

1999 OCT 19 AM 11:11

AFTER RECORDING RETURN TO:
Michael Ratliff
Ratliff & Whitney-Smith
905 Main Street, Suite 22
Klamath Falls OR 97601

Vol M99 Page 41509
SEND TAX STATEMENTS TO:
NA

K54228
GRANT OF EASEMENT AND JOINT USE AGREEMENT

AGREEMENT BETWEEN WILLIAM F. BEASLY and SHIRLEY I. BEASLY ("Grantors"), whose address is 11443 Buesing Road, Klamath Falls, OR 97603, and VAN BRIMMER DITCH COMPANY, an Oregon Corporation ("Grantee"), whose address is 905 Main Street, Suite 200, Klamath Falls, OR 97601.

Mark E. Scrimsher and Susan L. Scrimsher ("Scrimshers") have applied to Northwest Farm Credit Services, ACA ("Lender"), for a loan to be secured by an encumbrance on that certain real property owned by Scrimshers and described in that certain mortgage dated the 20th day of SEPTEMBER, 1999, and recorded on the 19th day of OCTOBER, 1999, in the records of Klamath County, State of Oregon, in Book M99, Page 41504, which real property is hereinafter referred to as the Scrimsher property, and said loan being conditioned on the delivery of water to which the Scrimsher property is entitled by virtue of shares of stock in the Van Brimmer Ditch Company; and which has historically had water delivered to it by the Van Brimmer Ditch Company; and

Grantors own property adjacent to the Scrimsher property, which property is described below and hereafter referred to as the Grantors' property:

That portion of the N1/2SE1/4 of Section 33, Township 40 South, Range 10 East of the Willamette Meridian lying North of the U.S.B.R. "C" Canal.

Grantors desire to grant Grantee an easement across Grantors' property for access, operation, and maintenance for the delivery of water along existing ditches.

For good and valuable consideration and the mutual covenants and promises herein contained, the parties agree as follows:

- K 35
1. Grantors do hereby grant unto Grantee a perpetual right and easement across Grantors' property for the purposes set forth above. The location of said easement on the Grantors' property is as follows: Two existing ditches running northerly from the "C" Canal to the subject property; one ditch being located along the Westerly boundary of Grantors' property and the other ditch located approximately in the center of Grantors' property.

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2. The easement shall run with the lands described herein and shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the respective parties, including Lender under its mortgage herein described and its assigns. As used herein, mortgage means deed of trust.

IN WITNESS WHEREOF, the parties hereby have executed this instrument this 10th day of October, 1999. Grantor has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

GRANTORS:

William F. Beasley
William F. Beasley

Shirley I. Beasley
Shirley I. Beasley

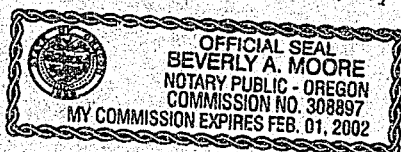
GRANTEE:

VAN BRIMMER DITCH COMPANY

Kimberly Truthoff
as SECRETARY

STATE OF OREGON; County of Klamath) ss.

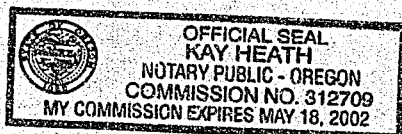
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 10th day of October, 1999, by William F. Beasley and Shirley I. Beasley.



Beverly A. Moore
NOTARY PUBLIC FOR OREGON
My Commission expires:

STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 8th day of October, 1999, by Michael Ratliff as Secretary of Van Brimmer Ditch Company, an Oregon corporation.



Kay Heath
NOTARY PUBLIC FOR OREGON
My Commission expires: 5-18-2002

State of Oregon, County of Klamath
Recorded 10/19/99, at 11:16 a.m.
In Vol. M99 Page 41509
Linda Smith,
County Clerk Fee \$ 35.00