

Return to: Pacific Power  
1950 Mallard Lane  
Klamath Falls, OR 97601

Vol M04 Page 33682

CC#: 11176 WO#: 02254641

RIGHT OF WAY EASEMENT

RECEIVED  
12/04/03

04 MAY 26 PM 1:24

For value received, Kenneth W. Roof, ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 20 feet in width and 515 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: supporting towers, poles, props, guys and anchor, including guys and anchors outside of the right of way; wires, fibers, cables and other conductors and conduits therefor; and pads, transformers, switches, vaults and cabinets, along the general course now located by Grantee on, over or under the surface of the real property of Grantor in Klamath County, State of Oregon, more particularly described as follows and as more particularly described and/or shown on Exhibit(s) A, B, and C attached hereto and by this reference made a part hereof:

The E 1/3 of the NW 1/4, and the W 1/2 of the NE 1/4, saving and excepting any portion lying South of the Langell Valley Irrigation District North Canal, and the NE 1/4 of the SW 1/4 of the SW 1/4 of Section 21, Township 39 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

Assessor's Map No. R-3912-02100 Tax Parcel No. 1200

Together with the right of access to the right of way from adjacent lands of Grantor for all activities in connection with the purposes for which this easement has been granted; and together with the present and (without payment therefor) the future right to keep the right of way and adjacent lands clear of all brush, trees, timber, structures, buildings and other hazards which might endanger Grantee's facilities or impede Grantee's activities.

At no time shall Grantor place, use or permit any equipment or material of any kind that exceeds twelve (12) feet in height, light any fires, place or store any flammable materials (other than agricultural crops), on or within the boundaries of the right of way. Subject to the foregoing limitations, the surface of the right of way may be used for agricultural crops and other purposes not inconsistent, as determined by Grantee, with the purposes for which this easement has been granted.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns.

DATED this 2<sup>nd</sup> day of December, 2003.

Kenneth W. Roof  
Grantor(s) Kenneth W. Roof

Grantor(s)

INDIVIDUAL ACKNOWLEDGMENT

STATE OF OREGON

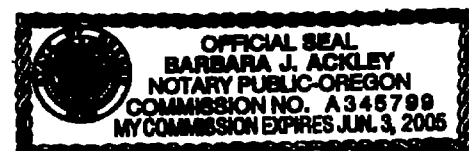
County of Klamath ss.

This instrument was acknowledged before me on this 2<sup>nd</sup> day of DECEMBER, 2003, by Kenneth W. Roof.

Barbara J. Ackley  
Notary Public

My commission expires: 6-3-05

State of Oregon, County of Klamath  
Recorded 05/26/2004 1:24 pm  
Vol M04 Pg 33682 - 33685  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4



36✓

33683

08 FEB 10 AM 11:02



After recording return to:  
Kenny Roof

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

Escrow No. K59779S  
 Title No. K59779-S

THIS SPACE RESERVED FOR RECORDING'S USE

Vol M03 Page 08025

State of Oregon, County of Klamath  
 Recorded 02/10/2003 11:02 a.m.  
 Vol M03 Pg 08025-26  
 Linda Smith, County Clerk  
 Fee \$ 26.00 # of Pgs 2

### STATUTORY WARRANTY DEED

Dan R. Kurtz and Sydney R. Kurtz, as grantors by the entirety; Grantor, conveys and warrants to Kenneth W. Roof, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Attached Exhibit "A" Legal Description

This property is free of liens and encumbrances, EXCEPT: Reservations and restrictions of record, rights of way, and easements of record and those apparent upon the land, contracts and/or liens for irrigation and/or drainage.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FREE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$245,000.00 (Show comply with the requirements of ORS 93.300)

THE EXECUTION OF THIS DEED DIRECTLY TO THE GRANTEE NAMED IS DONE AT THE DIRECTION OF SUMMIT ACCOMMODATORS, INC. AS PART OF A TAX DEFERRED EXCHANGE FOR THE BENEFIT OF SAID GRANTEE.

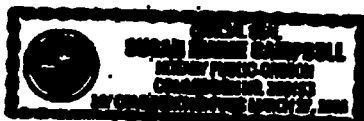
Dated this 7 day of February, 2003.

Dan R. Kurtz  
 Dan R. Kurtz

Sydney R. Kurtz  
 Sydney R. Kurtz

STATE OF OREGON  
 County of Klamath } ss.

This instrument was acknowledged before me on this 7 day of February, 2003  
 by Dan R. and Sydney R. Kurtz



Susan Marie Campbell  
 Notary Public for Oregon

My commission expires: 3-27-06

EXHIBIT A

33684  
08026

Exhibit A

The E $\frac{1}{2}$  of the NW  $\frac{1}{4}$ , and the W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$ , saving and excepting any portion lying South of the Langell Valley Irrigation District North Canal, and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 21, Township 30 South, Range 12 East of the Willamette Meridian, in the County of Yamhill, State of Oregon.

Together with a 30' right of way at the East border of E  $\frac{1}{2}$  of SE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  and the SE  $\frac{1}{4}$  of NE  $\frac{1}{4}$  of SW  $\frac{1}{4}$  of Section 21, Township 30 South, Range 12 East of the Willamette Meridian as reserved by James T. Evatt and Norma J. Evatt in Deed recorded July 27, 1992 in Book M-62 on page 16643 and recorded December 23, 1993 in Book 17 55 on page 34626.

EXHIBIT "B"

# EXHIBIT "C"

