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EASEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 4th day of March, 1985, by and between MAX M. BENEDICT and GEORGIA BENEDICT, husband and wife, hereinafter called the Sellers, and CARL D. KINNEY and KERRY J. KINNEY, husband and wife, hereinafter called the Buyer;

W I T N E S S E T H :

WHEREAS, the parties hereto have this date entered into an Agreement wherein MAX M. BENEDICT and GEORGIA BENEDICT are the Sellers and CARL D. KINNEY and KERRY J. KINNEY are the Buyers, covering the following described real property situated in Klamath County, Oregon, to-wit:

The Northeast one-quarter of the Northeast one-quarter of Section 31 and the North one-half of the Northwest one-quarter of Section 32, Township 39 South, Range 11½ East of the Willamette Meridian in the County of Klamath, State of Oregon.

EXCEPT THEREFROM that portion of the Northeast one-quarter Northwest one-quarter of said Section 32 at a point thereon distant 30 feet South of the quarter corner between Sections 29 and 32 of Township 39 South, Range 11½ East of the Willamette Meridian; thence South 300 feet; thence West 145 feet; thence North 300 feet; thence East 145 feet to the point of beginning, together with,

A non-exclusive easement for ingress and egress over and over across a 30 foot wide strip of land in Section 32, Township 39 South, Range 11½ East Willamette Meridian, County of Klamath, State of Oregon, being 15 feet on each side of the following described centerline.

Beginning at a point on the East boundary of the NE¼SW¼ Section 32 from which the center ¼ corner Section 32 bears N00°12'47"W--15.00 feet; thence S89°53'23"W--398.60 feet and parallel to and 15.00 feet distance from the North boundary of the NE¼SW¼ Section 32 to a point of curvature, thence Southwesterly--212.04 feet along the arc of 149.99 foot radius curve to the left (the long chord bears S49°23'23"W--194.82 feet) to the point of tangency, thence S8°53'23"W--253.25 feet to a point of curvature, thence Southwesterly and Northwesterly--294.00 feet along the arc of a 114.59 foot radius curve to the right (the long chord bears S82°23'23"W 219.74 feet) to the point of tangency, thence N24°06'37"W--346.30 feet to a point of curvature, thence Northwesterly--172.78 feet along the arc of a 149.99 foot radius curve to the left (the long chord bears N57°06'37"W--163.38 feet) to the point of tangency,

thence S89°53'23"W--243.10 feet and parallel to and 15.00 feet distance from the North boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32 to the intersection of the West boundary of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, to point of ending.

AND an easement for ingress and egress over a 30 foot right of way on the Northerly side of NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 39 South Range 11 $\frac{1}{2}$ East of the Willamette Meridian, as described in Deed Volume M79 page 15172 and 15173. AND a non-exclusive easement for ingress and egress over and across a 30 foot strip along the East boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and along the North 30 feet of the East boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 32, Township 39 South Range 11 $\frac{1}{2}$ East of the Willamette Meridian, hereinafter referred to as PARCEL 3.

WHEREAS, the Sellers are also the owners of real property adjacent to the above described Parcel 3, more particularly described as follows:

The East one-half of the Southwest one-quarter of Section 32, Township 39S, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, in the County of Klamath, State of Oregon, hereinafter referred to as PARCEL 1.

and

The Southeast one-quarter of Northeast one-quarter of Section 31, and the Southwest one-quarter of the Northwest one-quarter, Northwest one-quarter of the Southwest one-quarter of Section 32, Township 39 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, in the County of Klamath, State of Oregon, hereinafter referred to as PARCEL 2.

WHEREAS, the parties agree to create an easement for a roadway across Parcel 1, for the benefit of Parcels 1, 2 and 3.

NOW, THEREFORE, the parties mutually agree as follows:

Sellers hereby grant, bargain, sell and convey to Buyers a perpetual non-exclusive road easement for ingress and egress across the East 20 feet of the North 1328 feet of Parcel 1.

This grant of an easement shall run with the land and shall be binding and inure to the benefit of the Sellers and the Buyers, their heirs, successors and assigns and any person who shall hereafter acquire title to Parcels 1, 2 or 3.

It is understood and agreed that Sellers do not desire to use this easement at this time and Buyers will pay all the cost of maintaining the roadway until such time as the Sellers shall use the easement, then the Sellers and the Buyers shall each pay one-half of the cost of maintaining the roadway.

In event of the sale of Parcels 1 and/or 2 to third parties, the owner of each parcel shall pay one-third or one-half

of the cost of maintaining the part of the road they are using with the Buyers or their heirs, successors and assigns.

Witness the hands of the parties the day and year first herein written.

Max M. Benedict
MAX M. BENEDICT, Seller

Georgia Benedict
GEORGIA BENEDICT, Seller

Carl D. Kinney by Kerry J. Kinney
CARL D. KINNEY, Buyer *this attorney for*
Kerry J. Kinney
KERRY J. KINNEY, Buyer

STATE OF OREGON)
County of Klamath) ss.

March 7th, 1985.

Personally appeared the above named MAX M. BENEDICT and GEORGIA BENEDICT, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

Linda Stelle
NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/13/85

STATE OF OREGON)
County of Klamath) ss.

March 7th, 1985.

Personally appeared the above named ~~CARL D. KINNEY~~ and ~~KERRY J. KINNEY, husband and wife~~, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

*Kerry J. Kinney for herself
and as power of attorney
for Carl D. Kinney*

Linda Stelle
NOTARY PUBLIC FOR OREGON
My Commission Expires: 7/13/85

State of Oregon, County of Klamath
Recorded 10/02/00, at 2:22 p.m.
In Vol. M00 Page 36075
Linda Smith,
County Clerk Fee \$ 31⁰⁰