

1st 354605

Mutual Agreement for Ingress and Egress

This grant of Ingress and Egress is entered into by and between ELIZABETH KOLACKI-STOBAUGH and, hereafter referred to as "STOBAUGH" and JERRY FELICIELLO AND MYRNA FELICIELLO, hereafter referred to collectively as "FELICIELLO".

Stobaugh is the owner of real property located in the County of Klamath, State of Oregon and more particularly referenced on Exhibit "A" attached and by this reference incorporated herein.

Feliciello is the owner of real property located in the County of Klamath, State of Oregon and more particularly referenced in Exhibit "B" and by this reference incorporated herein.

The parties own adjacent properties in Klamath County, Oregon. An existing private drive is over and across each parties property for the benefit of the other parties' property. Stobaugh desires the right of ingress and egress over a portion of Feliciello's property. Feliciello desires the right of ingress and egress over a portion of Stobaugh's property.

The private drive has historically been used by both the parties for ingress and egress to their respective properties. The parties desire to memorialize their respective rights of ingress and egress in writing.

Now, therefore, the rights of ingress and egress shall be created for the mutual benefit of each party and shall be binding upon all parties having any rights, title or interest in the real property or any part thereof, including their heirs, personal representative, successors, grantees and assigns and the same shall incur to the benefit of each owner of the above described real property.

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. **Right of Ingress and Egress for the benefit of Stobaugh**

Feliciello grants and conveys to Stobaugh a perpetual non-exclusive right of ingress and egress. This right of ingress and egress is more particularly described in Exhibit "C" attached and by this reference incorporated herein.

2. **Right of Ingress and Egress for the benefit of Feliciello**

Stobaugh grants and conveys to Feliciello a perpetual non-exclusive right of ingress and egress. This right of ingress and egress is more particularly described in Exhibit "D" attached and by this reference incorporated herein.

Exhibit "C"

Right of Ingress and Egress-Stobaugh

Right of Ingress and Egress shall be from Rocky Point Road across the northwest portion of Lot 6300 (Feliciello) via Private Drive for purpose of accessing the Stobaugh residence at 27419 Rocky Point Road.

State of Oregon, County of Klamath
Recorded 03/23/2004 3:22 p m
Vol M04 Pg 16356-61
Linda Smith, County Clerk
Fee \$ 46.00 # of Pgs 16

Mutual Easement Agreement

46F

Exhibit "D"**Right of Ingress and Egress-Feliciello**

Right of Ingress and Egress shall be from lot 6300 (Feliciello) across the southeast portion of Lot 6200 (Stobaugh) via Private Drive for purpose of accessing lot 200 (Feliciello) and the balance of the Feliciello residence at 27431 Rocky Point Road.

Exhibit "E"**Maintenance of Private Drive**


Responsibilities of Stobaugh: All pavement from the southern edge of Rocky Point Road-south approximately 81.5 feet to a point where pavement narrows; all pavement from the eastern boundary of lot 6200 (Stobaugh) to the eastern edge of pavement on lot 6300 (Feliciello).

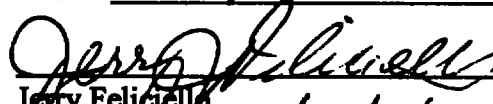
Responsibilities of Feliciello: All other portions of the private drive including the portion on the southeast corner of lot 6200 (Stobaugh).

All claims, disputes or controversies arising out of or connected with this agreement shall be arbitrated pursuant to the provisions of ORS 36.300 through ORS 36.365; ORS 36.400 through ORS 36.425, as may be amended from time to time, and the rules then in effect for the Court Arbitration program in Klamath County, Oregon. The parties agree that all claims, disputes or controversies shall be arbitrated regardless of the amount of money or relief requested. It is the parties' intent that the claim dispute or controversy proceed to arbitration under the supervision of the Klamath County, State of Oregon, judicial system.

