

18395

EASEMENT FOR BURIED CABLE

WEYERHAEUSER COMPANY, a Washington corporation, herein called "Weyerhaeuser," subject to the right it may have to do so, hereby grants to TELEPHONE UTILITIES OF EASTERN OREGON, INC., an Oregon corporation, herein called "Grantee," an easement, without warranty, for an underground telephonic cable, hereinafter referred to as "cable," across the following described lands in Klamath County, Oregon:

A 90° railroad crossing of Weyerhaeuser's 60' wide railroad right of way located in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31-35S-13E

said easement to be ten (10) feet in width, the centerline of said 10-foot easement being located approximately as shown in red on the attached Exhibit A.

Subject as to the rights of other parties with respect to any of said lands under instruments of record and existing agreements with and permits from Weyerhaeuser.

The terms and conditions of this Easement are as follows:

1. Weyerhaeuser shall have the right to use said strip of land for any purpose not inconsistent with the rights herein granted.
2. Grantee shall have access to the cable for the purpose of exercising the rights herein granted.
3. The cable is to be buried at a minimum depth of seventy-two (72) inches under the bottoms of the rails. The location of said cable is to be clearly marked by the placement of intervisible markers.
4. Grantee hereby waives all claims for damages to its cable which may result from or arise out of Weyerhaeuser's normal operations.
5. Grantee shall pay for all damages to Weyerhaeuser's property resulting directly or indirectly from the negligent acts or omissions of Grantee hereunder.

15434

6. Grantee shall indemnify and hold harmless Weyerhaeuser from all claims for damages which may be caused by Grantee's exercise of rights herein granted.

7. Prior to commencing cable installation or any other work in connection with the cable crossing herein granted, Grantee shall notify Weyerhaeuser's Land Use Manager at Klamath Falls, Oregon forty-eight (48) hours in advance of such work and comply with any instructions he may give.

8. Grantee understands that the railroad right of way is not owned in fee by Weyerhaeuser and agrees that this grant is made without any warranty whatsoever.

9. The rights herein granted shall continue until such time as Grantee shall have abandoned the use of the cable located as described herein.

DATED this 12 day of JUNE, 1990.

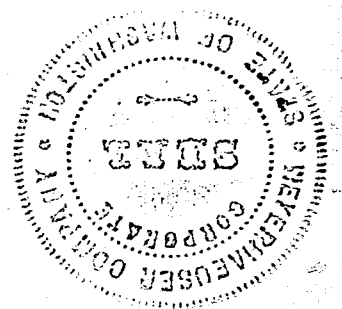
Accepted in behalf of TELEPHONE
UTILITIES OF EASTERN OREGON, INC.

WEYERHAEUSER COMPANY

By: *RAH*
Its: Vice President

By: *D.C. Williams*
Title: D.C. Williams, General Manager

Attest: *J. Chant*
Assistant Secretary

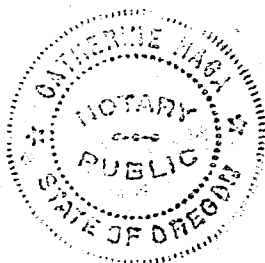


STATE OF OREGON)
) ss.
 COUNTY OF KLAMATH)

15435

On this 5th day of June, 1990, before me personally appeared D. C. Williams, to me known to be the General Manager of WEYERHAEUSER COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



Catherine Haga
 Notary Public in and for the State of Oregon.
 My Appointment expires: 4/4/92

