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pk LEE SCHIMPF  
102 NE 128th. Avenue  
PORTLAND, OR. 97230

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## EASEMENT

DOCUMENT REFERENCE NUMBER: 9935502OR

GRANTOR NAME(S): Raymond L. Newby  
Ellen Newby

GRANTEE: U S WEST Communications, Inc.  
8021 SW Capitol Hill Road  
Portland, OR 97219

ABBREVIATED LEGAL DESCRIPTION (Lot, Block, Plat name, Section,  
Township, Range): Lot 1 Block 1 Bryant Tracts # 2  
Sec. 34, T38S, R9E, WM

Complete legal description is on EASEMENT document.

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(S):

(State of Washington Requirement)

Page 1 of \_\_\_\_ pages.

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RECORDING INFORMATION ABOVE

R/W # 9935502OR

EASEMENT AGREEMENT

The undersigned Grantor(s) for and in consideration of FIFTEEN HUNDRED  
~~-----~~Dollars (\$ 1500.00 ) and other good and valuable  
 consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto  
 US WEST Communications Inc., a Colorado corporation, hereinafter referred to as "Grantee"  
 whose address is 700 W Mineral, Littleton Colorado 80120, its successors, assigns, lessees,  
 licensees and agents a perpetual easement to construct, reconstruct, modify, change, add to,  
 operate, maintain and remove telecommunications facilities, electrical facilities and appurtenances  
 from time to time, as Grantee may require upon, over, under and across the following described  
 land situated in the County of Klamath State of Oregon  
 which the Grantor owns or in which the Grantor has any interest. To wit:

Located in LOT 1 BLOCK 1 BRYANT TRACTS # 2  
 Section 34, Township 38 South, Range 9, WM.

SEE EXHIBIT A & B ATTACHED HERETO AND BY THIS REFERENCE MADE A  
 PART HEREOF.

Grantor further conveys to Grantee the following incidental rights:

The right of ingress and egress to said easement area from Summers Lane and the right to clear  
 and keep cleared all trees and other obstructions as may be necessary for the Grantee's use and  
 enjoyment of the easement area.

Grantee shall indemnify Grantor for all damage caused to Grantor as a result of Grantee's exercise  
 of the rights and privileges herein granted. Grantee shall have no responsibility  
 for pre-existing environmental contamination or liabilities.

Grantor reserves the right to occupy, use and cultivate said easement for all purposes not  
 inconsistent with the rights herein granted.

Grantor covenants that he/she/they is/are the fee simple owner of said land or in which the  
 Grantor has any interest and will warrant and defend title to the land against all claims.

Grantor hereby covenants that no excavation, building, structure or obstruction will be  
 constructed, erected, built or permitted on said easement area.

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.

RLN  
 Initial

RECORDING INFORMATION ABOVE

Any claim, controversy or dispute arising out of this Agreement shall be settled in arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment 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.

Dated this 18<sup>th</sup> day of Dec., 19 99

Raymond F. Newby  
Grantor

\_\_\_\_\_  
(official name of company or corporation)

Ellen Newby  
Grantor

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
Grantor

Attest \_\_\_\_\_  
Secretary of Corporation

\_\_\_\_\_  
Grantor

(Individual Acknowledgment)

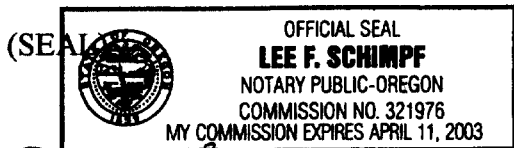
(Corporate Acknowledgment)

STATE OF OREGON            }  
  } SS  
COUNTY OF Klamath

STATE OF OREGON            }  
  }  
COUNTY \_\_\_\_\_

This instrument was acknowledged before me on 12-18 1999, by  
Raymond F. Newby  
Ellen Newby

This instrument was acknowledged before me on \_\_\_\_\_ 19\_\_\_\_, by  
as \_\_\_\_\_ of



Lee F. Schimpf  
Notary Public  
My commission expires: 4-11-2003

(SEAL)

\_\_\_\_\_  
Notary Public  
My commission Expires:

R/W # 9935502OR Job # 91RP416  
Exchange Klamath Falls County Klamath ¼ Section \_\_\_\_\_ Section 34 Township 38S  
Range 09E

