

EASEMENT

The Grantor, WINEMA ELEVATORS, INC., an Oregon corporation, located at P.O. Box 577, Tulalake, California, 96123, hereinafter called Grantor, for mutual benefits, does hereby grant to the BURLINGTON NORTHERN INC., hereinafter called Railway Company, the perpetual right to maintain, repair, reconstruct and operate its communication lines over and across Lots 2 and 3, Block 5, Town of Merrill, Klamath County, Oregon, the centerline of said communication lines being more particularly described as follows:

Beginning at a point on the east line of Lot 3, said point being 25 feet south of the Burlington Northern Inc., southerly right of way line; thence northwesterly to a point that is 95 feet northwesterly along the said southerly right of way line from the point of intersection of said southerly right of way line and the east line of said Lot 3.

This easement cancels and supercedes that certain reservation for a telephone and telegraph line contained in deed dated September 3, 1940 given by former Great Northern Railway Company, predecessor in interest to Burlington Northern Inc., to Merrill Mills, Inc.

This easement is made subject to and upon the following express conditions:

I

The Grantor, for itself and its successors and assigns, reserves all rights to use the property hereinbefore described for any and all purposes whatsoever not inconsistent with the easement hereby granted, including, but not limited to, the right to construct, maintain, repair, renew, reconstruct, replace and operate present tracks and future tracks, communication, signal and electric power lines, utilities and other types of facilities on said property when deemed necessary or expedient to the Grantor. Rights reserved shall be so exercised as not to damage or interfere with the lines as above defined. This easement is subject to all existing interests of third parties in said property of any kind or nature whatsoever and any and all extensions or renewals thereof.

II

The Railway Company agrees to provide, at its sole cost and expense, adequate drainage of the Grantor's property in connection with construction and maintenance of said lines, also agrees to reimburse the Grantor for any and all expense incurred by it by reason of any failure of the Railway Company to provide such drainage.

III

The Railway Company agrees to top, limb or fell danger trees of such height that they interfere with transmission lines or related pole lines, at their own expense.

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Ref: Burlington Northern  
8.20 Certificate of Deed  
Seattle Wn 98104

WM. D. MILNE, County Clerk  
By *Hazel Drayton*

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EASEMENT (continued)

IV

In the event that said property shall at any time cease to be used for purposes described above, or shall be operation of law or otherwise become vacated or abandoned, the easement herein granted shall immediately cease and terminate without notice of other proceedings on the part of the Grantor and the Railway Company, its successors or assigns, shall reconvey immediately said property to the Grantor.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in duplicate this 6th day of June, 1973.

ACCEPTED AND APPROVED August 20, 1973 WINEMA ELEVATORS, INC.

BURLINGTON NORTHERN INC..

BY [Signature]  
Vice President

BY [Signature]  
President

by [Signature]  
Secretary

ATTEST: [Signature]  
ASST. Secretary

STATE OF Oregon }  
County of Klamath }

on this 6th day of June, 1973, before me personally appeared IVAN KANDER to me known to be a Vice President and A.C. Flock Secretary of WINEMA ELEVATORS, INC., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said WINEMA ELEVATORS, INC., for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument and that the seal affixed is the corporate seal of said WINEMA ELEVATORS, INC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

My Commission Expires May 26, 1977

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STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of WINEMA ELEVATORS INC.,

this 8th day of JANUARY A. D., 1974 at 12:27 o'clock P. M., and duly recorded in

Vol. M 74, of DEEDS on Page 201

WM. D. MILNE, County Clerk

By [Signature]

at  
Burlington Northern  
8:20 Central Bldg  
Seattle WA 98104  
FEE \$ 4.00