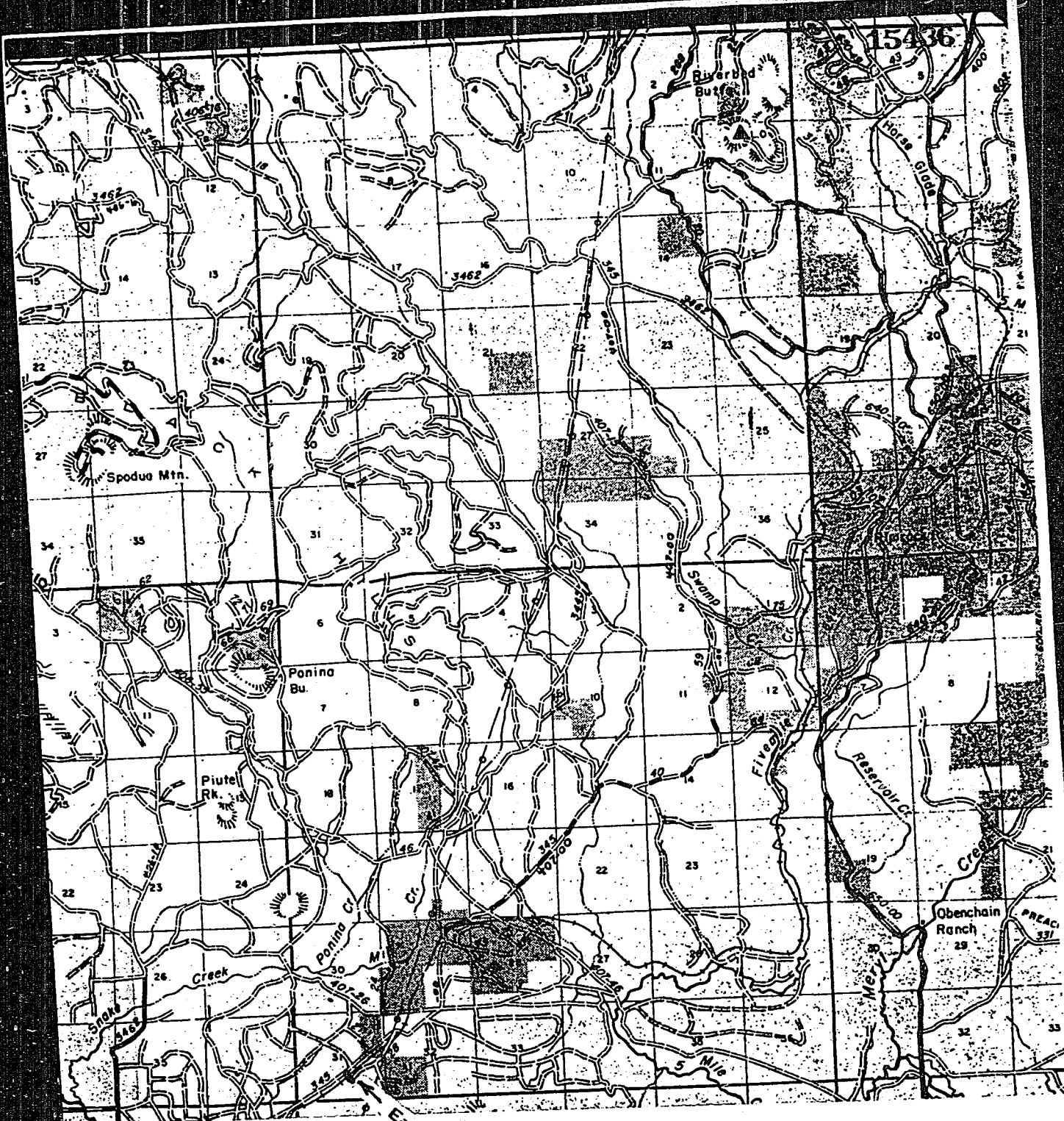
STATE OF OREGON)
) ss.
 COUNTY OF Lane)

On this 12 day of June, 1990, before me personally appeared JAMES C. STUART, to me known to be the Assistant Secretary of WEYERHAEUSER COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

