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'01 NOV 21 AM 11:17

MTC 1396-3363

CREATION OF PRIVATE ROADWAY AND UTILITY EASEMENT

State of Oregon, County of Klamath
Recorded 11/21/01 11:17 a. m.
In Vol. M01, Page 59734
Linda Smith, County Clerk
Fee \$ 51.00 # of Pgs 7

'01 DEC 13 AM 11:14

Vol M01 Page 64872

'01 DEC 19 AM 11:23

KNOW ALL MEN by these presence that EDWARD ZAROSINSKI & DARLENE ZAROSINSKI, husband and wife, as first parties; STEVEN A. MILLER & LORETTA M. MILLER, husband and wife, as second parties; EDWARD R. ZAROSINSKI, as third party; and STEVEN A. MILLER & LORETTA M. MILLER, husband and wife, as fourth party. We all hereby agree to create a non-exclusive easement for a private roadway and underground utilities to benefit the properties owned by the first party, second party, third party and fourth party named herein. Said easement will run over and across the real property owned by the first parties and second parties and easement is described as follows:

"A thirty (30) foot strip for access and utilities being a portion of Lot 7, Block 8 of TRACT 1140 - LYNNEWOOD FIRST ADDITION and a portion of Lot 21 of LAKESHORE GARDENS, situated in the SE1/4 of Section 25, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follow:

Beginning at the Southwest corner of said Lot 7; thence North 13 degrees 58' 11" W, along the West line of said Lot 7, 31.87 feet; thence N 07 degrees 21' 34" E 7.24 feet to a point on the South line of said Lot 21; thence N 07 degrees 21' 34" E 227.27 feet; thence S 82 degrees 38' 26" E 30.00 feet to a point on the East line of said Lot 21; thence S 07 degrees 21' 34" W 227.33 feet to the Southeast corner of said Lot 21; thence S 07 degrees 21' 34" W 1.53 feet; thence S 13 degrees 58' 11" E 27.44 feet to a point on the South line of said Lot 7; thence, on the arc of a curve to the left (radius point bears S 09 degrees 16' 47" E 363.88 feet and central angle equals 04 degrees 43' 44") 30.03 feet to the point of beginning, with bearings based on record of Survey 2897 on file at the office of the Klamath County Surveyor."

The above-described easement is appurtenant to parcels owned by the parties named above. First parties property is attached and described on Exhibit "A"; Second party property is attached and described on Exhibit "B"; Third party property is attached and described on Exhibit "C"; and Fourth party property is attached and described on Exhibit "D". Said easement is appurtenant to parcels owned by the first party, second party, third party and fourth party and will include the right of ingress and egress by the first party second party, third party and fourth party for repairs and maintenance.

UPON RECORDING RETURN ORIGINAL TO:

EDWARD ZAROSINSKI
1433 EAST MAIN STREET
KLAMATH FALLS OR 97601

*BEING RERECORDED TO ADD NOTARY

AMERITITLE has recorded this
instrument by request as an accomodation only,
and has not examined it for regularity and sufficiency
or as to its effect upon the title to any real property
that may be described therein

State of Oregon, County of Klamath
Recorded 12/13/01 11:14 a. m.
Vol M01, Pg 63712-18
Linda Smith, County Clerk
Fee \$ 35.00 RR # of Pgs 7

State of Oregon, County of Klamath
Recorded 12/19/01 11:23 a. m.
Vol M01, Pg 64872-78
Linda Smith, County Clerk
Fee \$ 35.00 RR # of Pgs 7

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All maintenance of this easement and costs of repair of the easement will be the shared equally by each of the respective parties. Said easement will bind and inure to the benefit of the immediate parties and to their heirs, successors and assigns in interest.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the 20th day of November, 2001.

First Party:

* *Edward Zarosinski*
EDWARD ZAROSINSKI

* *Darlene Zarosinski*
DARLENE ZAROSINSKI

Second Party:

Steven A. Miller
STEVEN A. MILLER

Loretta M. Miller
LORETTA M. MILLER

Third Party:

Edward R. Zarosinski
EDWARD R. ZAROSINSKI

Fourth Party:

Steven A. Miller
STEVEN A. MILLER

Loretta M. Miller
LORETTA M. MILLER

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State of Oregon

County of Klamath

This instrument was acknowledged before me on November 20th, 2001 by EDWARD ZAROSINSKI & DARLENE ZAROSINSKI.



