

State of Oregon, County of Klamath
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 Linda Smith, County Clerk
 Fee \$ 41.00 # of Pgs 5

AGREEMENT FOR EASEMENT

PARTIES: Darren Brookshire ("Grantor")

AND: Terry B. Norris and Melissa Norris,
 husband and wife; Owen P. Watts;
 George H. Walenciak and Lila
 Walenciak, husband and wife; Betty
 E. Mozingo; Julius Samuel Holmes
 and Nancy Ellen Holmes, husband and
 wife; James R. Childs and Tara T.
 Childs, husband and wife; Eric
 Nelson; Eric L. Nelson and
 Kathleen J. Nelson, husband and
 wife; Grant Fall and Margaret Fall,
 husband and wife,

("Grantees")

RECITALS:

A. Grantor claims a fee interest in a parcel of real property situated in the area known as Shady Pine Tracts in Klamath County, Oregon, more commonly known as Elderberry Lane and more fully described as follows:

Beginning at a point which bears S1°55'W, 598.3 feet from the Northeast corner of the NW¼SE¼ of Section 31, Township 37 South, Range 9 E. W.M. From this point of beginning thence N63°21'W, 1052.2 feet to a point on the East boundary of the Shady Pine Road (formerly The Dalles-California Highway); thence Southerly along said East boundary line a distance of 60.5 feet; thence S63°21'E, 1086.8 feet to a point; thence N1°55'E, 66.1 feet to the point of beginning.

(the "Subservient Estate").

B. Grantees are the owners of various parcels of real property situated in the area known as Shady Pine Tracts in Klamath County, Oregon, described on Exhibit A attached hereto (the "Dominate Estate").

C. Certain owners of real property situated in Shady Pine Tracts claimed that the Subservient Estate was a common law public road and filed suit in the Circuit Court of the State of Oregon for Klamath County entitled Terry B. Norris et. al. v. Darren Brookshire, Case Number 0304438CV.

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RE: Brookshire

D. In order to avoid the cost and uncertainty of litigation the parties to the litigation agreed to settle the matter, wherein Grantor agreed to convey an unrestricted easement to the property owners who abutted the Subservient Estate.

GRANT OF EASEMENT

Grantor conveys to Grantees, their heirs, successors, and assigns, a perpetual non-exclusive easement for unrestricted ingress and egress and for utilities on and across the Subservient Estate upon the following terms and conditions:

1. Grantees, their agents, independent contractors and invitees shall use the easement for roadway and utility purposes and in conjunction with such use may construct, reconstruct, maintain and repair a road thereon. In the event any Grantee installs utilities in the roadway such installation shall be done with the minimum of inconvenience to the other parties to this Agreement the Grantee shall reconstruct and repair the roadway to the condition the roadway was in at the time Grantee's installation of utilities began.

2. Grantees shall not be required to remove any trees, shrubs, fences, landscaping or other improvements that might encroach in the Subservient Estate, except in the event such encroachments prevent the roadway from being improved to road standards of Klamath County, Oregon.

3. Grantors reserve the right to use, construct, reconstruct and maintain the road located upon the easement. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others.

4. Grantor reserves the right to grant use rights for use by third parties and to dedicate the roadway as a public road. Grantees agree to not object to and hereby consent to the dedication of the roadway as a public road and to any other such use rights as may be granted by Grantor to any third parties from time to time.

5. Each party hereto agrees to indemnify and defend all other parties hereto from any loss, claim or liability in any manner out of each party's use of the easement. Each party assumes all risks arising out of their use of the easement and no other party hereto shall have any liability to any other parties arising out of that parties' use of the easement. This section is not intended to limit in any way any party's right(s) to seek repair and/or maintenance contribution or reimbursement as provided by ORS 105.175.

6. This easement is appurtenant and for the benefit of the

2. AGREEMENT FOR EASEMENT

real property owned by Grantees and shall run with the land.

7. This easement is granted subject to all prior easements or encumbrances of record.

DATED this 9th day of December, 2004.

