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Vol M03 Page 80315

AFTER RECORDING, RETURN TO:

William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

State of Oregon, County of Klamath
Recorded 10/29/03 2:15 P. m
Vol M03 Pg 80315-22
Linda Smith, County Clerk
Fee \$ 56.00 # of Pgs 8

SUPPLEMENTAL EASEMENT

This Supplemental Easement is made and granted this 20th day of August, 2003 by Southview Properties, L.L.C., which took title to the servient and dominant estates as Southview Properties Development, L.L.C.

RECITAL:

A. By Reciprocal Easement dated September 1, 1992 and recorded in Volume M92 at Page 24107 of the Official Records of Klamath County, Oregon, Richard Geary, et al., then owners of the land described on Exhibits "A" and "B" attached hereto, created a Reciprocal Easement with Danoc Corp., an Oregon corporation, for the common benefit and development of the land described in said Reciprocal Easement. The terms and conditions of said Reciprocal Easement are incorporated herein by this reference.

B. On or about October 4, 2001, Richard Geary, et al., sold the land described on Exhibits "A" and "B" to Southview Properties Development, L.L.C., an Oregon Limited Liability Company. Southview Properties Development, L.L.C. is now known as Southview Properties, L.L.C. As part of the consideration for said sale, Southview Properties Development, L.L.C. granted to Richard Geary, et al., two Trust Deed liens against the real property described on Exhibits "A" and "B." Pursuant to the terms of the Trust Deed liens, during the period subsequent to the date of the sale, Richard Geary, et al., released from said Trust Deed liens the real property described on Exhibit "A."

C. Southview Properties, L.L.C. has commenced the development of the real property described on Exhibit "A," including the establishment of two access roads to the property from Highway 140 West.

D. The said Reciprocal Easement provided in paragraph 1.C. a right of way to Highway 140 over all of the property then owned by Richard Geary, et al.

E. The Trust Deeds granted by Southview Properties Development, L.L.C. to Richard Geary, et al., provided in part that upon the release of land from the liens of said Trust Deeds, there would be reserved to the property remaining subject to the Trust Deed liens adequate access, in accordance with City standards and requirements, to a public road and to public utilities, including Highway 140.

SUPPLEMENTAL EASEMENT

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F. By this Supplemental Easement, Southview Properties Development, L.L.C. intends to document the location of the Highway 140 access and confirm the benefit of said access and also access to public utilities on and across the real property described on Exhibit "A" for the benefit of the real property described on Exhibit "B."

WHEREFORE, Southview Properties Development, L.L.C., now known as Southview Properties, L.L.C., does hereby confirm, grant, and convey to Southview Properties, L.L.C. and to Richard Geary, Susan Geary Boehner, Dorothea Geary Yellott, Alice Geary Kilham, Adolph Suehsdorf, as Trustee of the Suehsdorf Family Trust; Margo Brotherton, as Trustee of the Suzanne Brogan Snyder Trust; and Hannah Reisner Furesz ("Gearys"), in their capacities as Judgment Creditors under the Decree and Judgments of Foreclosure entered in Case No. 0202456 CV of the Circuit Court of the State of Oregon for the County of Klamath, and their successors and assigns, a permanent nonexclusive right-of-way on, over, across, and along the access roads constructed by Southview Properties Development, L.L.C. on the land described on Exhibit "A," which roads are more particularly described on Exhibit "C," to and for the benefit of the real property described on Exhibit "B." Further, Southview Properties Development, L.L.C., now known as Southview Properties, L.L.C., conveys to the Gearys, their successors and assigns, on, across, along, and under said roads described on Exhibit "C" rights-of-way for the provision of public utilities from Highway 140 and to any easements granted to public utilities that intersect the roads described on Exhibit "C" to and for the benefit of the land described on Exhibit "B." Further, Southview Properties Development, L.L.C., now known as Southview Properties, L.L.C., does affirm, grant, and convey to the Gearys, rights-of-way for the provision of public utility services on, across, over, and under the land described on Exhibit "A" for the benefit of the land described on Exhibit "B" in such locations, widths, and lengths as is appropriate, as determined by the respective utility provider for the provision of public utility services to the land described on Exhibit "B." Provided, however, that the lots and parcels of land hereafter platted and conveyed by Southview Properties, L.L.C. to third parties for residential and commercial use shall be deemed released from the provisions of this Supplemental Easement at the time said subdivision plats are finally approved by the appropriate governmental land use agency and filed in the manner required by law. Gearys agree to execute such Quit Claim Deeds or other instruments reasonably necessary to quiet title to any such released lots.

The Grantor acknowledges that it may be many years before the land described on Exhibit "B" is developed for residential and commercial use by Grantor, the Gearys, or their successors and assigns and, therefore, the rights granted herein shall not be lost due to non-use.

