAD EASEMENT Page 1 of 3

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- 5. Grantee agrees to indemnify and defend Grantor from any loss, claim or liability to grantor arising in any manner out of Grantee's use of said road. Grantee shall pay grantor for any merchantable timber or other property of Grantor damaged by Grantee's use of this easement. Grantee assumes all risk arising out of its use of said road and Grantor shall have no liability to Grantee or others for any condition existing thereon.
- 6. This easement is granted subject to all other easements and encumbrances of record.
- 7. Grantee's real property accessed by this easement is described as follows:

N1/2 SE1/4, SE1/4 SE1/4 Section 25, Township 35 South, Range 12 East, Willamette Meridian, Klamath County, Oregon.

In witness thereof, the parties have caused this instrument to be executed the day and year first written above.

GRANTOR Rudy Velik, Jr.

Rudy Velik, Jr.

Rudy Velik, Sr.

GRANTEE JELD WEN, inc., an oregon Corporation by Many Many

Title GEW Man

California
State of Oregon

Contra Costa Ss

County of Klamath )

Personally appeared before me the above-mentioned Rudy Velik, Jr. and Rudy Velik, Sr. and acknowledged the foregoing instrument to be their voluntary act and deed.



BEFORE ME:

Notary Public for Oregon talifornia My commission expires: 1-24-02

State of Oregon ) ss County of Klamath )

Personally appeared before me <u>CRAIG B. DITMAN</u>, of JELD-WEN, inc., an Oregon corporation, who being first dul y sworn, did indicate the foregoing instrument was signed and sealed on behalf of said corporation by authority of its board of di-rectors and each of them acknowledged said instrument to be its voluntary act and deed.

OFFICIAL SEAL
LAURIE E. TITTUS
NOTARY PUBLIC - OREGON
COMMISSION: NO. 319864
MY COMMISSION EXPIRES JAN. 20, 2003

BEFORE ME:

Notary Public for Oregon
My commission expires: Jan 20 2003

## AFTER RECORDING RETURN TO:

JELD-WEN, inc. P.O. Box 5079 Klamath Falls, Oregon 97601

State of Oregon, County of Klamath Recorded 5/20/99, at //.4/6 a.m. In Vol. M99 Page 20/29
Linda Smith, County Clerk

Linda Smith

ROAD EASEMENT Page 3 of 3