

Vol M05 Page 00548

INDENTURE OF ACCESS

05 JAN 4 AM 10:13

THIS INDENTURE, made and executed this 29th day of Dec., 2004, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and KENNETH J. STEWARD, GINA R. STEWARD, CHARLES R. LYNDE AND TONI M. LYNDE, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded February 9, 1953, in Book 259, Page 169, 82542, Klamath County Deed Records, acquired certain property; which Warranty Deed, in part, reserved access rights, for the service of the grantor's remaining property, to and from the East side of the The Dalles-California Highway, opposite Engineer's Station 1099+70, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded May 8, 2003, in Book MD3, Page 30678, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

WHEREAS, Owner has requested that Owner's Reserved Access Rights set out above be terminated, and that access rights be substituted; therefore to and from the East side of said highway opposite Engineer's Station 1098+80, in a width of 24 feet, (New Access Rights); and

WHEREAS, State is agreeable to the granting of Owner's request.

RETURN TO
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

State of Oregon, County of Klamath
Recorded 01/04/2005 10:13 a m
Vol M05 Pg 00548-551
Linda Smith, County Clerk
Fee \$ 36⁰⁰ # of Pgs 4

11/5/04

Page 1 of 3 - IA

cew

36 C 0105-700

NOW THEREFORE, THIS INDENTURE WITNESSETH, that for and in consideration of the grant herein made by State, OWNER does convey unto State, its successors and assigns, Owner's Reserved Access Rights as set forth above, and STATE, in consideration of the relinquishment and warranties herein made, does grant New Access Rights as set forth above unto Owner and Owner's heirs, successors and assigns.

The other remaining provisions in the above-mentioned Warranty Deed to State shall remain in full force and effect, and the access rights herein granted shall be subject to all the provisions of said Warranty Deed, as fully as if set forth herein.

Owner represents and warrants that no one, other than Owner, is using or entitled to use the Reserved Access Rights herein relinquished.

The New Access Rights granted herein are subject to, and may only be exercised in accordance with, the statutes and administrative rules applicable to access control and road approaches. Such access is contingent upon issuance of an approach road permit, and no access rights may be exercised or construction of an approach road begun unless, and until, a standard Approach Road Permit application is submitted and a permit issued by the Oregon Department of Transportation. The approach road may only be constructed or maintained upon issuance of such permit and in accordance with such permit. If the State constructs the approach road during a highway project, Grantor is required to sign a standard Approach Road Permit to ensure proper operation and maintenance of the approach road.

In construing this document, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this document shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and year first written above.

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By *Kenneth J. Steward*
For Deolinda G. Jones, Right of Way Manager

Kenneth J. Steward
Kenneth J. Steward

Gina R. Steward
Gina R. Steward

Charles R. Lynde
Charles R. Lynde

Toni M. Lynde
Toni M. Lynde

STATE OF OREGON, County of Marion

Dated December 28, 2004. Personally appeared Richard R. Dunlap
he is the ^{acting} Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to ^{him} her. Before me:

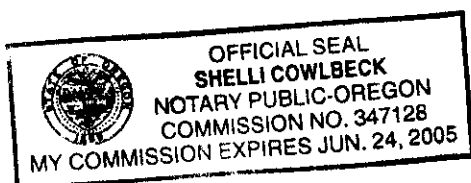


Dale R. Shafer
Notary Public for Oregon

My Commission expires 11/01/2007

STATE OF OREGON, County of Deschutes

Dated 12-16, 2004. Personally appeared the above named Kenneth J. Steward, who acknowledged the foregoing instrument to be his voluntary act. Before me:

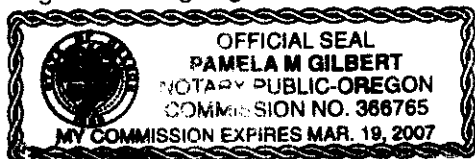


Shelli Cowlbeck
Notary Public for Oregon

My Commission expires 6-24-05

STATE OF OREGON, County of Deschutes

Dated 11/16, 2004. Personally appeared the above named Gina R. Steward, who acknowledged the foregoing instrument to be her voluntary act. Before me:

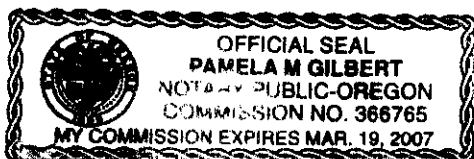


Pamela M. Gilbert
Notary Public for Oregon

My Commission expires MAR 19 2007

STATE OF OREGON, County of _____

Dated 12/16, 2004. Personally appeared the above named Charles R. Lynde, who acknowledged the foregoing instrument to be his voluntary act. Before me:

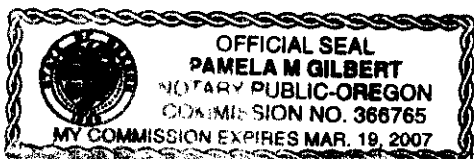


Pamela M. Gilbert
Notary Public for Oregon

My Commission expires MAR 19 2007

STATE OF OREGON, County of _____

Dated 12/16, 2004. Personally appeared the above named Toni M. Lynde, who acknowledged the foregoing instrument to be her voluntary act. Before me:



Pamela M. Gilbert
Notary Public for Oregon

My Commission expires MAR 19 2007