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

**BRUCE S. TOPHAM and VIRGINIA TOPHAM** As Grantor (s) hereby grant(s) to CENTURYTEL OF EASTERN OREGON, INC., (Grantee) dba CENTURYTEL, its successors and assigns, (hereinafter referred to as the Company), the right to construct and maintain aerial fiber optic facilities with suspension strand on existing power pole lead, over, upon and across the following described property:

Two parcels of land located in the following:

W1/2SW1/4 Sec. 19, T.36S., R.12 E.W.M., this parcel is known as Tax Lot 7400 in the Klamath County Assessor's Office.

NE1/4 Sec. 25, T. 36 S., R. 11 E. W. M. This parcel is known as Tax Lot 100 in the Klamath County Assessor's Office.

These parcels are described more specifically in that Warranty Deed as recorded at M76-17540 in Klamath County Record of Deeds.

This right-of-way and easement shall include conditions stated on Exhibit "A" attached hereto and incorporated herein.

situated in the County of **KLAMATH**, State of Oregon.

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.

Dated: June 29, 2004

Bruce S. Topham  
Bruce S. Topham

Virginia Topham  
Virginia Topham

STATE OF Oregon )  
COUNTY OF Klamath )

ss.



BE IT REMEMBERED, That on this 29<sup>th</sup> day of June, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Bruce Topham & Virginia Topham

the identical individual described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Janet L. Monti

Notary Public in and for the State of Oregon  
My Commission expires: 12-3-04



State of Oregon, County of Klamath  
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Fee \$ 26.00 # of Pgs 2

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Ret to Centurytel

## EXHIBIT "A"

1. The easement property is as follows: A strip of land ten feet (10') in width, the boundaries of which are five feet (5') on either side of the centerline of the aerial power facilities as operated by Pacific Corp. and existing as of the date of this right-of-way easement and located on Grantor's property as described above, with said facilities running in a northeasterly/southwesterly direction.
2. It is agreed that the Grantor shall not be held responsible for any liability arising from the exercising of the Grantee's rights as granted herein.
3. The easement and rights granted hereunder shall extend only to the communication cable and associated facilities being placed under this current easement and right-of-way. Should additional communication facilities be required in the future that are not associated with the construction or maintenance of facilities placed through this current grant of right-of-way, a new easement and right-of-way shall be required.
4. Access through lands of grantor by mechanized means shall not be granted unless verbal approval is obtained from grantor.