

23780

96 AUG 26 AM 1:17

Vol 1996 Page 26277

Job #: 5723016

R/W Reference #: 96141058

EASEMENT

The Undersigned Grantor(s) **High Valley Properties**, a partnership, for and in consideration of Four Hundred Fifty Dollars (\$450.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey to **US WEST Communications, Inc.**, a Colorado Corporation, (Grantee) whose address is 8021 SW Capitol Hill Rd., Portland, OR 97219, its successors, assigns, lessees, licensees and agents a perpetual easement to construct, reconstruct, operate, maintain and remove such telecommunications facilities as Grantee may require upon, over, under and across the following described land which the Grantor owns or in which the Grantor has any interest, to wit:

The westerly ten feet of the following described land:

A tract of land in Lots 33 and 34 of **ALTAMONT RANCH TRACTS** situated in the NW¼ of Section 15, Township 39 South, Range 9 East, W.M., in the County of Klamath, State of Oregon, and described in a Warranty Deed recorded in the Records of Klamath County, Volume M89, Page 14380, on August 2, 1989 as Deed Number 01033628, and identified as Tax Lot 400 in the Records of the Klamath County Assessor's Office, and being more particularly described as follows:

Beginning at an iron pin on the Northerly right of way of Anderson Avenue from which the Southeast corner of Lot 33 bears South 0 degrees 06' East 10.0 feet and South 88 degrees 46' East, 306.5 feet distant; thence North 88 degrees 46' West along the said Northerly right of way of said Anderson Avenue and parallel to the South line of said Lots 33 and 34, 306.5 feet to the Easterly right of way of Washburn Way as described in Volume 333, Page 67, Deed Records of Klamath County, Oregon; thence North 0 degrees 06' West along said right of way of Washburn Way, 355.3 feet; thence South 88 degrees 46' East 306.5 feet; thence South 0 degrees 06' East 355.3 feet more or less, to the point of beginning.

situated in County of Klamath, State of Oregon.

Grantee shall have the right of ingress and egress over and across the Land of the Grantor to and from the above-described property and the right to clear and keep cleared all trees and other obstructions. Grantee shall be responsible for all damage caused to Grantor arising from Grantee's exercise of the rights and privileges herein granted.

The Grantor reserves the right to occupy, use and cultivate said Easement for all purposes not inconsistent with, nor interfering with the rights herein granted.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgement upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the county where the property is located.

In witness whereof the undersigned has executed this instrument this 19th day of JANUARY, 1996.

HIGH VALLEY PROPERTIES, a partnership

Witness: _____

BY:

Neal L. Eberlein
Neal L. Eberlein

Susan K. Eberlein
Susan K. Eberlein

Alan W. Eberlein
Alan W. Eberlein

Carol Lorraine Eberlein
Carol Lorraine Eberlein

RETURN TO GRANTEE AT:
US WEST COMMUNICATIONS INC
EIGHT OF WAY DESK, RM 110
8021 SW CAPITOL HILL RD
PORTLAND, OR 97219

(Individual Acknowledgement)

(Individual Acknowledgement)

State of Oregon)

State of Oregon)

SS

SS

County of Klamath)

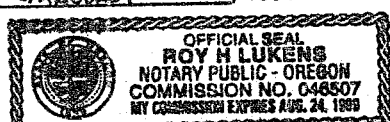
County of Klamath)

On this day personally appeared before me Neil L. Eberlein and Susan K. Eberlein known to me to be the individuals who executed the foregoing instrument, and acknowledged that they signed the same as a free and voluntary act and deed, for the uses and purposes herein mentioned.

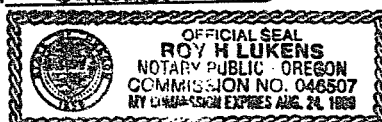
On this day personally appeared before me Alan W. Eberlein and Carol Lorraine Eberlein known to me to be the individuals who executed the foregoing instrument, and acknowledged that they signed the same as a free and voluntary act and deed, for the uses and purposes herein mentioned.

Given under my hand and official seal this 19th day of JANUARY, 1996.

Given under my hand and official seal this 19th day of JANUARY, 1996.



