

Carl D. Kinney hereby grants to Joseph Randall Jertberg and Laura Jean Murie Jertberg, their heirs, successors, and assigns a perpetual utility easement 20.00 feet wide, being 10.00 feet on each side of the following described centerline:

Commencing at the Western most power pole (Pacific Power & Light pole # F9788) in the NW¼ of NW¼ Section 32, Township 39 South, Range 11½ East of the Willamette Meridian, in the County of Klamath, State of Oregon; then South 8° (eight degrees) West to a point 683 feet West of pin at the NE corner SW ¼NW¼ Section 32, Township 39 South, Range 11½ East of the Willamette Meridian, in the County of Klamath, State of Oregon.

The consideration for this Easement is other than money.

The terms of this Easement are as follows:

I.

Grantees, their agents, independent contractors and invitees shall use the Easement for utility purposes only. Grantor shall only be responsible for the difference in cost between above ground and underground installation, and Grantees shall be responsible for all other costs, maintenance and repair as is necessary to provide utility service to the property described in paragraph III hereinbelow.

II.

Grantees agree to indemnify Grantor for any loss, claim or liability to Grantor arising in any manner out of Grantees use of said Easement or their failure to properly maintain it. Grantees assume all risk out of their use of this Easement and Grantor shall have no liability to Grantees or others for any conditions arising therefrom.

III.

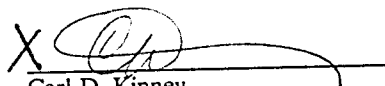
This Easement is appurtenant to the real property owned by Grantees described as follows: SE¼NE¼ Section 31, Township 39 South, Range 11½ East of the Willamette Meridian, and SW¼NW¼ Section 32, Township 39 South, Range 11½ East of the Willamette Meridian, and NW¼SW¼ Section 32, Township 39 South, Range 11½ East of the Willamette Meridian.

This Easement shall be the only easement for utilities across Grantor's property for the benefit of the property owned by Grantees as noted above.

## IV.

This easement is granted subject to all prior easements or encumbrances of record

Executed this 31<sup>st</sup> day of July, 1991.

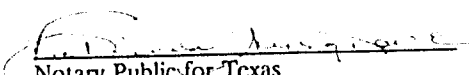
X   
Carl D. Kinney

On this day personally appeared before me the above named Carl D. Kinney, known to me to be the identical person who subscribed the within instrument, and acknowledged that he freely executed the same as their voluntary act and deed.

Given under my and official seal this 31 day of July, 1991.

SUBSCRIBED AND SWORN to before me this 31 day of July, 1991.

(S E A L)

  
Notary Public for Texas

My Commission Expires: 10-23-91

Carl D. Kinney  
430 Moonlight Way  
Irving, TX 75063  
Grantor

STATE OF TEXAS, County of Dallas ss.  
State of Oregon-County of Klamath

I certify that the within instrument received for record on the 16<sup>th</sup> day of Aug., 19 91, at 11:45 o'clock A M., and recorded in book/reel/volume No 91 on page 6271 or as fee/file/instrument/microfilm/reception No. 33321, Recorded of Deeds of said County.

Joseph & Laura Jertberg  
472-715 Johnson Rd.  
Susanville, CA 96130  
Grantee

Witness my hand and seal of County affixed.

After recording return to:

Same as Grantee

Evelyn Biehn, County Clerk  
Name Title  
By Andrea Montoya Deputy

Fee \$33.00

Until a change is requested, all tax statements shall be sent to the following address: SAME