



06/20/2007 11:44:53 AM

Fee: \$46.00

Returned @ Counter

After recording, return to:
Justin E. Throne
280 Main Street
Klamath Falls, OR 97601

GRANT OF EASEMENT

In consideration of \$1.00 and other valuable consideration, the receipt of which is hereby acknowledged, Quentin L. Breen, Trustee of the Train Mountain Foundation, an Oregon charitable trust, and Train Mountain Railroad Museum, an Oregon non-profit public benefit corporation (herein together, "Grantor"), grants to Timberlake, LLC, an Oregon limited liability company ("Grantee"), its heirs, successors, and assigns, an easement according to the following terms and conditions:

1. The easement is for construction of 7-1/2" gauge model railroad track and for ingress, transit, and egress to operate 7-1/2" gauge miniature railroad equipment and to walk along the track or an area five feet (5') on either side of the centerline of said track for a total of ten feet (10') of width for a single track line, and which shall connect certain parcels of real property owned by Grantee as shown on Exhibits A, B, and C.

2. The property to be burdened by, and appurtenant to, this easement is a portion of the Grantor's land, which is legally described as:

A portion of Train Mountain Parcel #1 shown on Exhibit A, B, and C, and described as a tract of land comprised of Government Lots 9, 10, 15, 16, 17, 18, 23, and 24, situated in Section 5, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon; and

If the Lot Line Adjustment fails to be made, then a portion of Train Mountain Parcel #4 shown on Exhibit A, B, and C, and described as the southwestern corner of the parcel described as the East 1/2 of Government Lots 14 and 15; the West 1/2 of Government Lots 16 and 22; and all of the Government Lots 23, 24, 25, and that portion of Government Lots 32 and 35; all situated in Section 4, Township 35 South, Range 7 East of the Willamette Meridian.

Further, the portion of the Grantor's land burdened by the easement begins as a strip of land twenty feet (20') wide. This strip initially runs west from the Western boundary of the parcel's northern extension created by the lot line adjustment agreement west between 30' and 50' north of the southern boundary of Grantor's land as shown on Exhibit B. If the Lot Line adjustment fails to be made it starts between 30' and 50' east of the NW corner of Grantee's East land, runs north 30' crossing the road with a grade crossing sufficient for a 26' wide road, then runs west between 30' and 50' north of the southern boundary of Grantor's land crossing the road with a grade crossing sufficient for a 26' wide road as shown on Exhibit C. It runs west until it reaches the existing road and crosses the existing road to the Southwest with a grade crossing sufficient for a 26' wide

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road. After that the 20' wide strip runs along the southern boundary of Grantor's land to a point 25' West of the Northeast corner of Grantee's West Parcel #13.

3. The property to be benefited by, and appurtenant to, this easement shall be referred to here separately as "Grantee's West Parcels" and "Grantee's East Parcels," and are legally described as follows:

Grantee's West Parcels:

Timberlake Parcel #13 shown on Exhibit A and described as situated in Government Lot 26, in Section 5, Township 35 South, Range 7 East of the Willamette Meridian, excepting the Northwest corner, more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 26; thence East 834.8 feet; thence South, parallel to the West line of said lot 208.7 feet; thence West parallel to the North line of said lot 834.8 feet, to a point on the West line of said lot; thence North on said West line 208.7 feet, to the point of beginning; and

Timberlake Parcel #14 shown on Exhibit A and described as situated in the Northwest corner of Government Lot 26, in Section 5, Township 35 South, Range 7 East of the Willamette Meridian, more particularly described as follows:

BEGINNING at the Northwest corner of said Government Lot 26; thence East 834.8 feet; thence South, parallel to the West line of said lot 208.7 feet; thence West parallel to the North line of said lot 834.8 feet, to a point on the West line of said lot; thence North on said West line 208.7 feet, to the point of beginning.

Grantee's East Parcels:

Timberlake Parcel #5 shown on Exhibit A and described as Government Lots 33 and 34, Section 4, Township 35 South, Range 7 East of the Willamette Meridian subject to lot line changes in accompanying agreement; and

Timberlake Parcel #6 shown on Exhibit A and described as situated in Government Lots 3 and 4, Section 9, Township 35 South, Range 7 East of the Willamette Meridian, being more particularly described as follows: Beginning at the intersection of the North line of said Lot 3 and the Northerly line of Highway 422; thence North $89^{\circ} 05' 29''$ West, 48.76 feet to the Northwest corner of said Lot 3; thence North $89^{\circ} 02' 23''$ West on the North line of said Lot 4, 497.50 feet; thence South $09^{\circ} 24' 00''$ East, 317.74 feet to the Northerly line of Highway 422; thence Northeasterly on said Northerly line, 584.70 feet, more or less, to the point of beginning.

4. As part of this easement, Grantor grants to Grantee limited access along an already constructed road that runs in the vicinity and direction of the easement for the purpose of construction and maintenance of said easement.

