

DECLARATION OF DRAINAGE EASEMENT

THIS DECLARATION, made by WESGO, a partnership consisting of Melvin L. Stewart and Benjamin J. Menold (hereinafter "Owners"):

RECITALS:

A. Owners are the record owners of the following described real property in Klamath County, State of Oregon, to-wit:

Lots 2, 3 AND 4 of Tract 1357, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

And have the unrestricted right to create the easement hereinafter described relative to said real property.

B. Klamath County, a political subdivision of the State of Oregon is the owner of Lot 1 of Tract 1357.

C. A drainage easement upon Tract 1357 would benefit all of the Lots in Tract 1357.

DECLARATION

Owners declare and grant to Klamath County a perpetual non-exclusive drainage easement 25 feet in width across the property of the Owners, more particularly described as:

Beginning at a point 125 feet West and 12.5 feet North of the Southeast corner of Lot 4 of Tract 1357; thence Easterly along and parallel with the Southerly line of Lot 4 to the East line of Lot 4; thence Northerly along and parallel with the East line of Lot 4 to the USBR Drain.

For the mutual use and benefit of Lots 1, 2, 3 and 4 of Tract 1357.

The terms of this easement are as follows:

1. The future owners of Lots 1, 2, 3 and 4 of Tract 1357, their agents, independent contractors and invitees shall use the easement for drainage purposes only, and in conjunction with such use may construct, reconstruct, maintain and repair the drainage lines and ditches thereon.

2. Owners reserve the right to use, construct, reconstruct and maintain drainage lines and ditches upon the easement and Owners may grant use rights for use by third parties.

1. DECLARATION OF DRAINAGE EASEMENT

State of Oregon, County of Klamath
Recorded 09/03/04 3:47 P m
Vol M04 Pg 59428-29
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

26-
Over the counter to Brandsness, Brandsness, & Rudd, PC

59429


3. Parties, who acquire an interest in Lots 1, 2, 3 and 4 of Tract 1357, agree to indemnify and defend Owners from any loss, claim or liability arising in any manner out of future owners' use of the easement. Future owners assume all risks arising out of their use of the easement and Owners shall have no liability to Grantees or others for any condition existing thereon.

4. This easement is appurtenant and for the benefit of Lots 1, 2, 3 and 4 of Tract 1357 and shall run with the land.

5. This easement shall be perpetual and shall not terminate for periods of non-use by future owners.

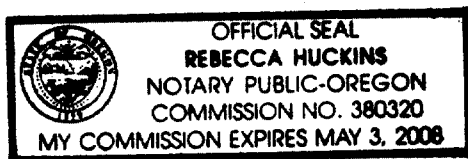
IN WITNESS THEREOF, the Owners have caused this instrument to be executed this ____ day of July, 2004.



Melvin L. Stewart


Benjamin J. Menold

STATE OF OREGON)
County of Klamath) ss. July 17, 2004.

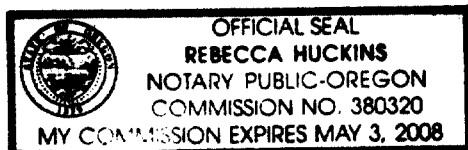
Personally appeared the above-named Melvin L. Stewart, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

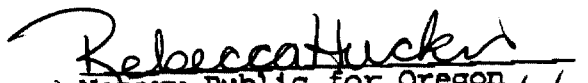



Notary Public for Oregon
My Commission expires: 5/3/08

STATE OF OREGON)
County of Klamath) ss. July 17, 2004.

Personally appeared the above-named Benjamin J. Menold, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:




Notary Public for Oregon
My Commission expires: 5/3/08

2. DECLARATION OF DRAINAGE EASEMENT