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## INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 24 day of March, 2003, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and PAVE & SEAL INC., hereinafter called "Owner".

WHEREAS, State by Deed recorded July 27, 1973, in Book M73, Page 9718, Document No. 79454, Klamath County Deed Records, acquired certain property; which Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the Southerly side of the Klamath Falls - Lakeview Highway, opposite Engineer's Station 158+52, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded January 09, 2002, in Book M02, Page 1461, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner has requested that Owner's Reserved Access Rights set out above be terminated, and that access rights be substituted; therefore to and from the Southerly side of said highway opposite Engineer's Station 158+95, in a width of 35 feet, (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request.

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, OWNER does convey unto State, its successors and assigns, Owner's Reserved Access Rights as set forth above, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

RETURN TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

State of Oregon, County of Klamath  
Recorded 03/28/2003 12:50 p.m.  
Vol M03 Pg 19053-54  
Linda Smith, County Clerk  
Fee \$ 36<sup>00</sup> C # of Pgs 2

3/12/03  
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Owner represents and warrants that no one, other than Owner, is using or entitled to use the Reserved Access Rights herein relinquished.

The New Access Rights granted herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

PAVE & SEAL, INC.

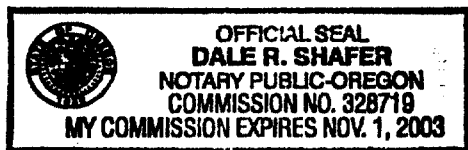
Barry Rigo, president  
Barry Rigo

STATE OF OREGON, by and through its  
DEPARTMENT OF TRANSPORTATION

By Deolinda G. Jones  
Deolinda G. Jones, Right of Way Manager

STATE OF OREGON, County of Marion

Dated March 24, 2003. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Dale R. Shafer  
Notary Public for Oregon

My Commission expires 11/01/2003

STATE OF OREGON, County of Klamath

Dated March 17, 2003. Personally appeared the above named Barry Rigo, who acknowledged the foregoing instrument to be his voluntary act. Before me:

Kimberly A. Buller  
Notary Public for Oregon

My Commission expires 6/15/2010

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