

PERMANENT EASEMENT and SUBORDINATION

NJN FLYNN INVESTMENTS, LLC, an Oregon limited liability company successor by merger to N & N FLYNN PROPERTIES, LLC, an Oregon limited liability company; and N & J FLYNN ENTERPRISES, LLC, an Oregon limited liability company which also acquired an interest as N & J ENTERPRISES, LLC, Grantor, for the true and actual consideration of \$2,600.00, does grant unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, its successors and assigns, a permanent easement to construct and maintain drainage facilities over and across the property described as **Parcel 1 on Exhibit "A" dated 7/17/2017**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the easement herein granted does not convey any right or interest in the above-described property, except for the purposes stated herein, nor prevent Grantor from the use of said property; provided, however, that such use does not interfere with the rights herein granted.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the property described as **Parcel 2 on Exhibit "A" dated 7/17/2017**, attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that Grantor is the owner of said property and will warrant the easement rights herein granted from all lawful claims whatsoever.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
4040 FAIRVIEW INDUSTRIAL DRIVE SE MS#2
SALEM OR 97302-1142

Map and Tax Lot #: 36 12 9200

Property Address: 43405 E Hwy 140
Beatty, OR 97621

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all reduction in value to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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.

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 5th day of October, 2017.

NJN FLYNN INVESTMENTS, LLC, an Oregon limited liability company successor by merger to N & N FLYNN PROPERTIES, LLC, an Oregon limited liability company

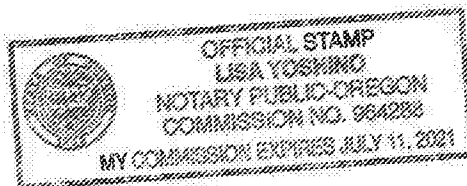
[Signature]
Member(s) / Manager(s)

Member(s) / Manager(s)

STATE OF OREGON, County of Deschutes

Dated Oct. 25th 2017 Personally appeared the above named John C Flynn and

_____, Member(s) / Manager(s) of NJN Flynn Investments, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 07/11/2021

SEE ATTACHED SEPARATE SIGNATURE AND ACKNOWLEDGMENT PAGES 3 THROUGH 4

SIGNATURE PAGE 3 OF 4 AS ATTACHED TO ABOVE PERMANENT EASEMENT AND SUBORDINATION DATED OCTOBER 5, 2017

N & J FLYNN ENTERPRISES, LLC, an Oregon limited
liability company which also acquired an interest as
N & J ENTERPRISES, LLC

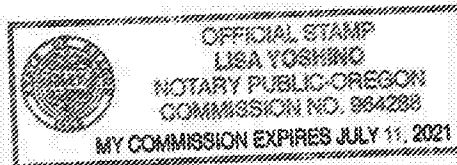
[Signature]
Member(s) / Manager(s)

Member(s) / Manager(s)

STATE OF OREGON, County of Deschutes

Dated Oct. 25th, 2017 Personally appeared the above named John C. Flynn and

_____, Member(s) / Manager(s) of N & J Flynn Enterprises, LLC, an Oregon limited
liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 07/11/2021

Accepted on behalf of the Oregon Department of Transportation

[Signature]

SUBORDINATION OF INTEREST HOLDER

FLYNN & COMPANY, LLC, an Oregon limited liability company formerly known as Flynn & Sons, LLC, an Oregon limited liability company, being the holder of a leasehold interest in the real property described, as said interest is set forth in that certain Memorandum of Lease recorded March 26, 2010, in Instrument No. 2010-003734, and that certain Memorandum of Lease recorded March 26, 2010, in Instrument No. 2010-003735, Records of Klamath County, Oregon. Flynn & Company, LLC, an Oregon limited liability company formerly known as Flynn & Sons, LLC, an Oregon limited liability company, does consent and subordinates to that permanent easement for drainage facilities, and that temporary easement for work area, the property described as Parcels 1 and 2 on Exhibit "A" dated 7/17/2017, herein granted over said property by NJN Flynn Investments, LLC, an Oregon limited liability company successor by merger to N & N Flynn Properties, LLC, an Oregon limited liability company; and N & J Flynn Enterprises, LLC, an Oregon limited liability company which also acquired an interest as N & J Enterprises, LLC, to the State of Oregon, by and through its Department of Transportation.

Dated this Oct day of 25th, 2017.

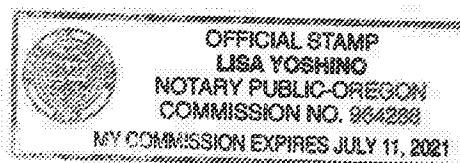
FLYNN & COMPANY, LLC, an Oregon limited liability company formerly known as Flynn & Sons, LLC, an Oregon limited liability company

[Signature]
Member(s) / Manager(s)

Member(s) / Manager(s)

STATE OF OREGON, County of Deschutes

Dated Oct. 25th, 2017 Personally appeared the above named John C. Flynn and _____, Member(s) / Manager(s) of Flynn & Company, LLC, an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]
Notary Public for Oregon
My Commission expires 07/11/2021

Parcel 1 -- Permanent Easement for Drainage Facilities

A parcel of land lying in Government Lot 2 of Section 23, Township 36 South, Range 12 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to N & N Flynn Properties, LLC, recorded October 9, 2006 as Instrument No. 2006-020254 of Klamath County Record of Deeds; the said parcel being that portion of said property lying between lines at right angles to the center line of the Klamath Falls-Lakeview Highway at Engineer's Stations 1517+33.00 and 1517+50 and included in a strip of land 54.00 feet in width, lying on the Southerly side of said center line, which center line is described as follows:

Beginning at Engineer's center line Station 1510+00.00, said station being 14.89 feet South and 2,559.49 feet West of the Southeast corner of Section 14, Township 36 South, Range 12 East, W.M; thence North 89°26'35" East 1,500 feet to Engineer's center line station 1525+00.00 on said center line.

Bearings are based on Klamath County Survey No. 4219.

This parcel of land contains 77 square feet, more or less.

Parcel 2 -- Temporary Easement for Work Area (3 years or duration of Project, whichever is sooner)

A parcel of land lying in Government Lot 2 of Section 23, Township 36 South, Range 12 East, W.M., Klamath County, Oregon and being a portion of that property described in that Statutory Warranty Deed to N & N Flynn Properties, LLC, recorded October 9, 2006 as Instrument No. 2006-020254 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southerly side of the center line of the Klamath Falls-Lakeview Highway, which center line is described in Parcel 1.

The width in feet of said strip of land is as follows:

Station	to	Station	Width on Southerly Side of Center Line
1513+00.00		1517+15.00	50.00
1517+15.00		1517+50.00	90.00

This parcel of land contains 5,263 square feet, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

DIGITALLY SIGNED

OREGON
NOVEMBER 10, 2010
TIMOTHY JOHN HUTCHISON
72563

EXPIRES 6/30/19