Darren Brookshire
Darren Brookshire

STATE OF OREGON)
) ss.
County of Klamath)

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

Karen A Baker
Notary Public for Oregon
My Commission expires: 9.20.05



EXHIBIT A

Terry B. Norris and Melissa Norris Parcel

A parcel of land lying in Government Lot 3, Section 31, Township 37 South, Range 9 East of the Willamette Meridian, in the County of Klamath State of Oregon, described as follows:

Beginning at the Northeast corner of said Lot 3 and running thence North $89^{\circ}49'$ West on the North line of said lot 508.0 feet; thence South $26^{\circ}39'$ West 316.3 feet; thence South $63^{\circ}21'$ East 705.2 feet to a point on the East line of said lot; thence North $1^{\circ}55'$ East on said East line 598.3 feet to the point of beginning.

Owen P. Watts Parcel

Beginning at the Northeast corner of Lot 3 and running thence North $89^{\circ}49'$ West on the North line of said lot 508.0 feet to the true point of beginning; thence continuing North $89^{\circ}49'$ West on the North line of said lot 167.6 feet; thence South $26^{\circ}39'$ West 241.5 feet; thence South $63^{\circ}21'$ East 150.0 feet; thence North $26^{\circ}39'$ East 316.3 feet to the true point of beginning.

George H. Walenciak and Lila Walenciak Parcel

Beginning at the Northwest corner of Lot 3 and running thence South $89^{\circ}49'$ East on the North line of said lot 432.2 feet to the true point of beginning; thence South $19^{\circ}36'$ West 17.6 feet; thence Southwesterly following the arc of a $9^{\circ}30'$ curve to the right a distance of 123.6 feet; thence South $63^{\circ}21'$ East 197.0 feet; thence North $26^{\circ}39'$ East 241.5 feet; thence North $89^{\circ}49'$ West 225.5 feet to the true point of beginning.

Betty E. Mozingo Parcel

Beginning at the Northwest corner of Lot 3 and running thence South $1^{\circ}5'$ West along the West line of said lot 328.5 feet; thence North $73^{\circ}54'$ East 140.8 feet to a point which is the point of curvature of a 16° curve to the left of Shady Pine Road; thence at right angles on a radial line of said 16° curve a distance of 30.0 feet to a point, which is on the Easterly line of Shady Pine Road; thence following the arc of a $14^{\circ}46'$ curve to the left a distance of 109.1 feet to the true point of beginning; thence continuing along the arc of a $14^{\circ}46'$ curve to the left a distance of 140.0 feet; thence South $63^{\circ}21'$ East 129.7 feet; thence South $26^{\circ}19'$ West 238.1 feet; thence North $32^{\circ}14'$ West 209.5 feet to the true point of beginning.

Julius Samuel Holmes and Nancy Ellen Holmes Parcel

Beginning at the Southeast corner of Lot 3 and running thence North 1°55' East 647.2 feet; thence North 63°21' West a distance of 732.1 feet to the true point of beginning; thence continuing North 63°21' West 225.0 feet; thence South 26°39' West 282.0 feet;

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EXHIBIT A

thence South 63°21' East 225.0 feet; thence North 26°39' East 282.0 feet to the true point of beginning.

James R. Childs and Tara T. Childs Parcel

Beginning at the Southeast corner of Lot 3 and running thence North 1°55' East 647.2 feet; thence North 63°21' West a distance of 582.1 to the true point of beginning; thence continuing North 63°21' West 150.0 feet; thence South 26°39' West 282.0 feet; thence South 63°21' East 150.0 feet; thence North 26°39' East 282.0 feet to the true point of beginning.

Eric Nelson Parcel

Beginning at the Southeast corner of Lot 3 and running thence North 1°55' East 647.2 feet; thence North 63°21' West a distance of 507.1 to the true point of beginning; thence continuing North 63°21' West 75.0 feet; thence South 26°39' West 282.0 feet; thence South 63°21' East 75.0 feet; thence North 26°39' East 282.0 feet to the true point of beginning.

Eric L. Nelson and Kathleen J. Nelson Parcel

Beginning at the Southeast corner of Lot 3 and running thence North 1°55' East 647.2 feet; thence North 63°21' West a distance of 216.1 to the true point of beginning; thence continuing North 63°21' West 291.0 feet; thence South 26°39' West 150.0 feet; thence South 63°21' East 291.0 feet; thence North 26°39' (27°55') East 150.0 feet to the true point of beginning.

Grant Fall and Margaret Fall Parcel

Parcel 1 of Land Partition 30-99 filed in the office of the County Clerk of Klamath County, Oregon