Notary Public in and for the State of OREGON
Residing at WASHBURN, WA.
My Commission expires: Aug. 24, 1999

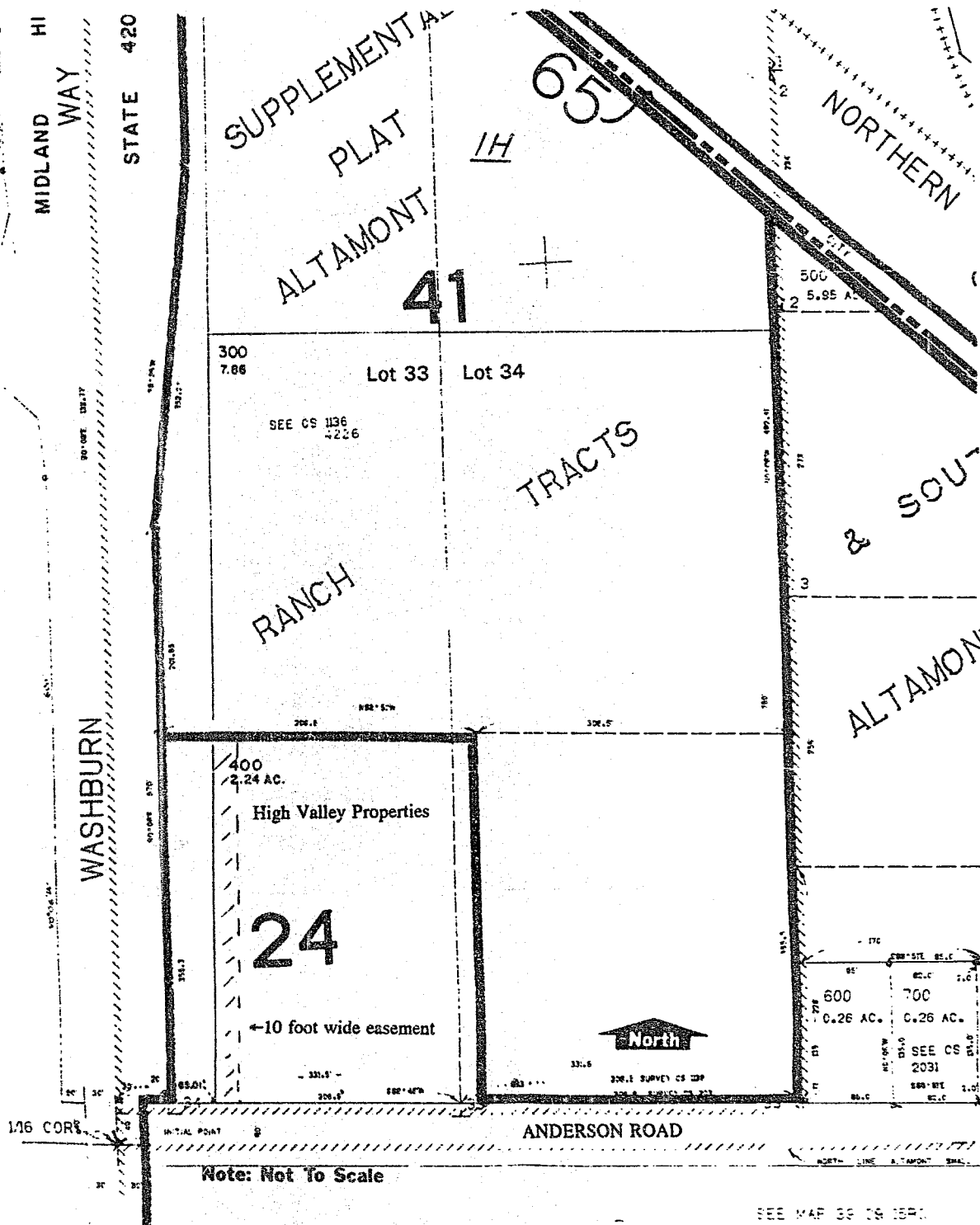


Notary Public in and for the State of OREGON
Residing at WASHBURN, WA.
My Commission expires: Aug. 24, 1999

96141056

EXHIBIT "A"
US WEST COMMUNICATIONS, INC.
Property of High Valley Properties

Located in NW Quarter of the NW Quarter of Section 15, T 39S R 09E, W.M.
Klamath County, Oregon
As of this date known as Tax Lot 400



REFERENCES

2000

26279

1996 AUG 19 10:30 AM

RECORDED

INDEXED

TO HAVE BEEN RECORDED

34

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of US West the 26th day
of August A.D. 19 96 at 11:17 o'clock AM., and duly recorded in Vol. M96
of Deeds on Page 26277.

FEE \$20.00

Bernetha G Letsch, County Clerk

By [Signature]

RECORDED

RECORDED

1996
AUG 19

10:30 AM

RECORDED

RECORDED

RECORDED

RECORDED

RECORDED

RECORDED
1996 AUG 19 10:30 AM
RECORDED

As of this date, the County of Klamath, Oregon, is a party to the following deed, which is being recorded for the purpose of being a part of the public records of this County.

Model of High Voltage Transformer
BB WEST COMMUNICATIONS, INC.
EXHIBIT A

1996 AUG 19 10:30 AM

RECORDED

RECORDED