The easements and rights-of-way granted hereunder shall run with the land as to all of the property burdened and benefitted by such easements, including any subdivision or partition of such property, and the rights, covenants, and obligations contained in this Supplemental Easement shall bind, burden, and benefit each parties' successors, assigns, lessees, mortgagees, and beneficiaries under Deeds of Trust.

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All terms and conditions of that certain Reciprocal Easement recorded in Volume M92 at Page 24107 of the Microfilm Records of the Clerk of Klamath County, Oregon, which do not conflict with the specific terms of this Supplemental Easement, are incorporated herein.

Dated this 9 day of ~~August~~ ^{September}, 2003.

SOUTHVIEW PROPERTIES DEVELOPMENT, L.L.C.,
now known as SOUTHVIEW PROPERTIES, L.L.C.

By: Gregory P Bessert
Gregory Bessert, Operating Manager

STATE OF OREGON, County of Multnomah ss.

This instrument was acknowledged before me on ~~August~~ ^{*September} 9, 2003 by Gregory Bessert, Operating Manager of Southview Properties Development, L.L.C., now known as Southview Properties, L.L.C.



L Aanderud
Notary Public for Oregon

My Commission Expires: 9/26/07

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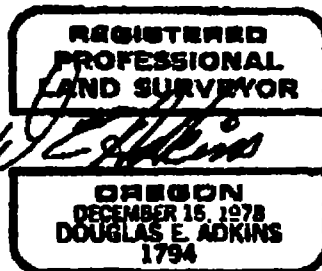
**Description for Parcel I
Southview City Parcel**

A parcel of land situated in the NE¼ and SE¼ of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE¼ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian, and the NW¼ NW¼ of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the north-south centerline of Section 36 from which the NW corner of the SW¼ NE¼ of said section bears North 00°11'27" East 427.59 feet; thence South 89°58'12" East 619.61 feet; thence South 27°18'39" East 3530.91 feet; thence South 62°41'21" West 250.36 feet; thence South 27°18'39" East 1811.20 feet to a point on the south line of the NW¼ NW¼ of Section 6; thence along said south line South 89°28'21" West 199.91 feet to the SW corner thereof; thence along the south line of the NE¼ NE¼ of Section 1 North 89°29'44" West 1330.62 feet to the SW corner of said NE¼ NE¼; thence along the west line of the SE¼ NE¼ of Section 1 South 00°08'44" East 458.90 feet to the northerly right of way line of State Highway 140; thence along said northerly right of way line North 58°12'28" West 194.88 feet; thence leaving said right of way line North 11°59'09" East 364.18 feet to the south line of the NW¼ NE¼ of Section 1; thence along said south line South 89°58'08" West 516.20 feet to the said northerly right of way line of State highway 140; thence along said northerly right of way line North 50°28'23" West 199.25 feet; thence North 59°17'52" West 439.78 feet; thence leaving said northerly right of way line North 36°42'45" West 329.35 feet to the north-south center section line of Section 1; thence along said center section line North 00°04'15" East 722.87 feet to the ¼ corner common to Section 1 and Section 36; thence along the center section line of Section 36 North 00°11'27" East 3508.58 feet to the point of beginning, containing 195.46 acres, more or less, with bearings based on County Survey 6513

2174-01

June 11, 2003



12-31-03

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 CHART **A**
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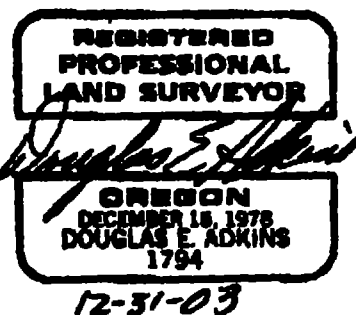
**Description for Parcel III
Southview County Parcel**

A parcel of land situated in the SE¼ NE¼ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at a point on the north line of said SE¼ NE¼ of Section 1 from which the northeast corner thereof bears South 89°29'44" East 217.54 feet; thence South 00°53'17" East 1195.30 feet to the northerly right of way line of State Highway 140; thence along said northerly right of way line on the arc of a spiral curve to the left, the chord of which bears North 56°12'34" West 123.83 feet; thence North 62°19'36" West 88.77 feet; thence North 56°10'42" West 979.84 feet; thence North 56°09'16" West 162.57 feet to the west line of said SE¼ NE¼ of Section 1; thence along said west line North 00°06'44" West 458.90 feet to the northwest corner of said SE¼ NE¼; thence along the north line of said SE¼ NE¼ South 89°29'44" West 1112.98 feet to the point of beginning, containing 21.33 acres, more or less, with bearings based on County Survey 8513.

