

04 OCT 4 AM 10:08

Vol M04 Page 66719

RECORDING REQUESTED BY:

GRANTOR: Michael J. Fitzgerald  
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath  
Recorded 10/04/04 10:08 a m  
Vol M04 Pg 66719-23  
Linda Smith, County Clerk  
Fee \$ 4100 # of Pgs 5

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## RIGHT OF WAY EASEMENT

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Rec'd 09/19/03

@ 1112

FAX #

121 AND

541-266-2271

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

66720

CC#: 11176 WO#: 0222285341

RIGHT OF WAY EASEMENT

For value received, Michael J. Fitzgerald, ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 20 feet in width and 31 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power transmission, 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" attached hereto and by this reference made a part hereof:

Legal description

Assessor's Map No. M02-73873

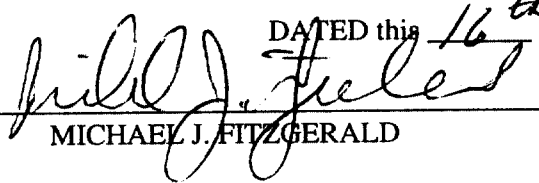
Tax Parcel No. R-4010-005B0-00700-000

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 16<sup>th</sup> day of Sept, 2003

  
\_\_\_\_\_  
MICHAEL J. FITZGERALD

\_\_\_\_\_  
Grantor(s)

\_\_\_\_\_  
Grantor(s)

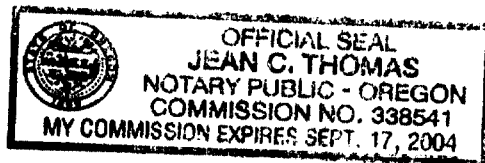
\_\_\_\_\_  
Grantor(s)

(CHOOSE WHICH ACKNOWLEDGMENT AND DELETE THE OTHER)

## INDIVIDUAL ACKNOWLEDGMENT

STATE OF OREGON)

ss.

County of Klamath)This instrument was acknowledged before me on this 16 day ofSEPT, 2003, by \_\_\_\_\_.Jean C Thomas  
Notary PublicMy commission expires: 9-17-04



MR S9433 -TM

THIS SPACE RESERVED FOR RECORDER'S USE

66722

After recording return to:

MICHAEL J. FITZGERALD11417 HILL ROADKLAMATH FALLS, OR 97603

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

MICHAEL J. FITZGERALD11417 HILL ROADKLAMATH FALLS, OR 97603Escrow No. MT59433-TM

Title No. \_\_\_\_\_

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State of Oregon, County of Klamath

Recorded 12/18/2002 3:00 p.m.Vol M02, Pg 73873-75

Linda Smith, County Clerk

Fee \$ 21.00 # of Pgs 3

02 DEC 18 PM3:00

## WARRANTY DEED

GRACE ADA CALDWELL,

Grantor(s) hereby grant, bargain, sell, warrant and convey to:

MICHAEL J. FITZGERALD

Grantee(s) and grantee's heirs, successors and assigns the following described  
real property, free of encumbrances except as specifically set forth herein in  
the county of KLAMATH and State of Oregon, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

KEYS96372

4010-00580-00700

KEYS96345

4010-00580-00800

SUBJECT TO: all those items of record and those apparent upon the land, if  
any, as of the date of this deed and those shown below, if any;  
and the grantor will warrant and forever defend the said premises and every  
part and parcel thereof against the lawful claims and demands of all persons  
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is \$ 145,500.00.

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 FEE 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 30.330.

Dated this 18<sup>th</sup> day of Dec, 2002.

Grace Ada Caldwell  
GRACE ADA CALDWELL

State of Oregon  
County of KLAMATH

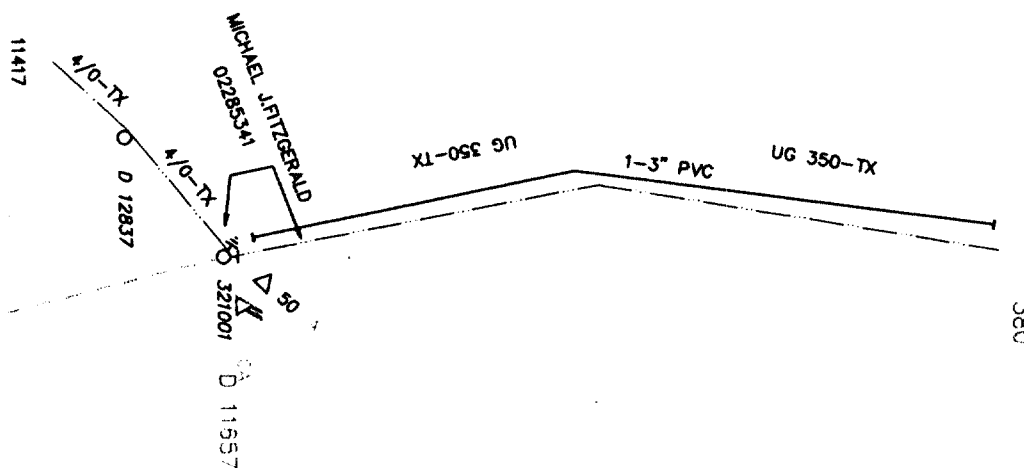
This instrument was acknowledged before me on December 18, 2002 by GRACE  
ADA CALDWELL.

Tamara L. McDaniel  
(Notary Public for Oregon)

My commission expires 12/17/05



EXHIBIT A

66723



This drawing is preliminary and should be used only as a representation of the location of the easement being conveyed. The exact location of all structures, lines and appurtenances is subject to change.

## EXHIBIT "B"

Foreman		Emp #	Job Start Date		 		
CC#	WO# / REQ#	Map String	Job Comp Date				
11176	002285341	01439010.0			1 OF 1		
CUSTOMER : GEORGE THOMPSON ADDRESS : HILL RD KLAMATH FALLS			Circuit 5L58	Post Jobs <input type="checkbox"/> RQII <input type="checkbox"/> Posted <input type="checkbox"/>	EST ID# 60177	Print Date 08/22/03	Scale 1=100'