Kristil L. Redd
NOTARY PUBLIC FOR STATE OF OREGON
My Commission Expires: 11/16/2003

State of Oregon

County of Klamath

This instrument was acknowledged before me on November 20th, 2001 by EDWARD R. ZAROSINSKI.



Kristil L. Redd
NOTARY PUBLIC FOR STATE OF OREGON
My Commission Expires: 11/16/2003

State of Oregon

County of Klamath

This instrument was acknowledged before me on November 21st, 2001 by STEVEN A. MILLER & LORETTA M. MILLER.



Kristil L. Redd
NOTARY PUBLIC FOR STATE OF OREGON
My Commission Expires: 11/16/2003

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EXHIBIT "A"

Description of real property owned by the first parties:

**Lots 21, 22 and 23 in LAKESHORE GARDENS, according to the official plat thereof
on file in the office of the County Clerk of Klamath County, Oregon.**

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EXHIBIT "B"

Description of real property owned by the second parties:

A parcel of land situated in Lot 20 of LAKESHORE GARDENS and in Lot 7, Block 8 of LYNNEWOOD FIRST ADDITION, both being subdivisions in the County of Klamath, State of Oregon, being more particularly described as follows:

"Beginning at the Southeast corner of said Lot 20; thence North $04^{\circ}51'34''$ East along the East line of said Lot 20, 221.41 feet; thence South $22^{\circ}57'04''$ West 144.92 feet; thence South $04^{\circ}51'34''$ West 99.00 feet to a point on the South line of said Lot 7; thence Easterly on said South line along a 363.88 foot radius curve to the right, 45.05 feet; thence North $04^{\circ}51'34''$ East 14.09 feet to the point of beginning."

A parcel of land disutated in Lot 20 of LAKESHORE GARDENS and in Lot 7, Block 8 of LYNNEWOOD FIRST ADDITION, both being subdivisions, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 7; thence Easterly on the South line of said Lot 7 along a 363.88 foot radius curve to the right 87.07 feet; thence North $04^{\circ}51'34''$ East 99.00 feet; thence North $85^{\circ}08'26''$ West, 61.42 feet to a point on the West line of said Lot 20; thence South $07^{\circ}21'34''$ West on said West line, 81.13 feet to a point on the North line of said Lot 7; thence Westerly on said North line along 2,521.20 foot radius curve to the right 32.89 feet to the Northwest corner of said Lot 7; thence $13^{\circ}58'11''$ East on the West line of said Lot 7, 39.81 feet to the point of beginning."

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EXHIBIT "C"

Description of real property owned by the third party:

A tract of land being a portion of Lot 20 of LAKESHORE GARDENS, situated in the SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, according to the official plat on file in the office of the Klamath County Surveyor.

Beginning at a point on the East line of said Lot 20, from which the Southeast corner of said Lot 20 bears S 04°51'34" W 221.41 feet; thence S 82°47'30" W 103.64 feet, to a point on the West line of said Lot 20; thence N 07°21'34" E, along said West line 113 feet, more or less, to a point on the southerly right of way line of Lakeshore Drive; thence Easterly, along said Southerly right of way line, to a point which bears N 04°51'34" E from the point of beginning; thence S 04°51'34" W 81 feet, more or less, to the point of beginning.

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EXHIBIT "D"

Description of real property owned by the fourth party:

A tract of land being a portion of Lot 20 of LAKESHORE GARDENS, situated in the SE $\frac{1}{4}$ of Section 25, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, according to the official plat on file in the office of the Klamath County Surveyor.

Beginning at a point on the East line of said Lot 20, from which the Southeast corner of said Lot 20 bears S $04^{\circ}51'34''$ W 221.41 feet; thence S $22^{\circ}57'04''$ W 144.92 feet; thence N $85^{\circ}08'26''$ W 61.42 feet to a point on the West line of said Lot 20; thence N $07^{\circ}21'34''$ E along said West line 116.20 feet; thence N $82^{\circ}47'30''$ E 103.64 feet, to the point of beginning.