

## CORRECTING EASEMENT

In consideration of the mutual agreements herein, Daryl J. Kollman and Marta C. Kollman, hereinafter referred to as "Kollmans", do hereby grant a perpetual and non-exclusive easement unto the New Earth Company, an Oregon corporation, and themselves on that certain real property in Klamath County, Oregon, described on Exhibit "A" attached. Said easement shall be used for ingress and egress, as well as the installation and maintenance of utilities lines and shall be located upon the existing paved area on the parcel described on Exhibit "A" attached. This easement shall be deemed appurtenant to the adjoining real property described on Exhibit "B" attached and the adjoining property described on Exhibit "C" attached and shall benefit said grantees, their successors and assigns. The Kollmans do hereby also grant a perpetual and non-exclusive easement for ingress and egress, as well as the installation and maintenance of utilities lines, upon the real property described on Exhibit "B" attached. Said easement shall be deemed appurtenant to the real property described on Exhibit "A" and the adjoining property described on Exhibit "C" attached. This easement shall benefit the owners of said dominant parcels, their successors and assigns. These latter easements shall be considered situated upon the existing paved area on the parcel described on Exhibit "D". It is further agreed that the New Earth Company and the Kollmans do hereby grant unto the Kollmans, their successors and assigns, a perpetual and non-exclusive easement for ingress and egress and the installation and maintenance of utilities lines on the parcel described on Exhibit "C". Said easement shall be deemed appurtenant to the parcel described on Exhibit "B". This easement shall be deemed situated upon the existing paved area on the parcel described on Exhibit "E".

This Correcting Easement is being recorded to correct the legal descriptions of the properties previously conveyed in that certain Easement dated June 18, 1999, and recorded June 18, 1999, in Volume M99 Page 24067 in the Official Records of Klamath County, Oregon.

Dated this 25 day of June, 1999.

Daryl J. Kollman  
DARYL J. KOLLMAN, Individual

Marta C. Kollman  
MARTA C. KOLLMAN, Individual

THE NEW EARTH COMPANY

By: Daryl J. Kollman  
DARYL J. KOLLMAN

Marta C. Kollman  
MARTA C. KOLLMAN

//

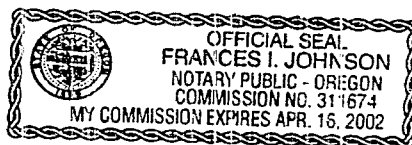
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Correcting Easement 1-

LAW OFFICES OF  
DAVIS, GILSTRAP, HEARN, SHAW & SALADOFF  
A Professional Corporation  
516 EAST MAIN STREET  
ASHLAND, OREGON 97520  
(541) 482-2111 FAX (541) 482-4475

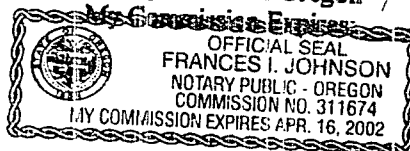
25636

STATE OF OREGON            )  
                                       ) §  
 COUNTY OF KLAMATH        )



On this 25 day of June, 1999, personally appeared the above-named Daryl J. Kollman and Marta C. Kollman, and acknowledged the foregoing instrument to be a voluntary act. Before me:

*Frances I. Johnson*  
 Notary Public for Oregon



STATE OF OREGON            )  
                                       ) §  
 COUNTY OF KLAMATH        )

On this 25 day of June, 1999, personally appeared the above-named Daryl J. Kollman and Marta C. Kollman, the Secretary/Treasurer and President respectively, of The New Earth Company, and acknowledged that said instrument was executed on behalf of said corporation's Board of Directors. Before me:

*Frances I. Johnson*  
 Notary Public for Oregon

My Commission Expires: 4/16/2002

LAW OFFICES OF  
 DAVIS, GILSTRAFF, HEARN, SHAW & SALADOFF  
 A Professional Corporation  
 510 EAST MAIN STREET  
 ASHLAND, OREGON 97520  
 (541) 483-0111 FAX (541) 483-1455

