

MTC79083-KR

After recording return to:

Paul J. Taylor
 Bryant Lovlien & Jarvis, P.C.
 PO Box 1151
 Bend, OR 97709



06/14/2007 03:32:40 PM

Fee: \$46.00

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT is made and entered into effective May 16, 2007, by and between Doris Ribble, as Trustee of the Doris Ribble Trust, u/a/d July 21, 2004 ("Ribble"), and Pamela Hayden ("Hayden").

RECITALS

- A. Ribble and Hayden are the owners of adjoining real property located in Klamath County, near Chiloquin, Oregon. Their respective properties are depicted on Exhibit A attached. The legal descriptions of the properties are attached hereto as Exhibit B (Ribble's property) and Exhibit C (Hayden's property).
- B. To provide for the access of each party to their respective properties, the sixty (60) foot Joint Access Easement (the "Easement") described on Exhibit A has been dedicated over Hayden's property adjoining Ribble's property.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and conditions set forth herein, the parties hereby agree as follows:

Section 1

Hayden hereby grants and conveys to Ribble a perpetual easement, for the purpose of ingress and egress to the Ribble property, in and to the Easement. The Easement is a 60-foot wide strip located on Hayden's property, immediately adjacent to the Northern boundary, and approximately 1,311 feet long. It is non-exclusive, non-priority, and is for the purpose of vehicular ingress and egress by Ribble and Hayden in common and by their invitees.

Section 2

Ribble's use of the Easement shall primarily be for access to Ribbles' property via a driveway located approximately 200 feet from the Eastern End of the Easement. Ribble shall have the right to access the Easement at other locations along the Northern boundary of Hayden's property, including the existing access located approximately at the Western end of the Easement. The primary access to the Easement from Ribble's property is by means of a driveway constructed by Ribble in 2006 to reduce the impact of Ribble's use on the commercial

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invitees of Hayden's hotel business. Any secondary access to the Easement from the Ribble property, whether now existing or hereafter created, will be gated. Ribble shall use the secondary access points for emergency ingress and egress, and occasional access for the purpose of maintaining Ribble's property and any improvements or personal property located thereon.

Section 3

Hayden shall take no action to alter the access point from US HWY 97 to the Easement. In the event that said US HWY 97 access point is moved by government authorities, Hayden agrees that the Easement shall be moved to a location that will reasonably allow Ribble access to the Easement and Ribble's property.

Section 4

The Easement is appurtenant to and runs with the land, for the benefit and use of Hayden's and Ribble's property. It encumbers and runs with Hayden's property. This Easement shall be binding upon the original owner of each property, and upon their heirs, successors and assigns.

Section 5

The parties shall maintain the Easement in accordance with the Road Maintenance Agreement of even date herewith between the parties. The parties will allocate the expense of such maintenance as provided in the Road Maintenance Agreement. If there is an assessment for any purpose from any public authority, the parties will allocate the charge of such assessment attributable to the Easement, in the same manner as provided in the Road Maintenance Agreement.

Section 6

Ribble, its successors and assigns, agrees to indemnify and defend Hayden, its successors and assigns, from any and all losses, suits, damages, claims, demands, costs and expenses of any nature arising out of or related to the use of the Easement by Ribble (including the use by its invitees).

Section 7

Hayden, its successors and assigns, agrees to indemnify and defend Ribble, its successors and assigns, from any and all losses, suits, damages, claims, demands, costs and expenses of any nature arising out of or related to the use of the Easement by Hayden (including the use by its invitees).

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Section 8

This is the entire agreement of the parties with respect to the subject matter herein.

EXECUTED effective the day and year first written above.

Doris Ribble Trust u/a/d July 21, 2004

Pamela Hayden

By: *Doris L. Ribble*
Doris Ribble, Trustee

Pamela Hayden
Pamela Hayden

STATE OF OREGON, County of Deschutes ss.

This instrument was acknowledged before me on June 7, 2007, by Doris Ribble as Trustee of the Doris Ribble Trust u/a/d July 21, 2004.



Laura Toftdahl
Notary Public for Oregon
My Commission expires: 6/25/2010

STATE OF OREGON, County of Deschutes ss.

This instrument was acknowledged before me on May 16, 2007, by Pamela Hayden.

Sharon L. Brown
Notary Public for Oregon
My Commission expires: 2-13-11

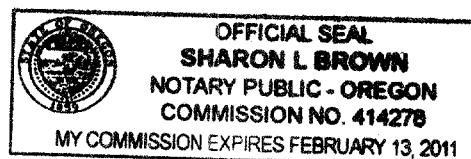


EXHIBIT A

Easement Description

The North 60 feet of the East 1311 feet of a tract of land situated in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, which tract of land is more particularly described as follows:

