

20195

A G R E E M E N T

VOL 356 PAGE 198

THIS AGREEMENT Made this 5th day of January, 1981 by and between MAMMOTH LAKES CORPORATION, an Oregon corporation, hereinafter referred to as Mammoth, and JACK C. LEWIS, CLARA B. LEWIS, DAHL C. BURNHAM, MILDRED C. BURNHAM, PARKER M. HOLT, and HARRY D. HOLT, hereinafter referred to as Grantee.

WHEREAS, Dahl C. Burnham and Mildred C. Burnham husband and wife, and Parker M. Holt and Harry D. Holt conveyed to Richard F. Featherstonehaugh certain real property located in Deschutes County, Oregon, under the terms of a warranty deed recorded in Volume 259 at Page 658, Deed Records, Deschutes County, Oregon, and

WHEREAS, they reserved under the terms of said warranty deed a reservation of an easement to provide access to and from the Deschutes River for the benefit of Grantors therein, Jack C. Lewis, Donald L. Morelock and Jerrine F. Morelock, for the benefit of certain real property as described in exception no. 6 of said warranty deed, and

WHEREAS, Mammoth is the successor in title to the real property conveyed to Richard F. Featherstonehaugh under the terms of the above referenced warranty deed, and

WHEREAS, Mammoth has developed a planned unit known as Sunrise Village on the property conveyed in the above referenced warranty deed and desires to change and alter the route and course of the easement as reserved under exception of title no. 6 in the above referenced warranty deed.

GRAY, FANCHER, HOLMES & HURLEY
Attorneys at Law

40 N.W. Greenwood Ave. - P. O. Box 1151
Bend, Oregon

NOW, THEREFORE, the parties hereby agree as follows:

1. That certain reservation of easement as set forth in exception of title no. 6 in that certain warranty deed recorded in Volume 259, Page 658, as referred to above, for the benefit of Jack C. Lewis, Clara B. Lewis, Dahl C. Burnham, Mildred C. Burnham, Parker M. Holt and Harry D. Holt, is hereby re-aligned and altered and said easement shall now be described as follows:

"A strip of land 18 feet (18') wide across the common property adjacent to and between Lots 24, 25, and 26, Block 1, OUTBACK SECTION of SUNRISE VILLAGE, said strip being immediately adjacent to and parallel with the westerly boundary line of said Lot 25 and the northerly boundary lines of Lots 24 and 25 to where it abuts the road known as River Bluff Trail; thence an easement across River Bluff Trail to where it intersects with the common area between Lots 18, Block 1, OUTBACK SECTION of SUNRISE VILLAGE, and Lot 17, Block 1, RIVER BLUFF SECTION of SUNRISE VILLAGE; thence an easement southerly across said common area to the Deschutes River, and the terminus of the easement."

2. This easement shall provide access to the Deschutes River only, and the use of this easement shall be limited to foot traffic from the point where River Bluff Trail intersects with the common area between Lot 18, Block 1, Outback Section of Sunrise Village, and Lot 17, Block 1, Riverbluff Section of Sunrise Village to where the easement terminates at the Deschutes River.

3. The access easement described herein shall be limited to the owners and guests of said owners of not more than 10 parcels of property, which property shall be restricted to single family residential purposes, which are now or hereafter located on the property described in Exhibit "B", attached hereto and by this reference incorporated herein, or to such other owners, lessees or guests as shall receive prior written approval from Grantor or its successor or assigns.

GRAY, FANCHER, HOLMES & HURLEY
Attorneys at Law

40 N.W. Greenwood Ave. - P. C. Box 1151
Bend, Oregon

4. This shall be a non-exclusive easement, and Mammoth may grant similar uses and rights to the owners and guests of Sunrise Village.

5. The parties further agree to cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to others.

6. This easement shall be appurtenant to the property as described in exception of title no. 6 in that certain warranty deed referenced above.