Correcting Easement 2-

## EXHIBIT A

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33; THENCE NORTH  $00^{\circ}44'52''$  WEST, 69.16 FEET TO A POINT ON THE OLD SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 407.10 FEET TO THE MOST NORTHERLY CORNER OF CENTRAL PACIFIC RAILROAD COMPANY LANDS AS DESCRIBED IN VOLUME 85, PAGE 120, KLAMATH COUNTY DEED RECORDS; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 10.93 FEET TO A POINT ON THE SOUTHERLY LINE OF THE RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SAID POINT ALSO LYING ON THE WESTERLY LINE OF SAID LANDS DESCRIBED IN VOLUME 85, PAGE 120, KLAMATH COUNTY DEED RECORDS; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 392.29 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY BOUNDARY, SOUTH  $10^{\circ}46'30''$  WEST, 197.35 FEET TO THE MOST SOUTHERLY CORNER OF THE LAND DESCRIBED IN DEED TO CENTRAL PACIFIC RAILROAD COMPANY AS RECORDED IN VOLUME 85, PAGE 121, SAID CORNER BEING THE WESTERLY LINE OF THE LAND DESCRIBED AS PARCEL 2 IN DEED DATED AUGUST 21, 1928, FROM J.A. GORDON TO CENTRAL PACIFIC RAILROAD COMPANY AS RECORDED SEPTEMBER 4, 1928, IN VOLUME 82, PAGE 221 OF THE KLAMATH COUNTY DEED RECORDS; THENCE CONTINUING ALONG SAID WESTERLY LINE ALONG THE ARC OF A 706.05 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $16^{\circ}37'00''$ , AN ARC DISTANCE OF 204.76 FEET (THE LONG CHORD OF WHICH BEARS NORTH  $26^{\circ}14'29''$  EAST, 204.05 FEET) TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID WESTERLY LINE, NORTH  $78^{\circ}29'48''$  WEST, 54.42 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 0.10 ACRES MORE OR LESS.

## EXHIBIT B

A TRACT OF LAND LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33, THENCE NORTH  $00^{\circ}00'49''$  EAST, 69.37 FEET TO A POINT ON THE ORIGINAL SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 188.55 FEET; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 25.27 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTH 6<sup>TH</sup> STREET AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET THE FOLLOWING THREE COURSES, SOUTH  $73^{\circ}06'17''$  EAST, 32.30 FEET; THENCE SOUTH  $61^{\circ}22'11''$  EAST, 32.28 FEET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, 149.88 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SOUTH  $10^{\circ}46'30''$  WEST, 589.64 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 706.05 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $91^{\circ}27'00''$ , AN ARC DISTANCE OF 17.87 FEET (THE LONG CHORD OF WHICH BEARS SOUTH  $17^{\circ}12'30''$  WEST, 17.86 FEET) TO A POINT OF TANGENCY; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 76.23 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 702.55 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $22^{\circ}37'00''$ , AN ARC DISTANCE OF 277.32 FEET (THE LONG CHORD OF WHICH BEARS SOUTH  $00^{\circ}32'00''$  EAST, 275.52 FEET) TO A POINT OF COMPOUND CURVATURE; THENCE ALONG THE ARC OF A 484.18 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $32^{\circ}53'29''$ , AN ARC DISTANCE OF 277.95 FEET (THE LONG CHORD OF WHICH BEARS SOUTH  $28^{\circ}17'14''$  EAST, 274.15 FEET) TO A POINT OF TANGENCY; THENCE SOUTH  $44^{\circ}44'00''$  EAST, 40.49 FEET; THENCE NORTH  $51^{\circ}04'00''$  WEST, 302.60 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE ALONG THE ARC OF A 573.14 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $48^{\circ}14'00''$ , AN ARC DISTANCE OF 482.49 FEET (THE LONG CHORD OF WHICH BEARS NORTH  $13^{\circ}20'30''$  WEST 468.36 FEET) TO A POINT OF TANGENCY; THENCE NORTH  $10^{\circ}46'30''$  EAST, 687.07 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 4.80 ACRES MORE OR LESS.

