

AFTER RECORDING, RETURN TO:

Lesley Edwards  
Resort Resources, Inc.  
P.O. Box 1466  
Bend, OR 97709

Re-record  
\*See paragraph below

AMERITITLE, has recorded this instrument by request as an accommodation 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.

MTC 1396-1320  
**RIGHT-OF-WAY EASEMENT DEED**

Running Y Resort, Inc., an Oregon corporation "Grantor", conveys and warrants to Running Y Ranch Resort Owners Association, an Oregon non profit corporation, "Grantee", a right-of-way easement as shown on the attached "Exhibit A" free of encumbrances except as specifically set forth herein.

This easement is granted on the following terms and conditions:

1. The easement shall be a permanent, perpetual and non-exclusive right to use and maintain a right-of-way for ingress and egress for the benefit of all property within Running Y Ranch Resort.
2. Grantee shall hold Grantor harmless from any liability caused by Grantee's use and maintenance of the right-of-way.
3. Grantor shall not erect any structures on the easement, but may use the surface of the easement provided such use does not interfere with Grantee's use and maintenance of its right-of-way.
4. Grantor warrants and represents that the property subject to this easement is free and clear of all financial liens and encumbrances and that Grantor has the right to grant this easement to Grantee.
5. There is no financial consideration for this easement.

State of Oregon, County of Klamath  
Recorded 12/18/2002 3:01 p. m.  
Vol M02, Pg 73974-76  
Linda Smith, County Clerk  
Fee \$ 15<sup>00</sup> RR # of Pgs 3

Signed this 28<sup>th</sup> day of September, 1999.

40 ✓ This document is being re-recorded to clarify that it is intended to supercede and replace in its entirety that certain Creation of Public Access, Utility and Construction Easement for Running Y Resort-Phase 5, recorded in volume M98, Page 33495 records of Klamath County, Oregon, as that easement incorrectly described the beneficiary of said easement.

GRANTOR:

RUNNING Y RESORT, INC., an Oregon corporation

BY Lauri Miller  
Its Treasurer

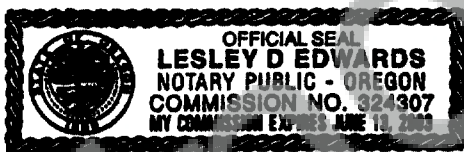
GRANTEE:

RUNNING Y RANCH RESORT OWNERS ASSOCIATION, an Oregon non profit corporation

BY Jerol Andrus  
Its President

STATE OF OREGON )  
 )ss.  
COUNTY OF DESCHUTES)

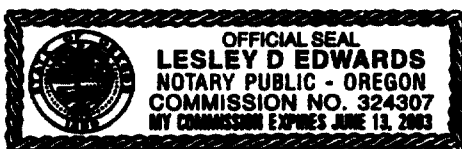
This instrument was acknowledged before me on September 28<sup>th</sup>, 1999 by Lauri Miller assistant Secretary of Running Y Resort, Inc., an Oregon corporation.



Lesley D. Edwards  
Notary Public for Oregon  
My Commission expires: 6/13/2003

STATE OF OREGON )  
 )ss.  
COUNTY OF DESCHUTES)

This instrument was acknowledged before me on September 28<sup>th</sup>, 1999 by Jerol Andrus as President of Running Y Ranch Resort Owners Association, an Oregon non profit corporation.



Lesley D. Edwards  
Notary Public for Oregon  
My Commission expires: 6/13/2003

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38623

EXHIBIT "A"

A TRACT OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 38 SOUTH, RANGE 8 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 483, RUNNING Y RESORT, PHASE 5, AS RECORDED IN THE KLAMATH COUNTY CLERK'S OFFICE, FROM SAID POINT THE NORTHWEST CORNER OF SAID SECTION 10 BEARS NORTH 19°33'10" WEST, 1,448.47 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID PLAT OF RUNNING Y RESORT, PHASE 5, SOUTH 76°08'59" WEST, 141.78 FEET TO A POINT OF NON-TANGENT CURVATURE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COOPERS HAWK DRIVE AS DEFINED ON THE PLAT OF RUNNING Y RESORT, PHASE 3 AS RECORDED IN THE KLAMATH COUNTY CLERK'S OFFICE; THENCE LEAVING SAID NORTH LINE OF RUNNING Y RESORT, PHASE 5, ALONG THE ARC OF A 190.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 48°15'52", AN ARC DISTANCE OF 160.05 FEET (THE LONG OF CHORD OF WHICH BEARS NORTH 52°01'03" EAST, 155.36 FEET TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID SOUTHERLY LINE OF COOPERS HAWK DRIVE, SOUTH 13°51'01" EAST, 63.52 FEET TO THE POINT OF BEGINNING.

State of Oregon, County of Klamath  
Recorded 9/29/99, at 11:21 a.m.  
In Vol. M99 Page 38621  
Linda Smith,  
County Clerk Fee \$ 40<sup>00</sup>