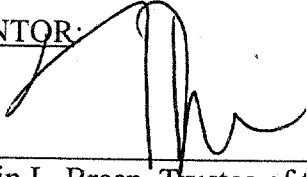
5. The trackage shall be built to "Train Mountain" standards in effect at the date of construction.

6. The track shall be built at Grantee's expense.

7. Any and all grade crossings shall be built to "Train Mountain" standards in effect at the date of construction, shall be in a location approved by Grantor, and shall allow for a road that is twenty-six feet (26') in width.

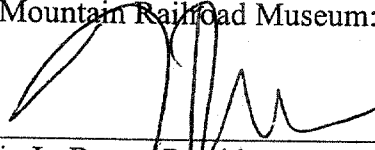
DATED this 19th day of June, 2007.

GRANTOR:



Quentin L. Breen, Trustee of the Train Mountain Foundation

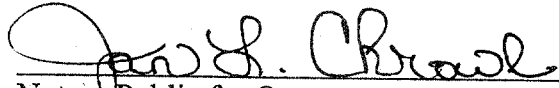
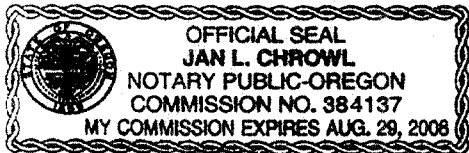
Train Mountain Railroad Museum:



Quentin L. Breen, President

STATE OF OREGON)
) ss.
County of Klamath)

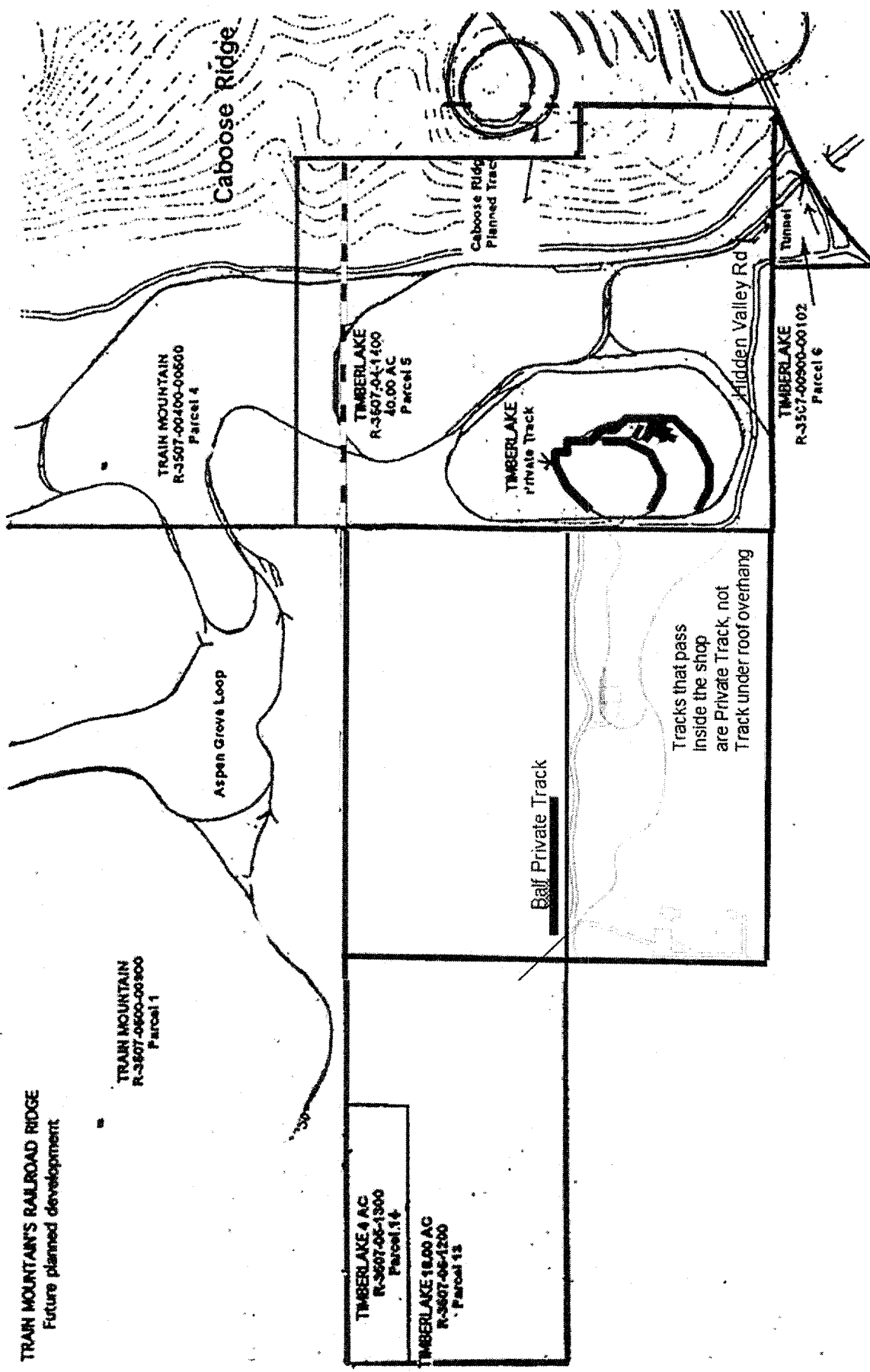
SUBSCRIBED AND SWORN TO before me this 19 day of June, 2007, by Quentin L. Breen, who personally appeared.