The validity of any one or more of the covenants and restrictions or portions thereof, as contained in the Declaration shall not effect the validity of the remaining provisions or portions, which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Declaration of Mutual Easement Agreement on the day and year set forth adjacent to their respective signatures;


Elizabeth Kolacki-Stobaugh
Dated: 3.18.04


Jerry Feliciello
Dated: 3/21/04



Myrna Feliciello
Dated: 3/21/04

EXHIBIT A**LEGAL DESCRIPTION:**

-A tract of land situated in the NE 1/4 NE 1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 3, which said point is also the Northeast corner of the SE 1/4 NE 1/4 of said Section 3; thence West along the one-sixteenth line lying between the NE 1/4 NE 1/4 and the SE 1/4 NE 1/4 of said Section 3 a distance of 200 feet to an iron bolt set in concrete which marks the Northwest corner of the Tract of land conveyed to C. T. Darley by deed recorded in Volume 286 at Page 549, Deed Records of Klamath County, Oregon; thence continuing West along the one-sixteenth line a distance of 75 feet to the true point of beginning of this description; thence continuing West along the one-sixteenth line a distance of 75 feet, more or less, to an iron pin set on concrete which is a corner of the tract of land conveyed to C. T. Darley by Deed recorded in Book 342 at Page 209, Deed Records of Klamath County, Oregon, and which is also the Northeast corner of the tract of land conveyed to John L. Gross, et ux., by Deed recorded in Book M-66 at Page 10168, Deed Records of Klamath County, Oregon; thence North 2°17' East a distance of 148 feet, more or less, to the center line of the County Road known as the West Side Highway or the Rocky Point Road; thence Easterly on the center line of said County Road to a point which is located North 2° 17' East a distance of 150 feet, more or less, from the true point of beginning of this description; thence South 2° 17' West a distance of 150 feet, more or less, to the true point of beginning of this description.

Also, a tract of land more particularly described as follows:

Commencing at the Southeast corner of the NE 1/4 NE 1/4 of said Section 3, which said point is also the Northeast corner of the SE 1/4 NE 1/4 of said Section 3; thence West along the one-sixteenth line lying between the NE 1/4 NE 1/4 and the SE 1/4 NE 1/4 of said Section 3 a distance of 200 feet to an iron bolt set in concrete which marks the Northwest corner of the tract of land conveyed to C. T. Darley by deed recorded in Volume 286 on page 549, Deed Records of Klamath County, Oregon, said iron bolt being the true point of beginning of this description; thence continuing West along the one-sixteenth line a distance of 75 feet; thence North 2° 17' East a distance of 150 feet, more or less, to the center line of the County Road known as the West Side Highway or the Rocky Point Road; thence Easterly on the center line of said County road to the Northwest corner of a tract of land conveyed to C. T. Darley by Deed recorded in Book 342 at Page 209, Deed Records of Klamath County, Oregon; thence South 1°09' West along the West line of said tract of land conveyed to C. T. Darley by said deed recorded in Book 342 at Page 209, Deed Records, a distance of 157 feet, more or less, to the true point of beginning of this description.

*EXHIBIT "B"***LEGAL DESCRIPTION**

The West 100 feet of the East 200 feet of that portion of the SE1/4 NE1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, which lies North of Harriman Creek.

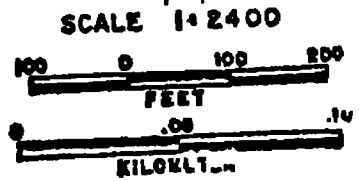
AND

A tract of land situated in that portion of the SE1/4 NE1/4 and the NE1/4 NE1/4 of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, Klamath C County, Oregon, which lies North of Harriman Creek and which is more particularly described as follows, to-wit:

Commencing at the Northeast corner of SE1/4 NE1/4 of said Section 3; thence West along the North line of said SE1/4 NE1/4 of said Section 3, a distance of 100 feet to an iron bolt set in concrete, which iron bolt marks the Northeast corner of the tract of land conveyed to C.T. Darley by deed recorded in Volume 286 at page 549, of Klamath County, Oregon, Deed Records and which marks the true point of beginning. Starting at said true point of beginning, thence Westerly on the North line of said SE1/4 NE1/4 of Section 3 a distance of 100 feet to an iron bolt set in concrete which marks the Northwest corner of said Darley Tract; thence South 1 degree 09' West along the West side of said Darley Tract a distance 241.0 feet, more or less, to an iron pipe set in concrete; thence South 29 degrees 19' West 25.0 feet, more or less, to an iron pipe set in concrete and located on the North bank of Harriman Creek, thence North 81 degrees 45' West 152.6 feet to the center line of a 20 foot width roadway; thence North 10 degrees 57' East on said road center line 76.2 feet; thence South 84 degrees 42' East 10.0 feet to an iron pin set in concrete; thence North 2 degrees 17' West 160.0 feet, more or less, to an iron pipe set in concrete and located on the North line of the SE1/4 NE1/4 of said Section; thence Easterly on said North line a distance 150.0 feet, more or less, to said Northwest corner of said Darley Tract; thence North 1 degree 09' East 157 feet, more or less, to the center line of the Harriman to Rocky Point Road; thence Easterly on the last said road 100 feet, more or less, to a point located 100 feet West of the East boundary of said Section 3; thence Southerly on a straight line to the true point of beginning.

