

'02 OCT 3 AM 10:04

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State of Oregon, County of Klamath
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Linda Smith, County Clerk
Fee \$ 3.00 # of Pgs 3

AGREEMENT FOR ACCESS EASEMENT

THIS AGREEMENT, MADE AND ENTERED INTO THIS 3RD DAY OF OCTOBER, 2002, BY ROBERT A. STEWART AND MARILYN J. STEWART, HEREINAFTER CALLED THE FIRST PARTY, AND TO THE OWNERS, THEIR HEIRS OR ASSIGNS OF PARCEL 1 OF "FINAL PARTITION # 54-93, HEREINAFTER CALLED THE SECOND PARTY;

WITNESSETH: WHEREAS: THE FIRST PARTY IS THE RECORD OWNER OF THE FOLLOWING DESCRIBED REAL ESTATE IN KLAMATH COUNTY, STATE OF OREGON, TO WIT:

PARCEL 2 OF "LAND PARTITION 29-01", BEING IN THE SE1/4 OF SECTION 6 AND THE SW1/4 OF SECTION 5, T39S, R10EWM, KLAMATH COUNTY, OREGON

AND HAS THE UNRESTRICTED RIGHT TO GRANT THE ACCESS EASEMENT HEREINAFTER DESCRIBED RELATIVE TO THE REAL ESTATE; NOW, THEREFORE, IN VIEW OF THE PREMISES AND IN CONSIDERATION OF ONE DOLLAR (\$1) BY THE SECOND PARTY TO THE FIRST PARTY PAID AND OTHER VALUABLE CONSIDERATIONS, THE RECEIPT OF ALL OF WHICH HEREBY IS ACKNOWLEDGED ASSIGN AND SET OVER TO THE SECOND PARTY A ACCESS EASEMENT FURTHER DESCRIBED TO WIT:

SEE ATTACHED EXHIBIT "A"

THE SECOND PARTY SHALL HAVE ALL RIGHTS OF INGRESS AND EGRESS TO AND FROM THE REAL ESTATE (INCLUDING THE RIGHT FROM TIME TO TIME, EXCEPT AS HEREINAFTER PROVIDED, TO CUT TRIM AND REMOVE TREES, BRUSH, OVERHANGING BRANCHES AND OTHER OBSTRUCTIONS) NECESSARY FOR THE SECOND PARTY'S USE, ENJOYMENT, OPERATION AND MAINTENANCE OF THE EASEMENT HEREBY GRANTED AND ALL RIGHTS AND PRIVILEGES INCIDENT THERETO.

EXCEPT AS TO THE RIGHTS HEREIN GRANTED, THE FIRST PARTY SHALL HAVE THE FULL USE AND CONTROL OF THE ABOVE DESCRIBED REAL ESTATE.

THE SECOND PARTY HEREBY AGREES TO HOLD AND SAVE THE FIRST PARTY HARMLESS FROM ANY AND ALL CLAIMS OF THIRD PARTIES ARISING FROM SECOND PARTY'S USE OF THE RIGHTS HEREIN GRANTED.

THE EASEMENT DESCRIBED ABOVE SHALL CONTINUE FOR A PERIOD OF PERPETUITY, ALWAYS SUBJECT, HOWEVER, TO THE FOLLOWING SPECIFIC CONDITIONS, RESTRICTIONS AND CONSIDERATION:

31-

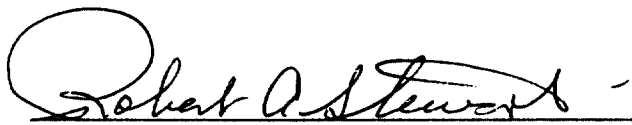
DURING THE EXISTENCES OF THIS EASEMENT, MAINTENANCE OF THE EASEMENT AND COSTS OF REPAIR OF THE EASEMENT DAMAGED BY NATURAL DISASTERS OR OTHER EVENTS FOR WHICH ALL HOLDERS OF AN INTEREST IN THE EASEMENT ARE BLAMELESS SHALL BE THE RESPONSIBILITY OF THE SECOND PARTY.

