40-12-33-300 40-12-7000

## **AERIAL COMMUNICATIONS LINE RIGHT-OF-WAY EASEMENT**

CHARLES E. MCCULLEY and CAROL J. MCCULLEY, TRUSTEES, THE MCCULLEY TRUST DATED DECEMBER 5th 1991, hereby grant to CENTURYTEL OF EASTERN OREGON, INC., dba CENTURYTEL, its successors and assigns, (hereinafter referred to as the Company), a perpetual nonexclusive easement and right to construct and maintain aerial telephone and communications facilities, together with all necessary poles (subject to conditions stated below), anchors, guys, wires and fixtures incidental thereto, over, under, upon and across the following described property:

A strip of land five (5) feet in width, the centerline of said strip being contiguous to the centerline traverse of a northerly-southerly aerial power utility pole line, as it exists on the date of this easement grant, located along and adjacent to the westerly boundaries of those parcels of land situated in the SE½ Section 28 and the NE½ Section 33, T.40S., R.12E., W.M., said parcels being more particularly described in that Quit Claim Deed recorded December 17, 1991 in Vol. M91 of Deeds at Page 26275 of Klamath County Records,

situated in the County of Klamath, State of Oregon, together with such additional adjacent area as may be reasonably required by the Company for placement and maintenance of down-guys and anchors supporting the Company's telephone and communications facilities placed hereunder. Only utility poles existing on the date of this easement grant, or replacements thereof, are authorized hereunder, it being understood that the intent of this easement grant is that all communications cables placed by the Company hereunder shall be attached to and maintained on only utility poles existing on the date of this easement grant or replacements thereof.

It is agreed that the Company, its successors and assigns, shall have access to said premises for the purposes stated, and shall be responsible for any damage to said premises by reason of any negligence on the part of said Company's employees while placing and maintaining construction, provided, however, that the Company shall have the right to clear and keep cleared trees or other obstructions which may interfere or threaten to interfere with the exercise of the Company's rights granted hereunder.

Grantors warrant that Grantors are the sole owners of the above described parcels of land and have the sole right to grant this easement. This easement shall inure to the benefit of and shall be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

Dated: February 9, 2004	
Charles E. McCulley, Trustee	Carol J. McCulley, Trustee
STATE OF Airona  COUNTY OF Maricupa  SS.	State of Oregon, County of Klamath Recorded 02/20/2004 10:222 m Vol M04 Pg 9689 Linda Smith, County Clerk Fee \$ 2/60 # of Pgs/
BE IT REMEMBERED, That on this day of	
IN TESTIMONY WHEREOF, I have hereunto set my and year first above written.  SUSAN M. ANANIA Notary Public - Arizona Notary Public - Arizona	y hand and affixed my official seal the day

Notary Public in and for the State of

My Commission expires: <u>ルル</u>

Anzono

Commission Expires

November 9, 2004