MAMMOTH LAKES CORPORATION

By M. R. Mathis
Mathis

Jack C. Lewis
JACK C. LEWIS

Clara B. Lewis
CLARA B. LEWIS

Dahl C. Burnham
DAHL C. BURNHAM

Mildred C. Burnham
MILDRED C. BURNHAM

Parker M. Holt
PARKER M. HOLT

Harry D. Holt
HARRY D. HOLT

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 198____, by _____ of MAMMOTH LAKES CORPORATION.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

GRAY, FANCHER, HOLMES & HURLEY
Attorneys at Law
40 N.W. Greenwood Ave. - P. O. Box 1151
Bend, Oregon

4. This shall be a non-exclusive easement, and Mammoth may grant similar uses and rights to the owners and guests of Sunrise Village.

5. The parties further agree to cooperate during periods of joint use so that each parties' use shall cause a minimum of interference to others.

6. This easement shall be appurtenant to the property as described in exception of title no. 6 in that certain warranty deed referenced above.

MAMMOTH LAKES CORPORATION

By A. Ross Mather
Martin C. West

Jack C. Lewis
JACK C. LEWIS

Clara B. Lewis
CLARA B. LEWIS

Dani C. Burnham
DANI C. BURNHAM

Mildred C. Burnham
MILDRED C. BURNHAM

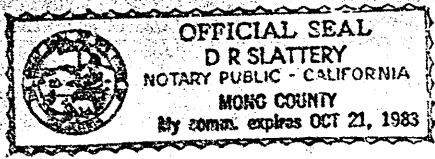
Parker M. Holt
PARKER M. HOLT

STATE OF CALIFORNIA
COUNTY OF Mono

VOL 356 PAGE 201

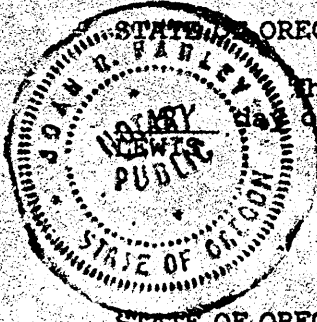
ON April 19, 1982,
before me, the undersigned, a Notary Public in and for said State, personally appeared
G. Ross Mather, known to me to be the President, and
Martin C. West, known to me to be the

Secretary
of the Mammoth Lakes Corporation
the Corporation that executed the within Instrument, known to me to be the persons who
executed the within Instrument, on behalf of the Corporation, therein named, and acknowledged
to me that such Corporation executed the same.



WITNESS my hand and official seal

D R Slattery
Notary Public in and for said State.



STATE OF OREGON, County of Deschutes: ss.

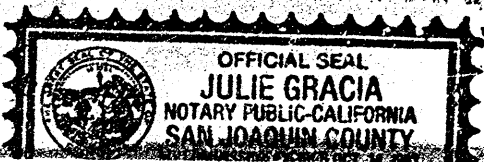
The foregoing instrument was acknowledged before me this 10th day of January, 1982, by JACK C. LEWIS and CLARA B.

Joan R Farley
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-10-83

STATE OF OREGON, County of Deschutes: ss.

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

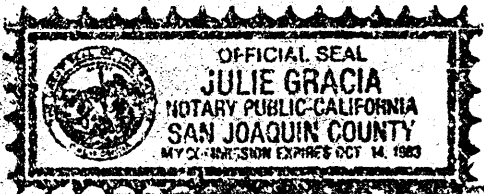
On this 10th day of March in the year one thousand nine hundred and 82 before me, Julie Gracia, a Notary Public, State of California, duly commissioned and sworn, personally appeared DAHL C. BURNHAM and MILDRED C. BURNHAM known to me to be the person S whose name are subscribed to the within instrument and acknowledged to me that they executed the same.



IN WITNESS WHEREOF I have hereunto set my hand and affixed

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

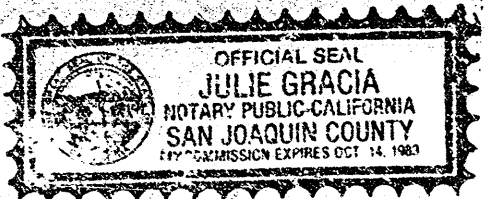
VOL 356 PAGE 203
On this 16th day of March in the year one thousand nine hundred and 82 before me, Julie Gracia, a Notary Public, State of California, duly commissioned and sworn, personally appeared PARKER M. HOLT known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the

STATE OF CALIFORNIA
COUNTY OF SAN JOAQUIN

VOL 356 PAGE 204
On this 25th day of March in the year one thousand nine hundred and 82 before me, Julie Gracia, a Notary Public, State of California, duly commissioned and sworn, personally appeared HARRY D. HOLT known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the San Joaquin County of San Joaquin the day and year in this certificate first above written.

