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07/09/2009 08:33:49 AM

Fee: \$41.00

INDENTURE OF ACCESS

THIS INDENTURE, made and executed this 2nd day of July, 2009, by and between the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and ADAM R. KLEIST, hereinafter called "Owner".

WHEREAS, State by Warranty Deed recorded May 6, 1953, in Volume 260, Page 484, 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 West side of the The Dalles-California Highway, opposite Engineer's Station 1137+00, and 1148+00, (Reserved Access Rights); and

WHEREAS, by Indenture recorded July 29, 1998, in Volume M98, Page 27804, Klamath County Deed Records, said reserved access rights at Highway Engineer's Station 1145+00 were terminated; and substituted therefore to and from the West side of the Dalles-California Highway opposite Engineer's Station 1161+94, (Reserved Access Rights); and

WHEREAS, Owner, by deeds recorded July 31, 2006, in Document No. M06-15388, and November 1, 2006, in Document No. 2006-021940, Klamath County Deed Records, acquired fee title to that portion of said remaining property affected by the access changes herein made; and

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

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 West side of said highway opposite Engineer's Station 1130+75, in a width of 25 feet, (New Access Rights); and

WHEREAS, it is specifically understood that the access rights opposite Highway Engineer's Station 1130+75 are to be used and enjoyed in common with the adjoining property owners on the North (file 18025) who currently are George and Kathleen Burnett; and

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

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.

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.

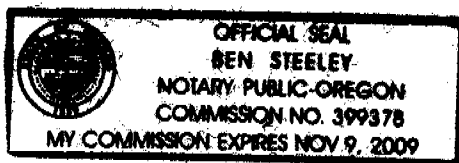
STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

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

Adam R. Kleist
Adam R. Kleist

STATE OF OREGON, County of Deschutes

Dated June 30th, 2009. Personally appeared the above named Adam R. Kleist, who acknowledged the foregoing instrument to be his voluntary act. Before me:



Ben Steeley
Notary Public for Oregon
My Commission expires Nov 9 2009

STATE OF OREGON, County of Marion

Dated July 2, 2009. 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 11/01/2011