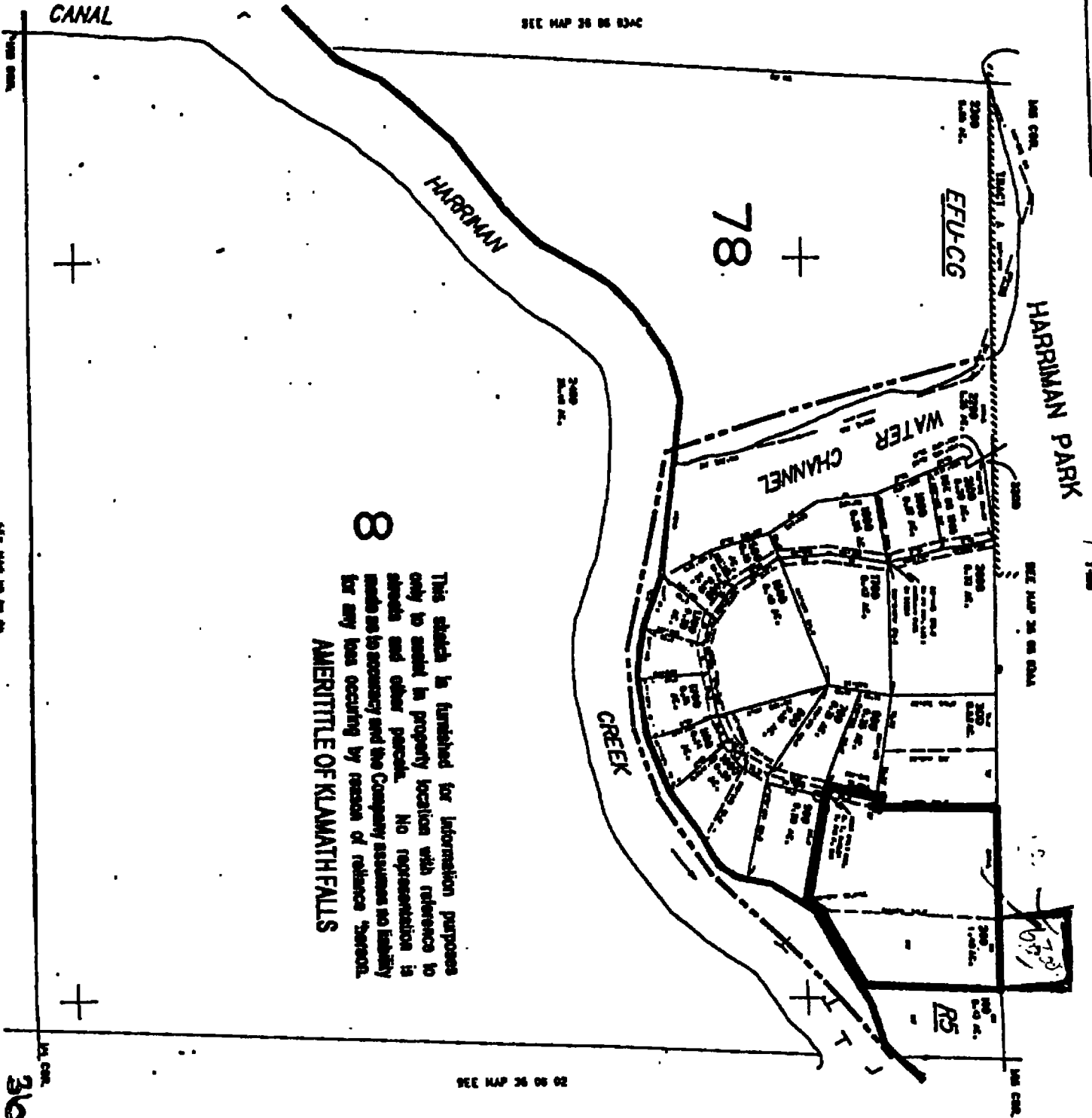
EXCEPTING THEREFROM that portion lying within the State Highway 421, Rocky Point Road right-of-way.

EXHIBIT D



THIS MAP WAS PROVIDED FOR
AMERICAN PURPOSE ONLY.

SE1/4 NE1/4 .E.C. 03 T.36S. R.06E. W.M.
KLAMATH COUNTY



This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the Company assumes no liability for any loss occurring by reason of reliance thereon.

AMERITILE OF KLAMATH FALLS

36060-340