Julie Gracia
Notary Public, State of California

My commission expires October 14, 1983

This document is only a general form which may be proper for use in simple transactions and in no way act, or is intended to act, as a substitute for the advice of an attorney. The publisher does not make any warranty, either express or implied as to the legal validity of any provision or the suitability of these forms in any specific transaction.

DESCRIPTION SHEET

VOL 356 PAGE 205

A tract of land located in the Northwest one-quarter (NW-1/4) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows:

Commencing at the West one-quarter (W-1/4) corner of said Section 13, said point being the Southwesterly corner of that tract of land recorded in Book 178, Page 379, Deed records of Deschutes County, Oregon; thence North 89° 47' 00" East along the South line of said Northwest one-quarter (NW-1/4) a distance of 1146.15 feet to the point of beginning for this description; thence North a distance of 1032.15 feet; thence North 37° 03' 52" East a distance of 475.32 feet more or less to the centerline of an existing road, thence along said centerline the following courses: South 02° 25' West a distance of 55.67 feet; thence South 02° 30' East a distance of 298.44 feet; thence South 20° 14' 00" West a distance of 90.88 feet; thence South 33° 08' East a distance of 42.26 feet; thence leaving said centerline South 00° 52' 23" West a distance of 905.31 feet; thence South 58° 58' West a distance of 50.00 feet more or less to the South line of said Northwest one-quarter (NW-1/4); thence South 89° 47' 00" West along said South line a distance of 223.61 feet to the point of beginning and terminus of this description.

TOGETHER WITH a 15.00 foot road easement for ingress and egress recorded in Book 135, Page 279, Deed records of Deschutes County, Oregon.

SUBJECT TO a 15.00 foot road easement for ingress and egress recorded in Book 135, Page 289, Deed records of Deschutes County, Oregon.

END

X-11
41/29

DESCRIPTION SHEET

A tract of land lying in the East Half of the Northwest Quarter (E-1/2 NW-1/4) of Section Thirteen (13), in Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows: Beginning at a point on the North line of said Section 13, said point being 3,002 feet Westerly of, when measured along said line, from the Northeast corner of said Section 13; thence Southerly along a line that is parallel with the East line of said Section 2,160 feet, more or less, to a point on the Northwesterly line of that tract of land recorded in Book 128, Page 579, Deed records of Deschutes County, Oregon; thence along said line South 55° 53' West 220 feet more or less, to a point; thence South 58° 58' West 340 feet, more or less, to a point that is 3,497 feet Westerly of, when measured at right angles from the East line of said Section 13; thence Northerly leaving the North line of said Parcel described in Book 128, Page 579, Deed records along a line that is parallel with said East line of said Section Thirteen (13) to the North line thereof; thence East along the North line of said Section 13 to the True Point of Beginning.

EXCEPTING THEREFROM the parcel described as follows: Beginning at the Northeast corner of Section 13, Township 18 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon; thence West along the North line of Section 13, 3497.00 feet to the point of beginning; thence Southerly, parallel to the East line of Section 13, 1834.26 feet; thence North 60° 38' 30" East, 550.00 feet, more or less, to a point that is 3002 feet Westerly of when measured at right angles to, the East line of Section 13; thence Northerly, parallel to the East line of Section 13, 2100 feet, more or less, to the Southerly right of way line of the Shevlin-Hixon Railroad right of way (Brooks Scanlon Logging Road); thence South 63° 38' 30" West along said right of way line 550 feet, more or less, to a point North of the point of beginning; thence South 230.00 feet, more or less to the point of beginning.

ALSO EXCEPT any portion within the boundaries of the Outback Section to Sunrise Village.

