

23-09-24A-1700

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AFTER RECORDING, RETURN TO:

Affiliated Land Services, Inc.
P.O. Box 17035
Salem, OR 97305

FOR RECORD

State of Oregon, County of Klamath
Recorded 05/23/05 8:24am
Vol M05 Pg 37233 34
Linda Smith, County Clerk
Fee \$ 26⁰⁰ # of Pgs 2

COMMUNICATIONS
SITE EASEMENT AND
RELEASE

For good and valuable consideration, the receipt of which is hereby acknowledged, DONALD A. LINK (hereinafter referred to as "Grantor"), hereby grants to CENTURYTEL OF EASTERN OREGON, INC. DBA CENTURYTEL, its successors and assigns, (hereinafter referred to as CenturyTel) a perpetual and exclusive easement, including the right to excavate for, construct, maintain, inspect, alter, repair, operate, change and remove a communications facilities site, including, but not limited to, communications equipment, cabinets and other equipment enclosures, covers and other structures, security fences, foundations, lighting and security systems, commercial power and other utility facilities necessary or convenient to the construction, operation or maintenance of the site, and all cables, wires, and other equipment appurtenant thereto, under, upon, over and across those lands of Grantor (hereinafter referred to as the "Communications Site") situated in Klamath County, State of Oregon, and more particularly described as follows:

A tract of land situated in Lot 9, RIVER PINE ESTATES, according to the official plat thereof on file in the official records of Klamath County, Oregon, said tract of land being more particularly described as follows:

Beginning at the Southwest corner of said Lot 9, said point being the intersection of the North right-of-way line of Hackett Drive with the East right-of-way line of Paul Drive; thence East, along the North right-of-way line of Hackett Drive, a distance of 31 feet, more or less, to the Southerly extension of an existing North-South fence line; thence North, generally parallel to the East right-of-way line of Paul Drive and along said North-South fence line, a distance of 16 feet, more or less, to an existing intersecting East-West fence line; thence West, generally parallel to the North right-of-way line of Hackett Drive and along said East-West fence line, a distance of 31 feet, more or less, to the East right-of-way line of Paul Drive; thence South, along the East right-of-way line of Paul Drive, a distance of 16 feet, more or less, to the point of beginning;

CenturyTel shall, at all times during the term of this Communications Site Easement, maintain a minimum five (5) foot high chain link security fence, with Desert Sand color insert slats, along or adjacent to the boundaries of the above described Communications Site, provided, however, that this requirement shall be subject to the regulations and requirements of Klamath County, Oregon..

CenturyTel shall, at all times during the term of this Communications Site Easement, have the right of temporary reasonable use of and access over and across adjacent lands of Grantor to the Communications Site for the purposes stated herein.

CenturyTel shall maintain the Communications Site in a neat and orderly manner and shall be responsible for any damage to adjacent lands of Grantor caused directly by its exercise of the rights herein granted, and shall restore said adjacent lands of Grantor, as nearly as reasonably possible, to prior or better condition in a workmanlike manner, provided, however, that CenturyTel shall, without compensation to Grantor, have the right to clear and keep cleared all trees, brush or other obstructions, whether located within the Communications Site or on adjacent lands of Grantor which may interfere with or threaten to interfere with the operation or maintenance of the Communications Site.

Grantor hereby covenants and agrees to allow other utilities to serve the Communications Site from the adjacent right-of-way of Hackett Drive or Paul Drive, and further covenants and agrees to execute whatever reasonable easement grant(s) that may be required by such utilities or CenturyTel for this purpose.

Grantor warrants that Grantor is the sole owner of the Communications Site and has the right to grant this Communications Site Easement.

CenturyTel shall indemnify and defend Grantor from any and all claims from third parties arising directly from CenturyTel's exercise of rights granted herein.

In the event of abandonment or nonuse of the Communications Site for a continuous period of three (3) years, this Communications Site Easement shall automatically terminate and all rights granted herein shall automatically revert to Grantor or Grantor's successors or assigns.

For and in consideration of the rights granted herein, CenturyTel hereby releases and quitclaims to Grantor all rights which CenturyTel currently possesses by virtue of that Easement granted to Pacific Northwest Bell Telephone Company, recorded March 16, 1988 in Volume M88 at Page 3696 of Klamath County Deed Records.

This Communications Site Easement and Release shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

Dated: 04-28-05

(Grantor)

Donald A. Link
Donald A. Link

(CenturyTel)

CenturyTel of Eastern Oregon, Inc. dba CenturyTel,

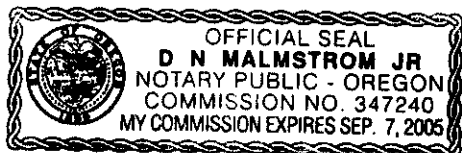
By: [Signature]
Title: General Manager

STATE OF OREGON
COUNTY OF KLAMATH

ss.

BE IT REMEMBERED, That on this 28th day of April, 2005, before me, the undersigned, a Notary Public in, and for said County and State, personally appeared Donald A. Link the identical individual described in and who executed the within instrument and acknowledged to me that he 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.



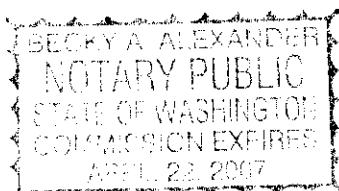
[Signature]
Notary Public in and for the State of OREGON
My Commission expires: 9-7-2005

STATE OF WASHINGTON
COUNTY OF PURCE

ss.

BE IT REMEMBERED, That on this 1st day of May, 2005, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Tim Givens the identical individual who executed the within instrument as General Manager of CenturyTel of Eastern Oregon, Inc. dba CenturyTel, and acknowledged to me that, by his/her signature, CenturyTel of Eastern Oregon, Inc. dba CenturyTel executed the same.

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



Becky A. Alexander
Notary Public in and for the State of WASHINGTON
My Commission expires: 4/23/07