Notary Public for Oregon

My commission expires: 8-29-08

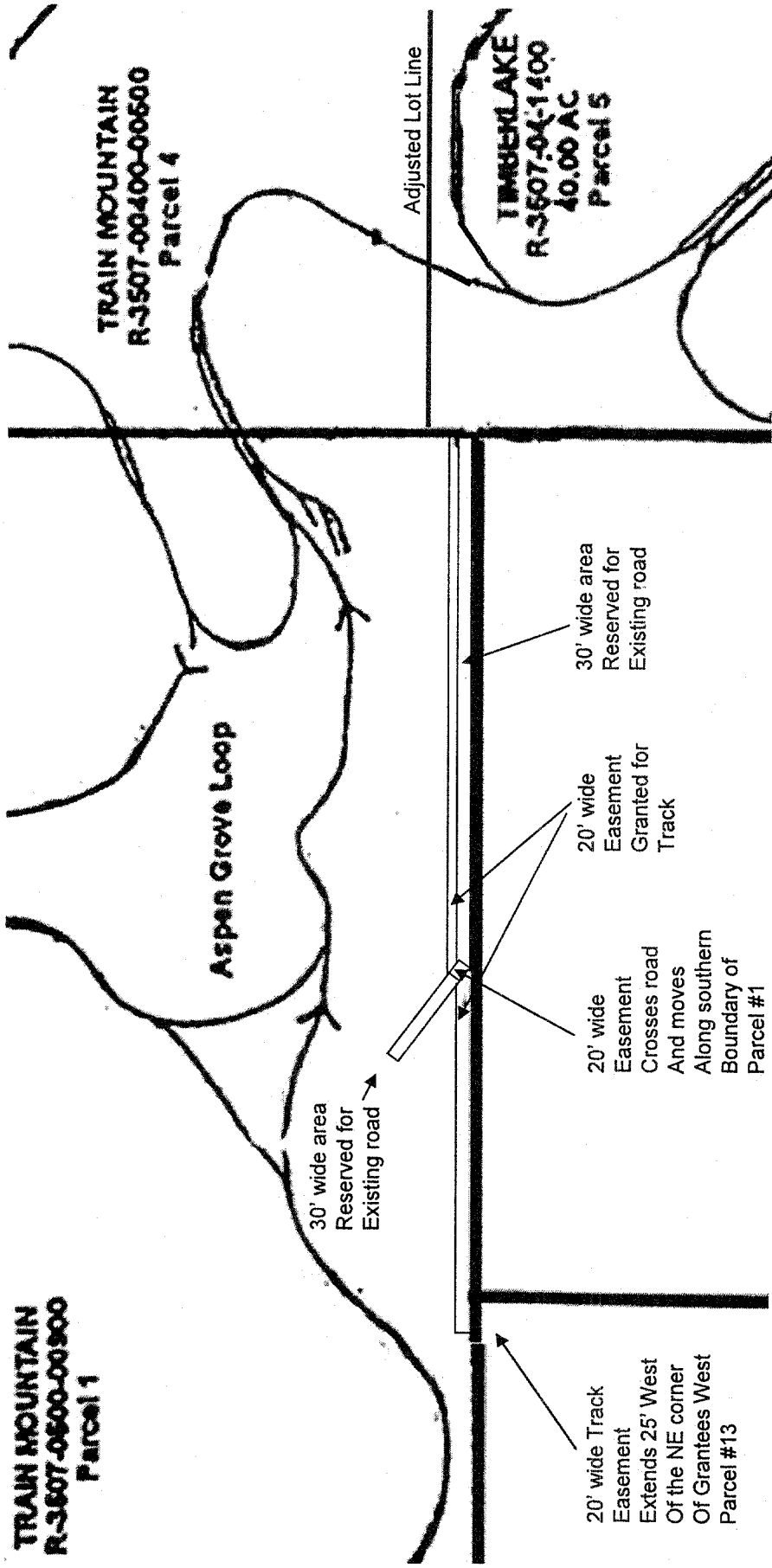
Exhibit A



ZB

Grant of Easement -- Exhibit B

Assuming Lot Line Adjustment occurs



B

Grant of Easement -- Exhibit C

Assuming NO Lot Line Adjustment occurs