END

L-5
41/30

A tract of land lying in the South Half of the Southwest Quarter (S-1/2 SW-1/4) of Section Twelve (12), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, and lying in the Northwest Quarter (NW-1/4) of Section Thirteen (13), said Township and Range, the aforesaid tract of land being more particularly described as follows: Beginning at a point on the North line of said Section 13, said point being 3,497 feet Westerly of, when measured along said line, from the Northeast corner of said Section 13; thence Southerly along a line that is parallel with the East line of said Section 2,440 feet, more or less, to a point on the Northwesterly line of that tract of land recorded in Book 128, Page 579 Deed records of Deschutes County, Oregon; thence along said line South 58° 58' West 500 feet, more or less, to a point on the East - West centerline of said Section 13; thence along said centerline 35 feet, more or less, to a point; thence leaving said centerline North 58° 58' East 60.00 feet; thence North 00° 52' 23" East 905.31 feet; thence North 33° 08' West 42.26 feet; thence North 20° 14' East 90.88 feet; thence North 02° 30' West 298.44 feet; thence North 02° 25' East 165.32 feet; thence North 20° 16' West 207.39 feet; thence North 47° 03' West 295.33 feet; thence North 20° 25' West 126.31 feet; thence North 11° 27' East 65.32 feet; thence North 16° 28' East 539.97 feet; thence North 10° 21' East 64.59 feet to a point on the Southeasterly right of way line of the Shevlin Hixon Railroad (Brocks Scanlon Logging Road); thence Northeasterly along said right of way line 550 feet, more or less, to a point that is 3,497 feet Westerly of when measured at right angles, from the East line of said Section 12; thence leaving said right of way line Southerly along a line that is parallel with said East line of said Section 230 feet, more or less, to the point of beginning and terminus of this description.

EXCEPTING THEREFROM that certain portion which lies in that certain tract of land as described in a Deed to Donald L. Morelock et ux, recorded October 11, 1976 in Book 240, Page 585, Deed records.

END

M-12
41/32

DESCRIPTION SHEET

A tract of land located in the Northwest one-quarter (NW-1/4) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows:

Commencing at the West one-quarter (W-1/4) corner of said Section 13, said point being the Southwesterly corner of that tract of land recorded in Book 178, Page 879, Deed records of Deschutes County, Oregon; thence North $89^{\circ} 47' 00''$ East along the South line of said Northwest one-quarter (NW-1/4) 747.28 feet to the point of beginning for this description; thence continuing along said South line North $89^{\circ} 47' 00''$ East a distance of 398.87 feet; thence leaving said South line North a distance of 818.18 feet more or less to a point on the centerline of an existing road; thence along said centerline the following courses: thence South $74^{\circ} 51'$ West a distance of 14.62 feet; thence South $45^{\circ} 15'$ West a distance of 287.95 feet; thence South $55^{\circ} 10'$ West a distance of 298.32 feet; thence South $06^{\circ} 57'$ East a distance of 147.13 feet; thence South $19^{\circ} 32'$ East a distance of 264.45 feet; thence South $41^{\circ} 10'$ West a distance of 62.61 feet more or less to the point of beginning and terminus of this description.

END

M-14
41/47

DESCRIPTION SHEET

VOL 356 PAGE 209

A tract of land located in the Northwest one-quarter (NW-1/4) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract of land being more particularly described as follows:

Commencing at the West one-quarter corner of said Section 13, said point being the Southwesterly corner of that tract of land recorded in Book 178, Page 879, Deed records of Deschutes County, Oregon; thence North 00° 47' 26" East along the Westerly line of said tract of land 350.00 feet to the point of beginning of this description; thence North 00° 47' 26" East along said Westerly line 393.52 feet; thence North 63° 38' 30" East along the Northerly line of said tract 457.28 feet; thence leaving said Northerly line due South 278.58 feet; thence South 59° 14' 08" East a distance of 212.54 feet; thence North 87° 07' 15" East a distance of 79.73 feet; thence South a distance of 117.90 feet more or less to the centerline of an existing road; thence South 06° 57' East along said centerline a distance of 147.18 feet; thence leaving said centerline North 85° 49' 21" West 697.09 feet more or less, to the point of beginning and terminus of this description.

END

M-13
41/46

20195

STATE OF OREGON
County of Deschutes

I hereby certify that the within instrument of writing was received for Record on the 23 day of April A.D. 19 82 at 9:13 o'clock A. M. and recorded in Book 356 on Page 198 Record of Deeda

ROSEMARY PATTERSON
County Clerk

By Rhonda La J Deputy