

2006-015462
Klamath County, Oregon



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08/01/2006 10:41:34 AM

Fee: \$31.00

File 40024
Drawing 8B-36-5

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 25th day of July, 2006, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and JELD-WEN, INC., AN OREGON CORPORATION, RUNNING Y, INC., AN OREGON CORPORATION, AND RUNNING Y RESORT, INC., AN OREGON CORPORATION, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded September 12, 1967, in Volume M-67, Page 7067, 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 Lake of The Woods Highway, opposite Engineer's Station~~ 220+50, 323+00 and 295+00, (Reserved Access Rights); and

WHEREAS, Owner, by deed recorded April 8, 1994, in Volume M94, Page 10525; by Deed recorded December 30, 1988, in Volume M88, page 22240; and by deed recorded April 14, 2006, in M06-07365, 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 335+42, in a width of 105 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

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

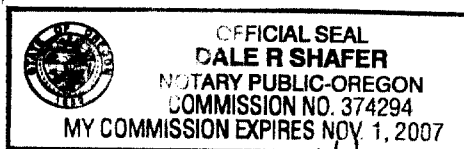
By Deolinda G. Jones
Deolinda G. Jones, State Right of Way Manager

RUNNING Y RESORT, INC., AN OREGON
CORPORATION

By Todd C. Andres
Todd Andres, General Manager

STATE OF OREGON, County of Marion

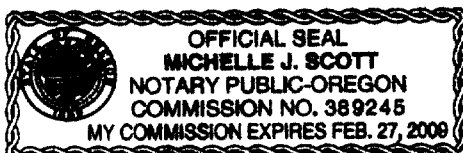
Dated July 25, 20 06. Personally appeared Deolinda G. Jones, who being sworn, stated that she is the State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to her. Before me:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2006

STATE OF OREGON, County of Klamath

Dated 7-14, 20 06. Personally appeared Todd C. Andres and _____, who, being sworn, stated he is the General Manager of **RUNNING Y RESORT, INC., AN OREGON CORPORATION**, and that this instrument was voluntarily signed on behalf of the corporation by authority of its Board of Directors. Before me:



Michelle J. Scott
Notary Public for Oregon
My Commission expires 2-27-09