

2009-008986

Klamath County, Oregon



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06/30/2009 02:44:07 PM

Fee: \$36.00

RETURN TO:  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, OR 97601

**EASEMENT**

THIS AGREEMENT, made and entered into this 24<sup>th</sup> day of June, 2009, by SYLVIA KaKELDAY, hereinafter Grantor:

W I T N E S S E T H

WHEREAS, Grantor is the record owner of real property in Klamath County, State of Oregon, described in the attached Exhibit "A" and has the unrestricted right to grant the easement hereinafter described relative to said real property.

Grantor conveys, only to the extent of her respective interest, for the benefit of the real property described in Exhibit "B" a perpetual non-exclusive easement across the property of the Grantor, more particularly described in the attached Exhibit "A" subject to the terms stated hereafter.

The terms of this easement are as follows:

1. The use of the easement shall be limited to residential road purposes only, for access to the property described in Exhibit "B" and in conjunction with such use may construct, reconstruct, maintain and repair the road thereon.

2. Grantor reserves the right to use, construct, reconstruct and maintain the road located upon the easement and Grantor may grant use rights for use by third parties. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others, however, in case of conflict, Grantor's rights of use shall be dominant.

3. Grantee, as owner of the benefited real property, and users shall indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of Grantee's use of the easement. Grantee and Grantee's guests, invitees and assigns, assumes all risks arising out of their use of the easement and Grantor shall have no liability to Grantee or others for any condition existing thereon.

5. This easement is appurtenant and for the benefit of the real property described in the attached Exhibit "B."

6. Except as otherwise set forth herein, the use, maintenance, and ownership of the easement shall be pursuant to law, including but not limited to ORS 105.170 to 105.185 pertaining to maintenance of the easement.

7. This easement shall be perpetual and shall not terminate for periods of non-use by Grantee. Said easement may be terminated upon written agreement by Grantor and Grantee, their heirs, successors and assigns.

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

IN WITNESS THEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

Sylvia A. KaKelday  
Sylvia KaKelday

STATE OF Oregon                    )  
  ) ss.  
County of Multnomah            )

Personally appeared before me this 24<sup>th</sup> day of June, 2009 the above-named Sylvia KaKelday and acknowledged the foregoing instrument to be her voluntary act and deed.

Becky Young  
Notary Public for Oregon  
My Commission expires: 8/10/2012

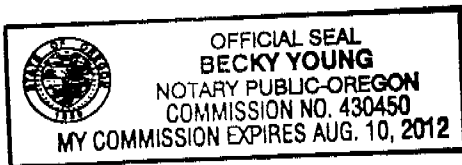


EXHIBIT "A"  
(KaKelday)

The West 30 feet of the NE 1/4 of Section 7, Township 35 South, Range 7 East of the Willamette Meridian, tax #3507-007A0-01300, legally described as: Township 35, South of Range 7 East of Willamette Meridian, in Section 7, all that portion of the NE 1/4 of said Section 7, described as follows:

Beginning at a point which is 626.1 feet north of the southwest corner of the NE 1/4 of Section 7; thence north along the quarter section line a distance of 406.4 feet; thence east 214.4 feet; thence south and parallel to the quarter section line 406.4 feet; thence west 214.4 feet to the point of beginning.

EXHIBIT "B"

Parcel 1: Government Lots 10, 11, 14, 15, 16 and 17 in the NE 1/4 SW 1/4 Section 7, Township 35 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: Government Lot 8 in the NE 1/4 SW 1/4 Section 7, Township 35 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon, excepting that portion of Lot 8 described in the deed recorded in Klamath County Deed Records, Volume M97, Page 23264,

Parcel 3: Government Lot 9 in the NE 1/4 SW 1/4 Section 7, Township 35 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon, lying East of State Highway No. 427G, excepting the northerly 382.14 feet.

Parcel 4: A tract of land situated in Lot 4, Section 7, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the SE corner of said Lot 4; thence North along the East line of said lot, 606.5 feet; thence West 319.10 feet; thence South parallel to the East line of said lot, 606.5 feet to the South line of said lot; thence East along said sideline 319.10 feet to the point of beginning.