

After Recording Return To:

WESTERN TITLE
16455 WILLIAM FOSS RD.
LAPINE, OR 97739

01 AUG 29 PM 2:59

Francis & Martin, LLP
 1199 N.W. Wall Street • Bend, Oregon 97701-1934
 (541) 389-5010

PARTIES:

GRANTOR: DONALD S. PARKS and DIANNA M. PARKS

GRANTEE: KENNETH L. PARKS and RHODA PARKS;
 DAVID NARO; and
 COLLIN A. OLNSTED and DOROTHY F. OLNSTED

("Parks")
 ("Naro")
 ("Olmsted")

RECITALS:

1. Grantor is the owner of real property described as follows:

Tax Lot 2600 – Attached as Exhibit "A"

2. Grantee Parks is the owner of real property described as follows:

Tax Lot 3900 – Attached as Exhibit "B"

3. Grantee Naro is the owner of real property described as follows:

Tax Lot 4000 – Attached as Exhibit "C"

4. Grantee Olmsted is the owner of real property described as follows:

Tax Lot 3800 – Attached as Exhibit "D"

5. Grantor grants and conveys to Grantee, their heirs, successors and assigns, an Easement to use a parcel of land described as follows:

Twenty-five foot (25') by one-hundred seventy-five (175') parcel of property located immediately adjacent to the southern boundary line of Grantor's property.

AGREEMENT:

The parties agree as follows:

6. Grantee, his agents, independent contractors and invitees shall use the easement parcel for access to Grantee's property described in this agreement.

K41.

7. Grantee may construct, reconstruct, maintain or repair a road on the easement parcel.

8. Grantees shall equally share in the cost of construction and maintenance of the road. Maintenance shall occur on a regular basis. It is the intent of the parties that the roadway be maintained in a safe, attractive manner. Maintenance shall not include snow removal.

9. Each party shall pay when due all real property taxes, assessments or other charges against the land to which each party holds fee title and which is party of the private roadway. There shall be no right of contribution from the other party for such sums.

10. Grantor shall not have the right to gate the easement parcel.

11. Grantee shall indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement parcel. Grantee assumes all risk arising out of its use of the easement parcel and Grantor shall have no liability to Grantee or others for any condition existing on the easement parcel.

12. This easement is appurtenant to the real property owned by Grantee and described above; however, in the event of any subdivision or sale of any portion of Grantee's property, the easement shall remain appurtenant to all parcels.

13. This easement is non-exclusive.

14. This easement is perpetual.

15. This easement is granted subject to all prior easements or encumbrances of record.

16. If suit or action is instituted to enforce any of the provisions of this agreement, the prevailing party shall be entitled to recover from the other party such sums as the Court may adjudge reasonable as attorney fees at trial or on appeal in such suit or action in addition to all other sums provided by statute. Prevailing party shall also recover the cost of a current title examination.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed this 23 day of August, 2001.

GRANTOR:

Donald S. Parks
DONALD S. PARKS

Dianna M. Parks
DIANNA M. PARKS

GRANTEE:

Kenneth L. Parks
KENNETH L. PARKS

Rhoda Parks
RHODA PARKS

David Naro
DAVID NARO

Collin A. Olmsted
COLLIN A. OLMSTED

Dorothy F. Olmsted
DOROTHY F. OLMSTED

STATE OF OREGON)
) ss.
County of Lane)

44091

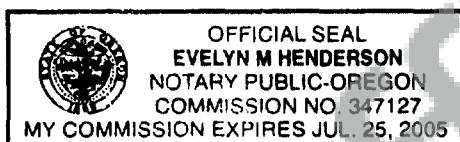
The foregoing instrument was acknowledged before me this 23 day of August, 2001, by
DONALD S. PARKS and DIANNA M. PARKS.



Gale Severson
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Klamath)
 Deschutes

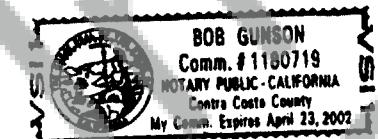
The foregoing instrument was acknowledged before me this 23 day of August, 2001, by
KENNETH L. PARKS and RHODA PARKS.



Evelyn M. Henderson
Notary Public for Oregon

STATE OF CALIFORNIA)
) ss.
County of Contra Costa

The foregoing instrument was acknowledged before me this 17th day of August, 2001, by
DAVID NARO.



Bob Gunson
Notary Public for California

STATE OF OREGON)
) ss.
County of Lane)

The foregoing instrument was acknowledged before me this 23 day of August, 2001, by
COLLIN A. OLMSTED and DOROTHY F. OLMSTED.



Diana L. Stockman
Notary Public for Oregon

44092

of Klamath, State of Oregon, described as follows, to-wit:

Lot 8, Block 1, Tract No. 1052, Crescent Pines, according
to the plat of record in the office of the county clerk,
Klamath County, State of Oregon.

Unofficial
Copy

EXHIBIT A
1 OF 1

Klamath County, Oregon, to-wit:

A tract of land situated in NW1/4 and the NE1/4 of SE1/4 of Sec. 18, Twp 24 S.R.7. E.W.M., more particularly described as follows:

Beginning at a point which is S 01°00'51"W 6.18 feet and East 38.14 feet from the 1/16th corner of the common line between the NE1/4 and the SE1/4 of said Sec. 18; thence South 1080.0 feet along the so called "false 1/16th line" which lies within the NE1/4 and is East of the common 1/16 line between the NW1/4 and NE1/4 of SE1/4 of said Sec. 18 to the point of beginning; thence West 272.10 feet to a point; thence continuing West 64 feet more or less to the flow line of Crescent Creek; thence Northerly 120 feet, more or less, along the flow-line of said creek to the intersection of the North line of said tract which is parallel to and 120 feet more or less North of the South line of said tract; thence East 45 feet, more or less, to a point; thence continuing East 285.40 feet to a point; thence South 120.0 feet along the "false 1/16th line" to the place of beginning;

Subject to reservation of the Easterly 25 feet for roadway and utility purposes; together with a perpetual easement for roadway and utility purposes to and from said tract along the Northerly 25 feet of SE 1/4 of NE1/4 of said Sec. 18 West of the Willamette Highway, also the Westerly 25 feet along the line in the SE1/4 of NE1/4 of said Sec. 18 which bears N. 00°18'41"E. from a point located S. 01°00'51" W. 6.81 feet and East 38.14 feet from the 1/16th corner on the common line between the NE1/4 and the SE1/4 of said Sec. 18, also the Westerly 25 feet along the said "false 1/16th line" within the NE1/4 of SE1/4 of said Sec. 18, Twp. 24S.R.7 E.W.M., in Klamath County, Oregon.

State of Oregon, County of Klamath
Recorded 08/29/01 at 2:59 p.m.
In Vol. M01 Page 44089
Linda Smith,
County Clerk Fee\$ 41⁰⁰

EXHIBIT B
1 OF 1