

96-30892

AGREEMENT TO GRANT EASEMENTS

THIS AGREEMENT is made this 14 day of August, 1996, by and between HAYDEN ENTERPRISES, INC. ("Hayden") and WAYNE JONAS ("Jonas").

WITNESSETH:

WHEREAS, Jonas has sold certain real property to Hayden, in Redmond, Deschutes County, Oregon, described on Exhibit A attached hereto (the "Burdened Parcel");

WHEREAS, Jonas owns the real property described on Exhibit B attached hereto (the "Benefitted Parcel"); and

WHEREAS, the parties desire to provide for the future grant of easements for utilities and irrigation purposes by the owner of the Burdened Parcel in favor of the owner of the Benefitted Parcel;

NOW, THEREFORE, in consideration of the foregoing, the parties agree as follows:

SECTION 1. AGREEMENT

Hayden, on behalf of itself and its successors and assigns, hereby agrees to grant easements for utility and irrigation service across the Burdened Parcel for the benefit of the Benefitted Parcel upon reasonable request by Wayne Jonas, his heirs, successor and assigns, provided that the location of such easements do not unreasonably interfere with the development of the Burdened Parcel as a residential subdivision. To the greatest extent possible, all easements shall be located within existing or planned rights of way. All easements not located within a right of way shall be at Jonas' expense.

SECTION 2. ATTORNEYS' FEES

In the event suit or action is instituted to enforce any of the terms of this agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorneys' fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

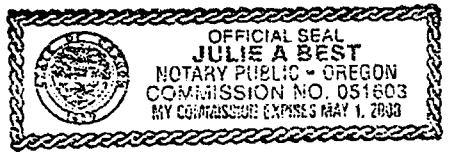
HAYDEN ENTERPRISES, INC.

By: [Signature] Robert H. Watson, Secretary

[Signature] Wayne Jonas

STATE OF OREGON, County of Deschutes, ss:

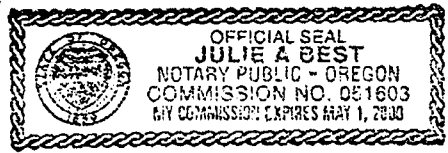
The foregoing instrument was acknowledged before me this 14 day of August, 1996, by Robert H. Watson, who is the Secretary of Hayden Enterprises, Inc.



Julie A. Best
Notary Public for Oregon
My Commission Expires: 5-1-00

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 14 day of August, 1996, by Wayne Jonas.



Julie A. Best
Notary Public for Oregon
My Commission Expires: 5-1-00

EXHIBIT "A"

PARCEL 2 OF PARTITION MAP # MP 96-21

Partition Plat # 1996-40

420 - 1057

EXHIBIT "B"

PARCEL 1 OF PARTITION MAP # MP 96-21

Partition Plat # 1996-40

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

96 AUG 22 AM 11:50

MARY SUE PENHOLLOW
COUNTY CLERK

BY: *Mary Sue Penhollow* DEPUTY
NO. 96-30892 FEE 20.
DESCHUTES COUNTY OFFICIAL RECORDS