Beginning at a point on the South line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 4, said point being Westerly a distance of 661 feet from the East quarter corner of said Section 4, as marked by an iron axle (as per recorded Survey No. 207); thence Northerly, (North by Deed Volume M-67, Page 6000, as recorded in the Klamath County Deed Records) at right angles to said South line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ 300 feet; thence Westerly (West by said Deed Volume M-67, Page 6000) parallel to said South line of the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ to the thread of Spring Creek (135 feet, more or less, to the waters edge by said Deed Volume M-67, Page 6000; thence Northwesterly along the thread of said Spring Creek, to a point that bears South 36° West from a $\frac{5}{8}$ inch iron pin on the Northeasterly bank of said Spring Creek, said iron pin bears North $60^{\circ} 27' 09''$ West a distance of 1651.55 feet from the said quarter corner; thence North 36° East to said $\frac{5}{8}$ inch iron pin; thence North $67^{\circ} 28' 51''$ East 506.97 feet to a $\frac{5}{8}$ inch iron pin; thence along the arc of a curve to the right (radius point bears South $27^{\circ} 19' 58''$ East 994.45 feet and central angle = $10^{\circ} 17' 37''$) 178.66; thence North $72^{\circ} 59' 12''$ East 30.29 feet; thence along a compound curve to the right (radius = 1103.04 feet and central angle = $12^{\circ} 30' 49''$) 240.91 feet to a $\frac{5}{8}$ inch iron pin; thence continuing along the arc of said curve (radius point bears South $04^{\circ} 29' 59''$ East 3002.00 feet and central angle = $05^{\circ} 25' 28''$) 284.22 feet; thence South $89^{\circ} 04' 31''$ East 262.23 feet to the East line of the said NE $\frac{1}{4}$ as established by said Survey No. 207; thence South $00^{\circ} 24' 23''$ West, along said East line 295.40 feet, more or less, to the Westerly right of way line of U.S. Highway 97 (Dalles-California Highway); thence Southwesterly along said Westerly right of way line to the South line of the NE $\frac{1}{4}$ of said Section 4; thence Westerly to the point of beginning.

EXHIBIT B

Ribble's Property

PARCEL 1:

Beginning at the Northwest corner of Section 3, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, as established by the Bureau of Land Management in a Dependent Resurvey in 1959, said corner being a 2 ½ inch iron post with a brass cap; thence South 89° 53' East, 452.10 feet to a point of on the North line of Section 3; thence South 13.20 feet to an unrecorded monumentation, being an axle firmly set in a mound of stones; thence South 0° 25' 45'' West 2654.26 feet to unrecorded monumentation; thence South 87° 09' 38'' West, 145.34 feet to a record corner established in CS #2459, filed July 1977; thence North 5° 16' 36'' West, 2685.80 feet to the point of beginning.

EXCEPTING that portion conveyed to the State of Oregon for Highway 97.

ALSO EXCEPTING the portion conveyed from Spring Creek Ranch Motel, LTD, to Pamela Hayden in Deed Volume M01 at Page 6869, Microfilm Records of Klamath County, Oregon.

PARCEL 2:

The NE ¼ of the SW ¼ of the NE ¼ of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 3:

Government Lots and 1 and 2 of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, lying Easterly of the thread of Spring Creek, Klamath County, Oregon.

PARCEL 4:

The SE ¼ of the NE ¼ of Section 4, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Northeasterly of the thread of Spring Creek.

EXCEPTING that portion conveyed from Oliver S. Pitts to Marvin A. Albee, et al., in Deed Volume 210, Page 89, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING that portion conveyed from O.S. Pitts, et al., to the State of Oregon in Deed Volume 199, Page 355, Deed Records of Klamath County, Oregon.

ALSO EXCEPTING the portion conveyed from Spring Creek Ranch Motel, LTD, to Pamela Hayden in Deed Volume M01 at Page 6869, Microfilm Records of Klamath County, Oregon.

EXHIBIT C

Hayden's Property

Beginning at a point on the South line of the S 1/2 of the NE 1/4 of said Section 4, said point being Westerly a distance of 661 feet from the East quarter corner of said Section 4, as marked by an iron axle (as per recorded Survey No. 207); thence Northerly, (North by Deed Volume M-67, Page 6000, as recorded in the Klamath County Deed Records) at right angles to said South line of the S 1/2 of the NE 1/4 300 feet; thence Westerly (West by said Deed Volume M-67, Page 6000) parallel to said South line of the S 1/2 of the NE 1/4 to the thread of Spring Creek (135 feet, more or less, to the waters edge by said Deed Volume M-67, Page 6000; thence Northwesterly along the thread of said Spring Creek, to a point that bears South 36° West from a 5/8 inch iron pin on the Northeasterly bank of said Spring Creek, said iron pin bears North 60° 27' 09" West a distance of 1651.55 feet from the said quarter corner; thence North 36° East to said 5/8 inch iron pin; thence North 67° 28' 51" East 506.97 feet to a 5/8 inch iron pin; thence along the arc of a curve to the right (radius point bears South 27° 19' 58" East 994.45 feet and central angle = 10° 17' 37") 178.66; thence North 72° 59' 12" East 30.29 feet; thence along a compound curve to the right (radius = 1103.04 feet and central angle = 12° 30' 49") 240.91 feet to a 5/8 inch iron pin; thence continuing along the arc of said curve (radius point bears South 04° 29' 59" East 3002.00 feet and central angle = 05° 25' 28") 284.22 feet; thence South 89° 04' 31" East 262.23 feet to the East line of the said NE 1/4 as established by said Survey No. 207; thence South 00° 24' 23" West, along said East line 295.40 feet, more or less, to the Westerly right of way line of U.S. Highway 97 (Dalles-California Highway); thence Southwesterly along said Westerly right of way line to the South line of the NE 1/4 of said Section 4; thence Westerly to the point of beginning.