

05 JAN 13 AM 10:24

Vol M05 Page 02714

State of Oregon, County of Klamath  
Recorded 01/13/05 10:24 a m  
Vol M05 Pg 02714-18  
Linda Smith, County Clerk  
Fee \$ 4.00 # of Pgs 5

RECORDING REQUESTED BY:

GRANTOR: McDONALD CANDY  
COMPANY, INC.  
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

*06*  
PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

---

## RIGHT OF WAY EASEMENT

---

02715

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

CC: 11176 WO: 2398956

RIGHT OF WAY EASEMENT

For value received, McDonald Candy Company, Inc., ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 10 feet in width and 25 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, as more particularly described and/or shown on Exhibit(s) "A" attached hereto and by this reference made a part hereof:

Situated in a portion of the SW 1/4 of Section 17, Township 38S, Range 09E of the Willamette Meridian, and more specifically described in Volume M-04 Page 08027 in the official records of Klamath County.

Assessor's Map No. S-3809-017C0-01900-000 Tax Parcel No. #1900

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 5<sup>th</sup> day of MAY, 2004.

MCDONALD CANDY COMPANY, INC.

BY: Charles R Huey  
(President)

Attest: \_\_\_\_\_  
(Secretary)

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OREGON  
County of Lane ss.

This instrument was acknowledged before me on this 5<sup>th</sup> day of MAY, 2004, by Charles R Huey, as President of McDonald Candy Co.

Dale Hanson  
Notary Public  
My commission expires: 1/14/07

RECEIVED  
MAY 07 2004  
BY 178 13:10



04 FEB 10 PM 2:27

02716

Vol M04 Page 08027

After Recording Return to:  
MC DONALD CANDY COMPANY INC.  
DBA WESTERN BEVERAGE CO  
2360 W. Broadway  
Eugene, OR 97402

State of Oregon, County of Klamath  
Recorded 02/10/2004 2:27 p.m.  
Vol M04 Pg 8027  
Linda Smith, County Clerk  
Fee \$ 21.00 # of Pgs 1

Until a change is requested all tax statements  
shall be sent to the following address:  
MC DONALD CANDY COMPANY INC.  
DBA WESTERN BEVERAGE CO  
Same as Above  
ME 58267

**WARRANTY DEED**  
(INDIVIDUAL)

DARYL J. KOLLMAN AND MARTA C. CARPENTER WHO ACQUIRED TITLE AS MARTA C. KOLLMAN, herein called grantor, convey(s) to MC DONALD CANDY COMPANY INC. DBA WESTERN BEVERAGE CO, herein called grantee all that real property situated in the County of KLAMATH, State of Oregon, described as:

Lots 12 and 13, Block 1, Tract No. 1174, COLLEGE INDUSTRIAL PARK, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, and apparent upon the land, contracts and/or liens for irrigation and/or drainage

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$127,195.00.  
(here comply with the requirements of ORS 91.930)

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 30.930.

Dated January 30, 2004

Daryl J. Kollman  
DARYL J. KOLLMAN

Marta C. Carpenter  
MARTA C. CARPENTER

STATE OF OREGON, County of Klamath) ss.

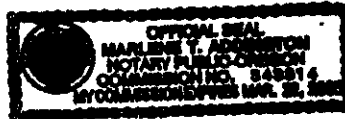
On January 30, 2004 personally appeared the above named DARYL J. KOLLMAN AND MARTA C. CARPENTER and acknowledged the foregoing instrument to be their voluntary act and deed.

This document is filed at the request of:

**Aspen**  
TITLE & ESCROW, INC.  
525 Main Street  
Klamath Falls, OR 97601  
Order No.: 0003267

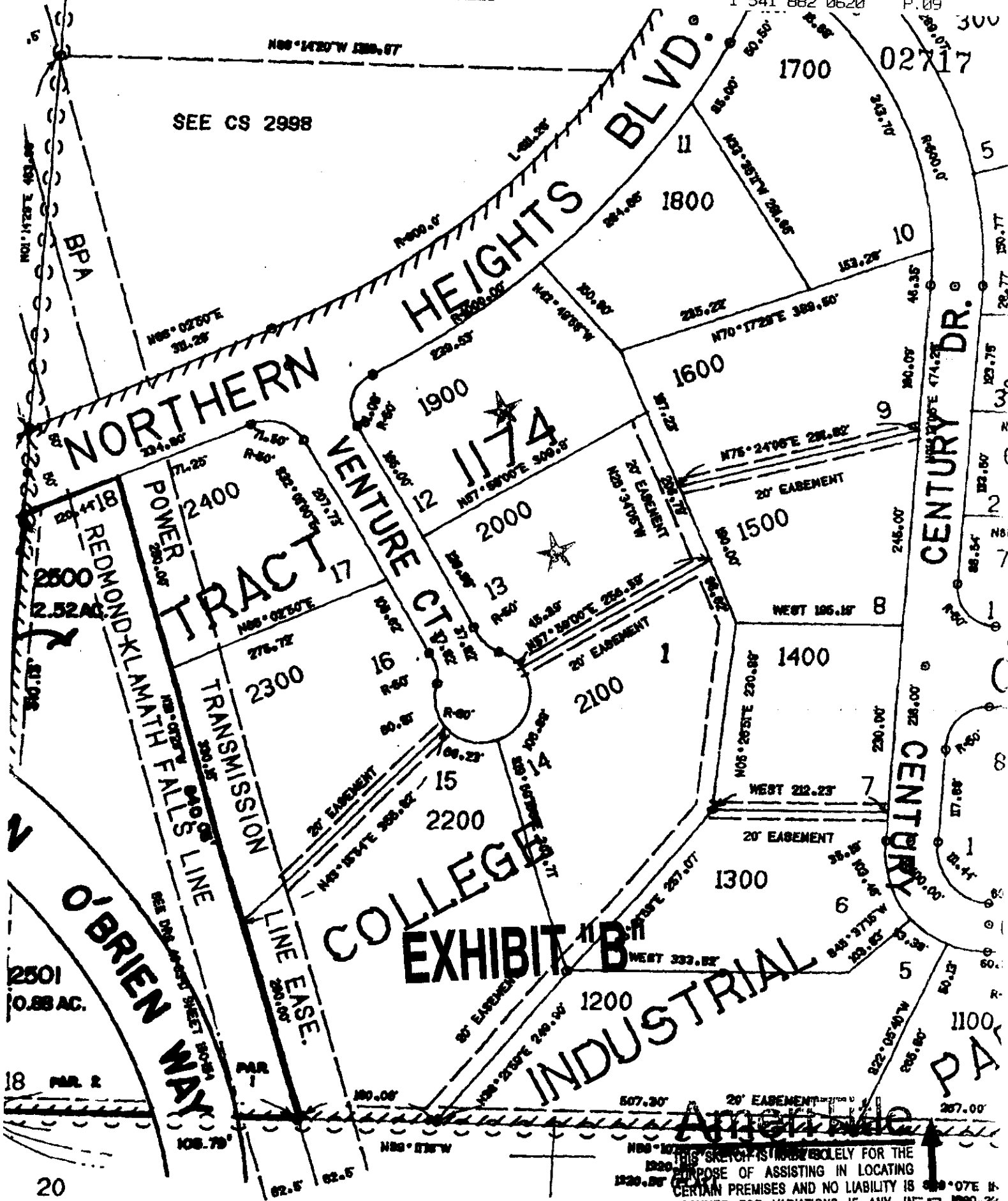
Before me: Shirley E. Aldinger  
Notary Public for Oregon  
My commission expires: 3-22-2005

Official Seal



**EXHIBIT A**

21A



**EXHIBIT B**

AMERITITLE  
 THIS SKETCH IS MADE SOLELY FOR THE  
 PURPOSE OF ASSISTING IN LOCATING  
 CERTAIN PREMISES AND NO LIABILITY IS  
 ASSUMED FOR VARIATIONS IF ANY, IN  
 DIMENSIONS AND LOCATIONS ASCERTAINED  
 BY ACTUAL SURVEY.

02718

CUSTOMER TO LOCATE FOR DISCONNECT AND EXTEND 3" PVC TO CUSTOMER PROVIDED VENTURE VAULT

CUSTOMER TO RUN 1-4" PVC FOR SERVICE TO MOUNT METERBASE ON OUTSIDE OF BUILDING

25 K.V. TO 15 K.V. ELBOWS-OUT OF SW. VAULT.

C 6828  
25 57-17593  
B

170181  
C6827

\*CREW TO ADD FUSES  
125-E SLOW FUSES

ADD FUSES

CUSTOMER TO FIND PVC AND CONTINUE 5" P.V.C. NORTHERN HEIGHTS BLVD


VENTURE CT

3-PHASE  
120/208V.  
400A. BASE

WESTERN BEVERAGE

EXHIBIT "B"

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.

Foreman		Emp #	Job Start Date	 <p>1 of 1</p>			
CC#	WO# / REQ#	Map String	Job Comp Date				
11176	002398956	01438009.0		EST ID#	Print Date	Scale	
CUSTOMER : WESTERN BEVERAGE			Circuit	Post Jobs	12950	03/04/04	1=50'
ADDRESS : NORTHERN HEIGHTS BLVD. KLAMATH FALLS, OR.			5L49	RQI			
				Posted			