

PERMANENT SLOPE EASEMENT

ERNST BROTHERS L.L.C., an Oregon limited liability company, Grantor, for the true and actual consideration of \$ 250.00----- does grant to the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement to construct and maintain slopes, upon the following described property:

- ✓ A parcel of land lying in Lots 1, 2, and 3, Block 5, CHEMULT OREGON, Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to Ernst Brothers L.L.C., recorded in Book M-97, Page 37861 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 16 meters in width, lying on the Easterly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 20+999.999, said station being 329.679 meters South and 103.539 meters West of the Northeast Corner of Section 20, Township 27 South, Range 8 East, W.M.; thence South 19° 09' 00" East 1547.387 meters to Engineer's center line Station 22+547.386.

Bearings are based on an Oregon Department of Transportation Survey. See Drawing No. 6B-14-3, dated March, 1945.

The parcel of land to which this description applies contains 116 square meters, more or less, outside of the existing right of way.

GRANTOR RESERVES the right to leave any and all buildings and structures currently located in the easement area where they are, and to use and maintain same.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described property, except as stated herein, nor prevent Grantor from the use of said property including the right to build additional buildings or structures therein; provided, however, that such use shall not be permitted to interfere with the rights herein granted or endanger the lateral support of the public way.

11-29-00

RETURN TO AND TAX STATEMENT TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Account No.: R672250 270821CB 3101

Property Address: Highway 97
Chemult OR 97731

IT IS ALSO UNDERSTOOD that Grantee shall never be required to remove the slope materials placed by it on said property, nor shall Grantee be subject to any damages to Grantor and grantor's heirs, successors and assigns, by reason thereof, or by reason of any change of grade of the public way abutting on said property.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property, and will warrant the easement rights herein granted from all lawful claims whatsoever.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 13th day of February, 2001.

ERNST BROTHERS, L.L.C.,
an Oregon limited liability company

By Wayne G. Ernst, Managing Member
Manager

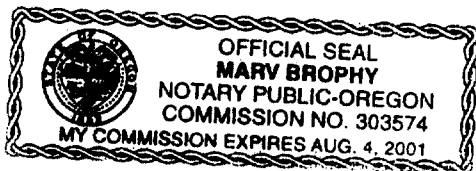
By _____
Manager

STATE OF OREGON, County of Klamath

Dated February 13, 2001. Personally appeared WAYNE G. ERNST

and _____, who, being sworn, stated that they are the Managers of Ernst Brothers, L.L.C.,

an Oregon limited liability company, and that this instrument was voluntarily signed in behalf of the company. Before me:



Mary Brophy
Notary Public for Oregon

My Commission expires 8/4/01

Accepted on behalf of the Oregon Department of Transportation

Ken Doud
for Cliff Houck