## EXHIBIT C

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33; THENCE NORTH  $00^{\circ}44'52''$  WEST, 69.16 FEET TO A POINT ON THE OLD SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 407.10 FEET TO THE MOST NORTHERLY CORNER OF CENTRAL PACIFIC RAILROAD COMPANY LANDS AS DESCRIBED IN VOLUME 85, PAGE 120, KLAMATH COUNTY DEED RECORDS; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 10.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SAID POINT ALSO LYING ON THE WESTERLY LINE OF THE LAND DESCRIBED IN VOLUME 85, PAGE 120, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SOUTH  $49^{\circ}37'43''$  EAST, 197.04 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, ALONG THE ARC OF A 467.68 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $13^{\circ}06'50''$ , AN ARC DISTANCE OF 107.04 FEET (THE LONG CHORD OF WHICH BEARS SOUTH  $27^{\circ}59'33''$  WEST, 106.81 FEET) TO A POINT OF TANGENCY; THENCE SOUTH  $34^{\circ}33'00''$  WEST, 211.60 FEET; THENCE NORTH  $78^{\circ}29'48''$  WEST, 54.42 FEET; THENCE NORTH  $10^{\circ}46'30''$  EAST, 392.29 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 0.99 ACRES MORE OR LESS.

## EXHIBIT D

A TRACT OF LAND LYING IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33, THENCE NORTH  $00^{\circ}00'49''$  EAST, 69.37 FEET TO A POINT ON THE ORIGINAL SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 188.55 FEET; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 25.27 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTH 6<sup>TH</sup> STREET; THENCE CONTINUING ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET THE FOLLOWING THREE COURSES, SOUTH  $73^{\circ}06'17''$  EAST, 32.30 FEET; THENCE SOUTH  $61^{\circ}22'11''$  EAST, 32.28 FEET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, 149.88 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT ALSO LYING ON THE WESTERLY LINE OF THE LAND DESCRIBED IN VOLUME 85, PAGE 120; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET AND ALONG THE EASTERLY LINE OF THAT PARCEL DESCRIBED IN EXHIBIT "B", SOUTH  $10^{\circ}46'30''$  WEST, 422.29 FEET; THENCE LEAVING SAID EASTERLY LINE, NORTH  $79^{\circ}13'30''$  WEST, 30.00 FEET; THENCE NORTH  $10^{\circ}46'30''$  EAST, 435.51 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID RIGHT-OF-WAY LINE, 32.78 FEET TO THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 0.30 ACRES MORE OR LESS.

## EXHIBIT E

A TRACT OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 33, TOWNSHIP 38 SOUTH, RANGE 9 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 33; THENCE NORTH  $00^{\circ}44'52''$  WEST, 69.16 FEET TO A POINT ON THE OLD SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET; THENCE SOUTH  $55^{\circ}27'00''$  EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 407.10 FEET TO THE MOST NORTHERLY CORNER OF CENTRAL PACIFIC RAILROAD COMPANY LANDS AS DESCRIBED IN VOLUME 85, PAGE 120, KLAMATH COUNTY DEED RECORDS; THENCE SOUTH  $10^{\circ}46'30''$  WEST, 10.93 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SAID POINT ALSO LYING ON THE WESTERLY LINE OF THE LAND DESCRIBED IN VOLUME 85, PAGE 120, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, SOUTH  $49^{\circ}37'43''$  EAST, 197.04 FEET TO A POINT OF NON-TANGENT CURVATURE; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTH 6<sup>TH</sup> STREET, ALONG THE ARC OF A 467.68 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF  $03^{\circ}12'32''$ , AN ARC DISTANCE OF 26.19 FEET (THE LONG CHORD OF WHICH BEARS SOUTH  $23^{\circ}02'26''$  WEST, 26.19 FEET) TO A POINT ON NON-TANGENCY; THENCE NORTH  $49^{\circ}37'43''$  WEST, 190.65 FEET TO THE WESTERLY LINE OF THAT PARCEL DESCRIBED IN EXHIBIT "C"; THENCE ALONG SAID WESTERLY LINE, NORTH  $10^{\circ}46'30''$  EAST, 28.75 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTH 6<sup>TH</sup> STREET AND THE POINT OF BEGINNING.

THIS TRACT OF LAND CONTAINS 0.11 ACRES MORE OR LESS.

State of Oregon, County of Klamath  
Recorded 6/28/99, at 2:53 p. m.  
In Vol. M99 Page 25635  
Linda Smith,  
County Clerk Fee \$ 60 - KR