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Vol M04 Page 07743EASEMENT,
COVENANT AND SERVITUDE

THIS EASEMENT, COVENANT AND SERVITUDE AGREEMENT is made by and between Carmel Schultz ("GRANTOR"), as the owner of the real property located in 1107 Lakeshore County, Oregon, and the State of Oregon ("GRANTEE"); acting by and through the Department of Environmental Quality.

WHEREAS GRANTOR is the owner of the following described real property in Klamath County, Oregon.

Lake Shore Gardens, Lot 51

WHEREAS GRANTOR has applied to the State of Oregon through its Department of Environmental Quality ("State" or "GRANTEE") for a permit to construct an aerobic sewage treatment facility as part of an approved on-site sewage disposal system;

WHEREAS Oregon Administrative Rule 340-71-345(1)(e) requires GRANTOR to execute an easement and covenant in favor of the State as a condition precedent to issuance of a permit authorizing the construction of an aerobic sewage treatment facility as part of an approved on-site sewage disposal facility on the above described real property;

EASEMENT

NOW THEREFORE, in consideration of the issuance of the permit to GRANTOR by the State, and other valuable consideration, receipt of which is hereby acknowledged, GRANTOR hereby conveys exclusive easement in gross in, upon, and through the above real property allowing the State's officers, agents, employees and representatives to enter and inspect, including by excavation, the aerobic sewage treatment facility as part of an approved on-site sewage disposal system.

This easement shall be terminated at such time as use of the aerobic sewage treatment facility and the originally approved on-site sewage disposal system have ceased because an adequate public sanitary sewer system or an alternative on-site sewage system exists and the State has made a subsequent determination that adequate alternative service is available and in use. Once GRANTOR, or his heirs, successors, or assigns has requested termination for the above reasons and the State has made all necessary determinations, the State shall execute a recordable document terminating the easement.

State of Oregon, County of Klamath
Recorded 02/09/2004 2:01 p.m.
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Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

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COVENANT AND SERVITUDE

GRANTOR, on behalf of himself and his heirs, successors and assigns, covenants and agrees for the continuous benefit of the GRANTEE:

1. To properly operate and maintain the aerobic sewage treatment facility as essential to prevent failure of the entire on-site sewage disposal system; and
2. To hold harmless, indemnify and defend the State of Oregon, its officers, representatives, employees and agents for any and all loss and damage caused by installation or operation of the system; and
3. Not to put the land to any conflicting use; and
4. To otherwise fully comply with the provisions of OAR 340-71-345 et seq.

FURTHER, GRANTOR covenants that it shall include these covenants in any conveyance of the property and notify all heirs, successors and assigns of the existence of the aerobic sewage treatment facility and the on-site sewage disposal system.

IN WITNESS WHEREOF, the GRANTOR executed this easement of this day of

Carol Schultz
(date),

(GRANTOR)

STATE OF OREGON)
) ss.
County of KLAMATH)
2-9-04 (date))
)

Personally appeared the above-named CAROL SCHULTZ and acknowledged the foregoing instrument to be their voluntary act.

Before me:

J. K. Lundahl
NOTARY PUBLIC FOR OREGON
My Commission Expires: 3-11-07

