

After recording return to:
Florence Mott
Qwest Corporation
8021 SW Capitol Hill Road
Room 160
Portland, OR 97219

Job#: 24R9865 - Klamath Falls

Vol M04 Page 47220

State of Oregon, County of Klamath
Recorded 07/20/2004 9:13 a m
Vol M04 Pg 47220-23
Linda Smith, County Clerk
Fee \$ 36⁰⁰ # of Pgs 4

04 JUL 20 AM 9:13

RECORDING INFORMATION ABOVE

EASEMENT AGREEMENT

Private Easement
Individual(s) as Grantor

The undersigned, **Wyoming Court MHC**, an Oregon limited partnership, ("Grantor") for and in consideration of Mutual Benefits and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey unto **Qwest Corporation**, a Colorado corporation ("Grantee"), whose address is 1801 California St., Suite 5200, Denver, CO 80202, and its successors, assigns, affiliates, lessees, licensees, and agents, a perpetual non-exclusive easement to construct, modify, add to, maintain, and remove such telecommunications facilities, namely buried service wire, and other appurtenances, from time to time, as Grantee may require under and across the following described property situated in the County of **Klamath**, State of **Oregon**, which Grantor owns or in which Grantor has an interest ("Easement Area"), to wit:

A 10' wide easement being 5' on either side of the "as placed" buried service wire located on a portion of Grantor's property described on Exhibit A-1 and shown on Exhibit A-2, which are attached hereto and by this reference made a part hereof, all of which is situated in Section 13, Township 39S, Range 9E of the W.M., Klamath County, Oregon.

Grantor further conveys to Grantee the right of ingress and egress to and from the Easement Area during all periods of construction, maintenance, installation, reinforcement, repair and removal over and across Grantor's lands with the right to clear and keep cleared all trees, within the Easement Area, and other obstructions as may be necessary for Grantee's use and enjoyment of the Easement Area.

Grantee shall indemnify Grantor for all damages caused to Grantor as a result of Grantee's negligent exercise of the rights and privileges herein granted. Grantee shall have no responsibility for environmental contamination, which is either pre-existing or not caused by Grantee.

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

Grantor covenants that Grantor is the fee simple owner of the Easement Area or has an interest in the Easement Area. Grantor will warrant and defend title to the Easement Area against all claims.

Grantor hereby covenants that no excavation, structure or obstruction will be constructed, or permitted on the Easement Area and no change, will be made by grading or otherwise, that would adversely affect Grantee's use and enjoyment of the Easement Area.

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Initials W

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The rights, conditions and provisions of this Agreement shall run with the land and shall inure to the benefit of and be binding upon Grantor and Grantee and their respective successors and assigns.

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 Easement Area is situated.

Private Easement

Individual(s) as Grantors

WYOMING COURT MHC

By: 

Name: Brian A. Hume

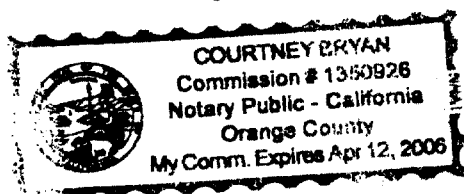
Title: _____

GRANTOR

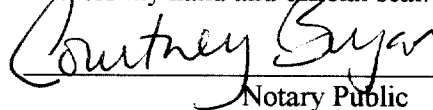
STATE OF CA
COUNTY OF Orange ss:

This instrument was acknowledged before me on this 8th day of July, 2004,
by _____ as _____ of **WYOMING COURT MHC**,
an Oregon limited partnership..

[NOTARY SEAL]



Witness my hand and official seal:


Notary Public

My commission expires: Apr 12, 2006

R/W#: OR070104FM01 Job #: 24R9865

Exchange: Klamath Falls County: Klamath

¼ Section: W½ NE¼, Section 13, Township 39S, Range 9E, W.M.

EXHIBIT A-1

Parcel 2 of MINOR LAND PARTITION 44-91 situated in the W $\frac{1}{2}$ NE $\frac{1}{4}$, Section 13, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and filed in the Klamath County Clerk's office.

EXCEPTING THEREFROM that portion of the following described tract of land lying within the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$:

A tract of land situated in the S $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the most Southwesterly corner of Parcel 2 of "Minor Land Partition 44-91", from which the $\frac{1}{4}$ corner common to Section 12 and said Section 13 bears North 27 degrees 31' 04" West 1722.42 feet; thence along the boundary of said Parcel 2, North 35 degrees 00' 09" East 213.04 feet, North 89 degrees 42' 49" West 240.00 feet and North 42 degrees 54' 50" West 34.30 feet to a point on the North line of the easement as described in deed Volume 291, page 438 of the Klamath County Deed Records; thence South 89 degrees 42' 49" East, along said North line 670.87 feet to a point on the East line of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of said Section 13; thence North 00 degrees 10' 23" East 4.51 feet to the NE $\frac{1}{16}$ corner of said Section 13; thence South 89 degrees 56' 54" East, along the North line of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 13, 356.00 feet to a point on the Northerly line of that tract of land described in Deed Volume 308, page 618; thence South 72 degrees 58' 03" West, along said Northerly line 516.80 feet; thence along the boundary of said Parcel 2, North 75 degrees, 46' 50" West 128.10 feet and South 72 degrees 68' 03" West 279.15 feet to the point of beginning.

Owest Easement:

A 10' wide x 60' long easement, being 5' on either side of the "as placed" buried service wire located on a portion of Grantor's property, as shown on Exhibit A-2 attached hereto and by this reference made a part hereof, all as situated in Section 13, Township 39 South, Range 9 East of the W.M., Klamath County, OR.

NW1/4 NE1/4 SEC. 13 T.39S. R.09E. WM.
KLAMATH COUNTY

[illegible]

ENTERPRISE
IRRIGATION

BSW-1

10' W - 60' L

5. ON OTHER SIDE OF

"AS PLACED" BSW

R/w#: CR050504 FM05