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

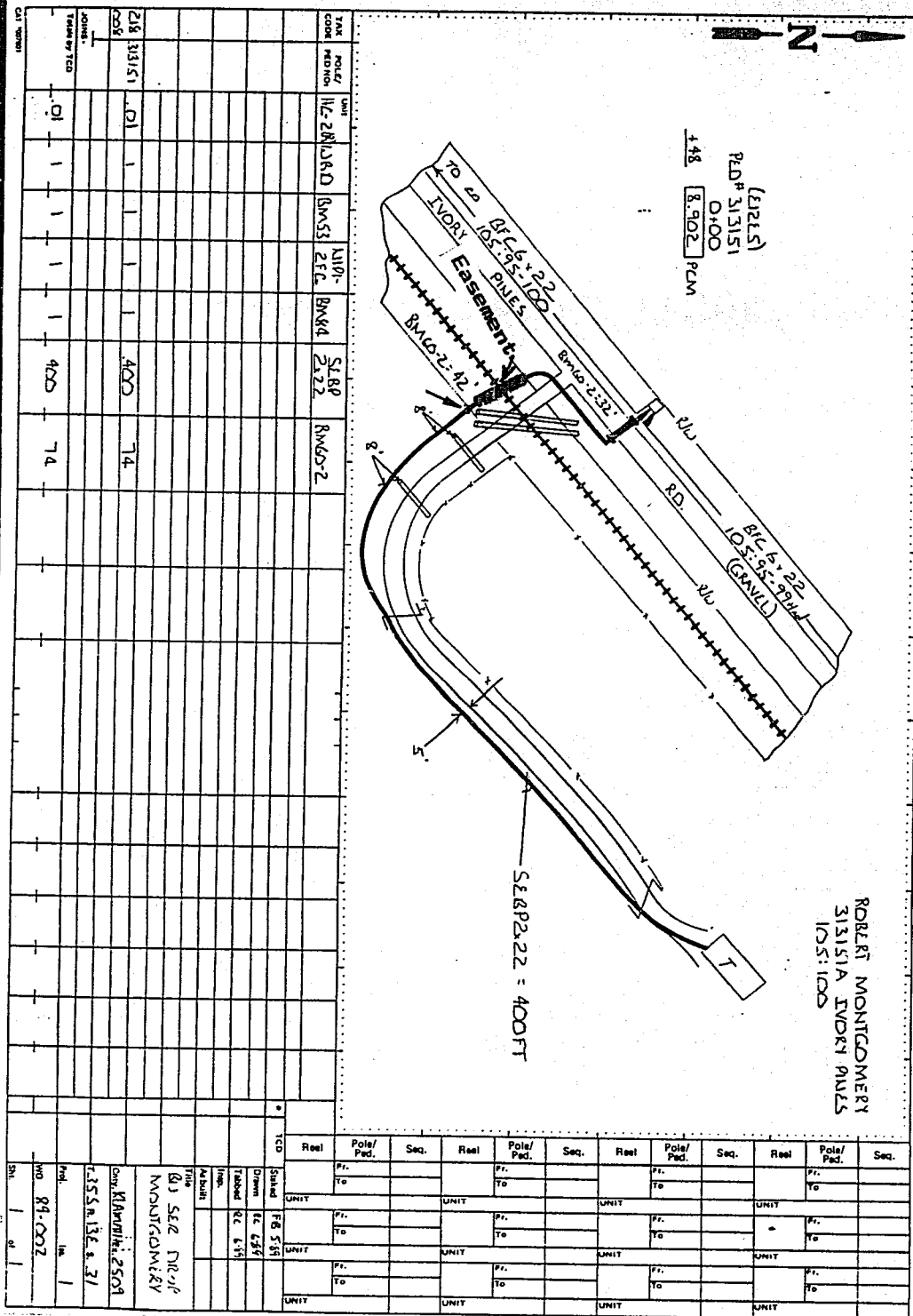


Janet L. Hatcher
 Notary Public in and for the State of Oregon.
 My Appointment expires: 10-04-91



Buried Cable Easement to Telephone Utilities of Eastern Oregon, Inc.
 NW¼SE¼ of Section 31, Township 35 South, Range 13 East, W.M.
 Klamath County, Oregon

Buried Cable Easement 



Buried Cable Easement to Telephone Utilities of Eastern Oregon, Inc.

NW 1/4 SE 1/4 of Section 31, Township 35 South, Range 13 East, W.M. Klamath County, Oregon

Buried Cable Easement

EXHIBIT A, Page 2 of 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Telephone Utilities, Inc. the 2nd day of Aug. A.D., 19 90 at 2:58 o'clock P.M., and duly recorded in Vol. M90 of Deeds on Page 15433.

FEE \$28.00

Evelyn Biehn County Clerk

By Pauline M. Mendenhall