

DEDICATION OF EASEMENT

4-59606

This Dedication of Easement is made on date last signed below by Bradford J. Aspell, John K. Aspell and Michael P. Picard, d.b.a AAP Partners, collectively known as "Grantors" subject to the terms, conditions and covenants which follow:

1. Subject Matter. Grantors are the owners of Parcels 1 and 2 of Land Partition 22-01 according to the official plat on file thereof in the office of the County Clerk of Klamath County Oregon. Grantors herein hereby dedicate a non exclusive easement appurtenant along the Westerly 15 feet of Parcel 2 and of LP 22-01 commencing at the intersection of said common line of Parcel 1 and Parcel 2 of LP 22-01 with Eberlein Avenue, thence commencing generally southward approximately 220 feet more or less for vehicular access and egress to Parcel 1 of LP 22-01.

2. Term of Easement: This easement shall be perpetual to the benefit of Parcel 1 of LP 22-01; provided however that the owners of Parcel 1 of LP 22-01 shall pay one-half of any and all reasonable costs of grading, paving, and installing curbs and gutters or otherwise improving the roadway surface, to the owners of Parcel 2 together with costs of maintaining and repairing the same and one-half the cost of snow and ice removal. Owners of Parcel 2 shall where practical, consult with the owners of Parcel 1 prior to incurring costs or expense, and shall provide owners of Parcel 1 with written statement or other evidence of the expenditures. Payments shall be due within 60 days of submission therefore.

3. Enforcement. In the event it should be necessary for either party to employ the services of an attorney to enforce collection of any sums due, the prevailing party shall be entitled to receive from the other his, her or its reasonable attorneys fees whether suit is instituted or not together with reasonable attorneys fees, costs and disbursements at trial or on appeal.

4. Cancellation of Easement. In the event that payment is not made within the time afforded, owner of Parcel 2 may in addition to collection as authorized above, cause the easement to be terminated and all rights of owner of Parcel 1 to be extinguished by providing not less than 45 days prior written notice that unless payment of costs is made, that the owner of Parcel 2 shall terminate the easement together with all rights of access and egress thereto. In the event it should become necessary for the owner of Parcel 1 to bring suit to remove the easement, clear all encumbrances on the title thereof, the owner may seek an addition any other rights under this agreement his, her or their reasonable attorneys fees, costs and disbursements.

State of Oregon, County of Klamath
Recorded 01/07/2003 3:28 p. m.
Vol M03 Pg 01210-11
Linda Smith, County Clerk
Fee \$ 26 # of Pgs 2

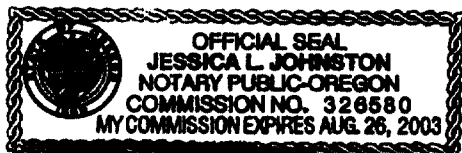
After Recording:
Aspell, Della-Rose Richardson
122 S. 5th St.
Klamath Falls, OR 97601


WITNESS OUR HANDS AND SEAL on the date herein written.

Dated this 3 day of October, 2002.



Bradford L. Aspell

SUBSCRIBED AND SWORN to before me this 3 day of October, 2002.





Notary Public for Oregon

Dated this 8 day of October, 2002.

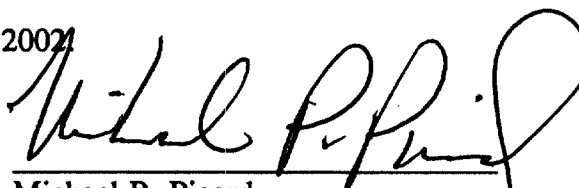

John K. Aspell

SUBSCRIBED AND SWORN to before me this 8 day of October, 2002.

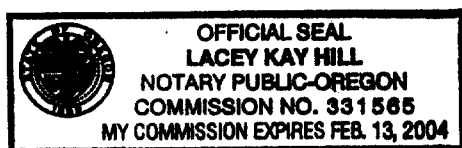




Notary Public for Oregon

Dated this 11 day of Oct, 2002


Michael P. Picard

SUBSCRIBED AND SWORN to before me this 11th day of October, 2002.




Notary Public for Oregon