DURING THE EXISTENCE OF THIS EASEMENT, THOSE HOLDERS OF AN INTEREST IN THE EASEMENT THAT ARE RESPONSIBLE FOR DAMAGE TO THE EASEMENT BECAUSE OF NEGLIGENCE OR ABNORMAL USE SHALL REPAIR THE DAMAGE AT THEIR SOLE EXPENSE.

THIS AGREEMENT SHALL BIND AND INURE TO THE BENEFIT OF, AS THE CIRCUMSTANCES MAY REQUIRE, NOT ONLY THE IMMEDIATE PARTIES HERETO BUT ALSO THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS AND SUCCESSORS IN INTEREST.

IN CONSTRUCTING THIS AGREEMENT, WHERE THE CONTEXT SO REQUIRES, THE SINGULAR INCLUDES THE PLURAL AND ALL GRAMMATICAL CHANGES SHALL BE MADE SO THAT THIS AGREEMENT SHALL APPLY EQUALLY TO INDIVIDUALS AND TO CORPORATIONS. IF THE UNDERSIGNED IS A CORPORATION, IT 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 ITS BOARD OF DIRECTORS.

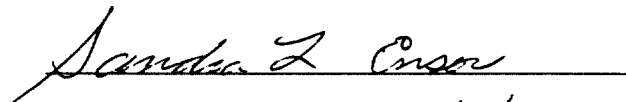
IN WITNESS WHEREOF, THE PARTIES HAVE HEREUNTO SET THEIR HANDS ON THIS, THE DAY AND YEAR FIRST HEREINABOVE WRITTEN.

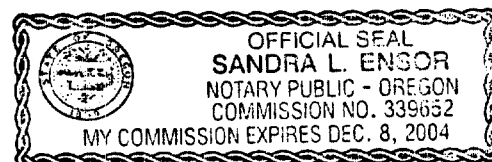

ROBERT A. STEWART


MARILYN J. STEWART

STATE OF OREGON
COUNTY OF KLAMATH

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 3RD DAY OF OCTOBER, 2002
BY ROBERT A. STEWART AND MARILYN J. STEWART THEIR VOLUNTARY ACT AND DEED.


MY COMMISSION EXPIRES 12/8/04 NOTARY PUBLIC



oc/

56561

OWNERS

DENNIS ENSOR O.L.S., C.W.R.E.
SANDIE ENSOR

TRU SURVEYING, INC. LINE

2333 SUMMERS LANE
KLAMATH FALLS, OREGON 97603
PHONE: (541) 884-3691

JOHN HEATON L.S.T.
CHAD ENSOR L.S.T.

SEPTEMBER 24, 2002

EXHIBIT "A"

LEGAL DESCRIPTION
OF
THE CENTERLINE OF A 30' WIDE ACCESS EASEMENT

A 30' WIDE STRIP OF LAND SITUATED IN PARCEL 2 OF "LAND PARTITION 29-01", BEING IN THE SE1/4 OF SECTION 6 AND THE SW1/4 OF SECTION 5, T39S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF ARANT ROAD AND THE SOUTH LINE OF SAID PARCEL 2 (EAST-WEST CENTERLINE OF THE SW1/4 OF SAID SECTION 5) FROM WHICH THE C-S 1/16 OF SAID SECTION 5 BEARS S89°01'08"E 2226.00 FEET; THENCE N15°17'19"E 79.36 FEET; THENCE N42°16'02"E 98.56 FEET; THENCE N30°08'48"E 528.25 FEET; THENCE S48°38'12"E 445.52 FEET; THENCE S64°59'41"E 215.90 FEET; THENCE S74°30'44"E 28.33 FEET TO THE WEST LINE OF PARCEL 1 OF "FINAL PARTITION # 54-93", SAID EASEMENT TO PROVIDE INGRESS AND EGRESS TO THE OWNERS OF SAID PARCEL 1 OF "FINAL PARTITION # 54-93", THEIR HEIRS OR ASSIGNS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dennis A. Ensor

OREGON
JULY 25, 1990
DENNIS A. ENSOR
2442

Dennis A. Ensor
DENNIS A. ENSOR O.L.S. 2442

EXPIRES 12/31/03