

2011-007779

Klamath County, Oregon



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

06/29/2011 11:58:04 AM

Fee: \$52.00

EASEMENT

THIS AGREEMENT, made and entered into this 21st day of June, 2011, by and between HENRY HERNANDEZ and KATHLEEN HERNANDEZ, Husband and Wife, hereinafter called Grantors, and ALBERT B. KING and KATHY ANN KING, Husband and Wife, hereinafter called Grantees:

W I T N E S S E T H

WHEREAS, Grantors are the record owner of the following described real property in Klamath County, State of Oregon, to-wit:

All that part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 9, Township 41 South, Range 12 East of the Willamette Meridian, lying Southwesterly from the Southwesterly boundary of the Right of Way of the "D" Canal of the United States Bureau of Reclamation, Klamath Project as the same is now located and constructed.

That portion of the above described premises which lies North of a line drawn perpendicular to the West line of said property, which line is perpendicular at a point on the West line 390 feet South of the North point of said property.

And have the unrestricted right to grant the easement hereinafter described relative to said real property.

Grantors grant to Grantees, their heirs, successors, and

assigns, a perpetual easement across the property of the Grantors, more particularly described as:

An enclosed area five feet deep by five feet wide by 100 feet long to have a 24-inch galvanized pipe buried on the property 243 feet south of the boundary line of the Hernandez property and approximately 110 feet from the Levy Road to the culvert running between the K.I.D Irrigation Canal and Drazil Road.

The terms of this easement are as follows:

1. Grantees, their agents, independent contractors and invitees shall use the easement for irrigation purposes only, for purposes of maintenance and repair, and in conjunction with such use as may be necessary to accomplish delivery of irrigation water to Grantees.

2. The parties shall cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to the others. Grantors' use of the property described in paragraph 7 shall not interfere with Grantees' rights as set forth herein.

3. Grantees agree to indemnify and defend Grantors from any loss, claim or liability to Grantors arising in any manner out of Grantees' use of the easement. Grantees assume all risks arising out of their use of the easement and Grantors shall have no liability to Grantees or others for any condition existing thereon.

4. This easement is appurtenant and for the benefit of the real property owned by Grantees and described below in paragraph 7.

5. This easement shall be perpetual and shall not terminate for periods of non-use by Grantees. Said easement may be

terminated upon written agreement by Grantors and Grantees, their heirs, successors and assigns.

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

7. The following is a description of the Grantees dominant property to which this easement is appurtenant:

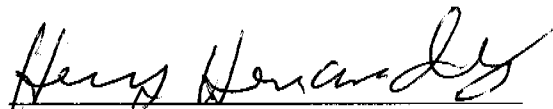
The S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 9, Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon. SAVING AND EXCEPTING THEREFROM that portion thereof conveyed to the United States of America by deed recorded August 4, 1930 in Book 91 at Page 553, Deed Records of Klamath County, Oregon

EXCEPTING that portion lying within the boundaries of USBR 10-D-1 Drain.

ALSO SAVING AND EXCEPTING THEREFROM that portion lying within the boundaries of Demeritt County Road 1168 and Turkey Hill County Road 1167

IN WITNESS THEREOF, the parties have caused this instrument to be executed this 21st day of June, 2011.

GRANTORS


HENRY HERNANDEZ


KATHLEEN HERNANDEZ

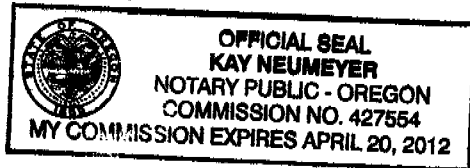
GRANTEES


ALBERT B. KING


KATHY ANN KING

STATE OF OREGON)
) ss.
County of Klamath)

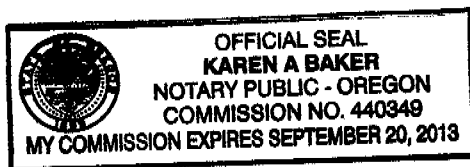
Personally appeared before me this 6th day of June, 2011, the above-named HENRY HERNANDEZ and KATHLEEN HERNANDEZ, and acknowledged the foregoing instrument to be their voluntary act and deed.



Kay Neumeyer
Notary Public for Oregon
My Commission expires: April 20, 2012

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared before me this 21 day of JUNE, 2011, the above-named ALBERT B. KING and KATHY ANN KING, and acknowledged the foregoing instrument to be their voluntary act and deed.



Karen A. Baker
Notary Public for Oregon
My Commission expires: 9-20-2013