**EXHIBIT "A"**

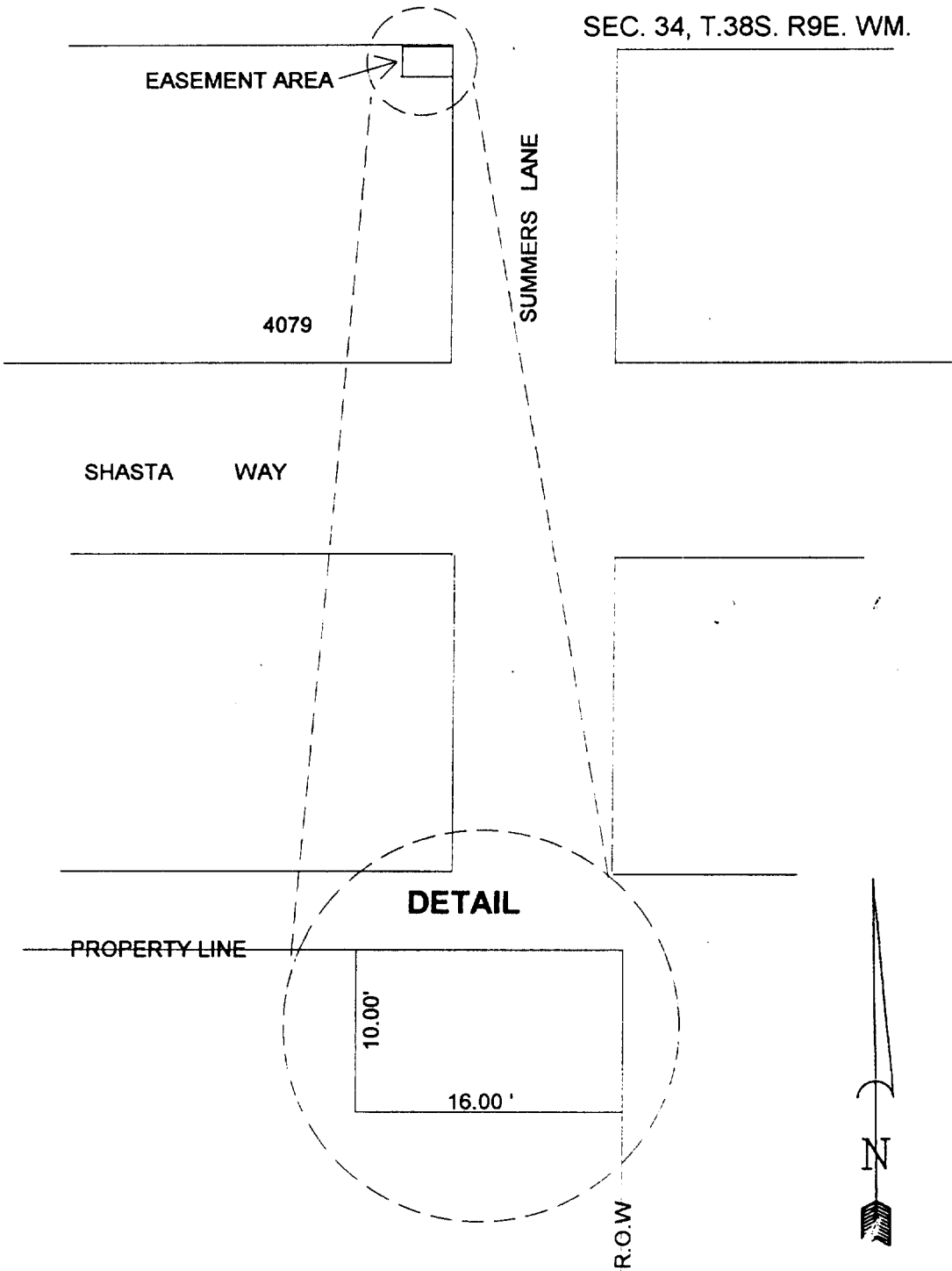
**AN AREA OF LAND THAT IS A PART OF THE SOUTH 100 FEET OF LOT 1,  
BLOCK 1 BRYANT TRACTS # 2 AS FILED AND DESCRIBED IN PLAT  
RECORDS ON FILE IN KLAMATH COUNTY OREGON OFFICIAL RECORDS.  
SAID AREA OF LAND FURTHER DESCRIBED AS FOLLOWS:**

**THE NORTH TEN (10) FEET OF THE EAST SIXTEEN (16) FEET OF THE ABOVE  
DESCRIBED PROPERTY AS DEPICTED IN EXHIBIT "B" ATTACHED HERETO  
AND BY THIS REFERENCE MADE A PART HEREOF.**

**EXHIBIT "B"**

USW JOB # 91RP416

S. 100' LOT 1 BLOCK 1  
BRYANT TRACTS # 2  
SEC. 34, T.38S. R9E. WM.



State of Oregon, County of Klamath  
Recorded 06/26/00, at 16:52 a.m.  
In Vol. M00 Page 23015  
Linda Smith,  
County Clerk Fee \$ 41.00