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ENCLOSURE

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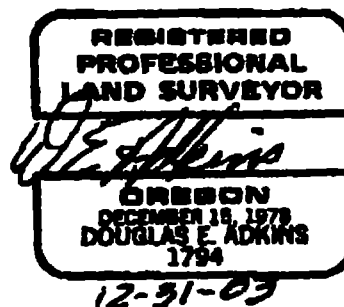
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**Description for Parcel II
Geary City Parcel**

A parcel of land situated in the NE¼ and SE¼ of Section 36, Township 38 South, Range 8 East of the Willamette Meridian, the NE¼ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian, the NW¼ and SW¼ of Section 31, Township 38 South, Range 9 East of the Willamette Meridian, and the NE¼ and NW¼ of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, all in Klamath County, Oregon and being more particularly described as follows:

Beginning at the NW corner of the SW¼ NE¼ of said Section 36, thence along the north line of said SW¼ NE¼ and the north line of the SE¼ NE¼ of said Section 6 South 89°58'12" East 2852.25 feet to the NE corner of said SE¼ NE¼; thence along the north line of the SW¼ NW¼ of said Section 31 South 89°39'40" East 1348.47 feet to the NE corner thereof; thence along the east line of said SW¼ NW¼ South 00°45'44" East 1327.60 feet to the SE corner thereof; thence along the east line of the NW¼ SW¼ and the SW¼ SW¼ of Section 31 South 00°48'19" East 2824.31 feet to the SE corner of said SW¼ SW¼ and the north line of Section 6; thence along said north line North 89°45'19" East 1318.21 feet to the 1/4 Corner of said Section 6; thence continuing along said north line North 89°45'44" East 2832.28 feet to the northeast corner of said Section 6; thence along the east line of the NE¼ NE¼ of said Section 6 South 00°12'57" West 1296.07 feet to the SE corner thereof; thence along the south line of said NE¼ NE¼ and the south line of the NW¼ NE¼ of said Section 6 South 89°26'19" West 2641.44 feet to the SW corner of said NW¼ NE¼; thence along the south line of the NE¼ NW¼ and a portion of the south line of the NW¼ NW¼ of said Section 6 South 89°28'21" West 2510.82 feet; thence leaving said south line North 27°18'39" West 1811.20 feet; thence North 82°41'21" East 250.36 feet; thence North 27°18'39" West 3530.91 feet; thence North 89°58'12" West 619.61 feet to the west line of the SW¼ NE¼ of Section 36; thence North 00°11'27" East 427.59 feet to the point of beginning, containing 409.65 acres, more or less, with bearings based on County Survey 6513

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EXHIBIT *B*
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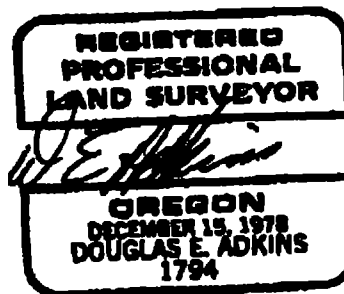
**Description for Parcel IV
Geary County Parcel**

A parcel of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 Township 39 South, Range 8 East of the Willamette Meridian and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Township 39 South Range 9 East of the Willamette Meridian, Klamath County, Oregon and being more particularly described as follows:

Beginning at the northwest corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6; thence along the north line thereof North 89°28'21" East 1385.86 feet to the northeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 00°58'49" West 1331.44 feet to the southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°45'54" West 1356.41 feet to the southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence along the east line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1 South 00°16'58" East 10.53 feet to the northerly right of way line of State Highway 140; thence along said northerly line on the arc of a spiral curve to the left, the chord of which bears North 55°30'17" West 249.57 feet; thence North 00°53'17" West 1195.30 feet to the north line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1; thence along said north line South 89°29'44" West 217.54 feet to the point of beginning, containing 47.91 acres, more or less, with bearings based on County Survey 6513.

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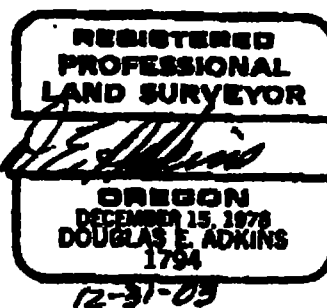
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Description for Geary Access Route

A strip of land 51.00 feet wide situated in the NE¼ NE¼ and the NW¼ NE¼ of Section 1, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being 25.50 feet on each side of the following described centerline:

Beginning at a point on the south line of the NE¼ NE¼ of Section 1 from which the southeast corner thereof bears North 89°29'44" East 145.74 feet; thence North 48°18'53" West 55.14 feet; thence 407.62 along the arc of an 800.00 foot radius curve to the left, the long chord of which bears North 60°54'42" West 403.23 feet and having a delta angle of 29°11'38"; thence North 75°30'30" West 113.68 feet; thence 419.83 feet along the arc of a 498.50 foot radius curve to the right, the long chord of which bears South 51°22'53" East 407.54 feet and having a delta angle of 48°15'15"; thence North 27°15'15" West 373.44 feet; thence South 62°44'45" West 236.00 feet to the northeasterly right of way line of West Ridge Drive; the side lines of said strip to be lengthened or shortened to be continuous and to terminate on said beginning and ending lines.

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EXHIBIT C

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