

05 JUN 3 AM 10:14

Vol M05 Page 41310

RECORDING REQUESTED BY:

GRANTOR: Klamath Etna, LLC  
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

o/c  
PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

State of Oregon, County of Klamath  
Recorded 06/03/05 10:14 AM  
Vol M05 Pg 41310-13  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

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## RIGHT OF WAY EASEMENT

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RECEIVED

BY: JPB 12:54

36✓

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Klamath Etna, LLC ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a non-exclusive 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 an underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, vaults on, across, 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:

Said property generally located in Section 2 Township 39S Range 9E of the Willamette Meridian and more specifically described in Volume M04 Page 88682 in the official records of Klamath County.

Assessor's Map No. 3909 002 BC

Tax Parcel No. 6300

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 therefore) the future right to keep the right of way 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, 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 3 day of Mar, 2005.

M Eugene Dickerhoof  
(Grantor)

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

## INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

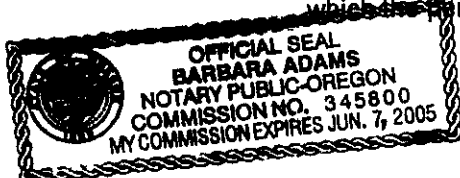
State of OREGON }

County of KLAMATH } ss }

On MARCH 2, 2005 before me, BARBARA ADAMS, NOTARY PUBLIC  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared M EUGENE DICKERHOOF  
Name(s) of Signer(s)

☐ personally known to me ~ OR ~ ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed this instrument

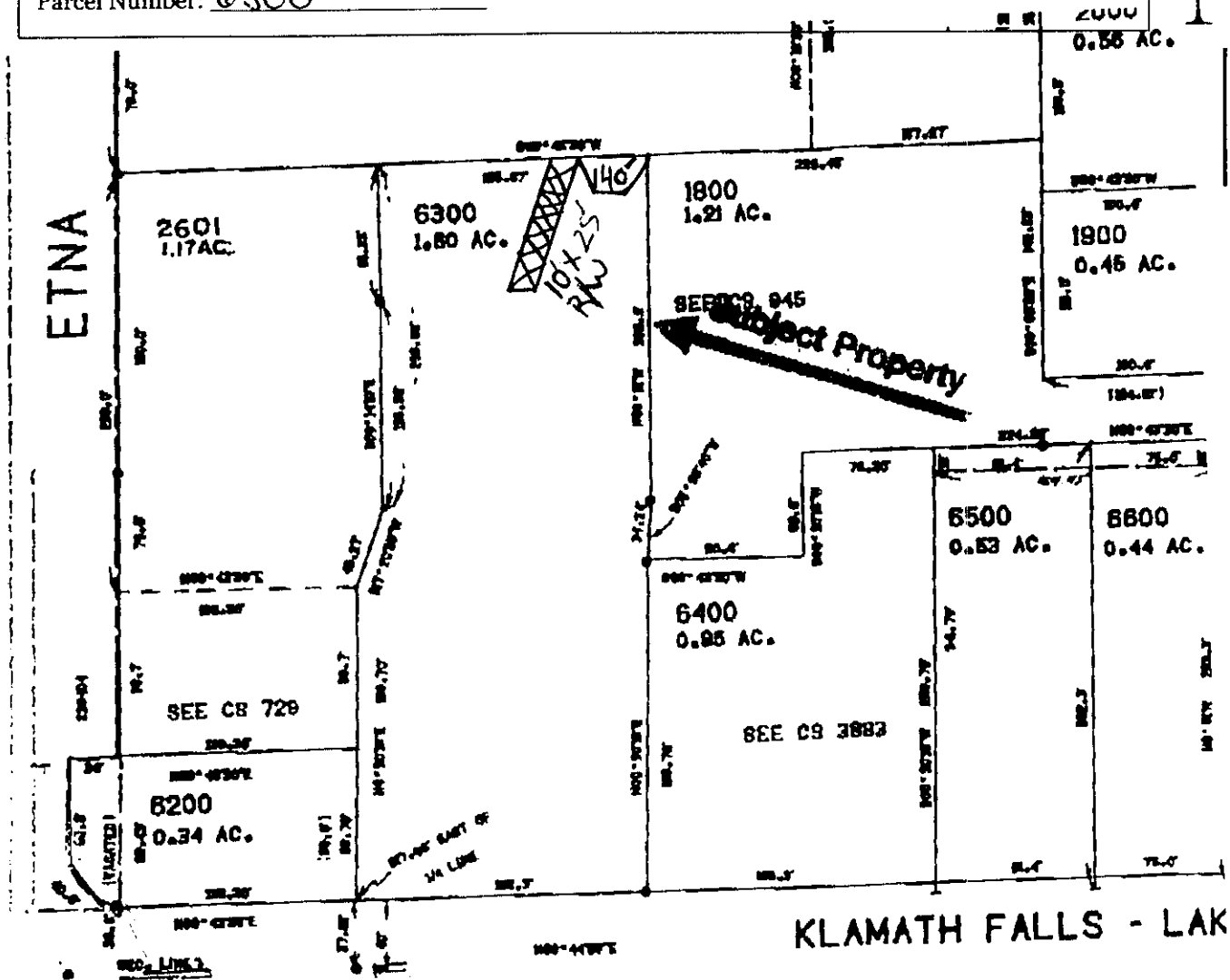


WITNESS my hand and official seal.

Barbara Adams  
SIGNATURE OF NOTARY

# Property Description

Section: 2 Township: 39 (N or S), Range: 9 (E or W) Willamette Meridian  
 County: Klamath State: OR  
 Parcel Number: 6300



CC#: 11176 WO#: 02582684

Landowner Name: Klamath Etna LLC

Drawn by: Bill Older

This drawing 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 within the boundaries of the described easement area.

## EXHIBIT A

## PacifiCorp

SCALE: NTS

# Property Description

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After Recording Return to:  
 KLAMATH ETNA LLC  
 P.O. Box 1583  
 Corvallis, OR 97339

State of Oregon, County of Klamath  
 Recorded 12/22/04 1:04 P.m.  
 Vol MO4 Pg. 88682  
 Linda Smith, County Clerk  
 Fee \$ 24 # of Pgs 2

Until a change is requested all tax statements  
 Shall be sent to the entity and address above.

*Aspen Escrow, Inc.*  
**WARRANTY DEED**  
 (INDIVIDUAL)

**BARRY SWICKLE, TRUSTEE OF THE CUSHMAN FAMILY TRUST A**, hereto called Grantor, convey(s) to **KLAMATH ETNA LLC**, an Oregon Limited Liability Company, hereto called Grantee, all that real property situated in the County of **KLAMATH**, State of Oregon, described as:

See Exhibit A attached hereto and made a part hereof.

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 \$710,000.00  
 (here comply with the requirements of ORS 93.930)

**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 FEED 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 December 18, 2004.

**CUSHMAN FAMILY TRUST A**

BY: *[Signature]*  
**BARRY SWICKLE, TRUSTEE**

STATE OF Florida, County of Palm Beach

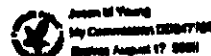
On December 21, 2004, personally appeared the above named Barry Swickle as Trustee of the Cushman Family Trust A.  
 This document is filed at the request of:

**Aspen**  
 TITLE & ESCROW, INC.

525 Main Street  
 Klamath Falls, OR 97601  
 Order No.: 00090195

Before me: *[Signature]*  
 Notary Public for Florida  
 My commission expires: 8-11-06

Official Seal



CC#: 11176

WO#: 02582684

NAME: Klamath Etna LLC

DRAWN BY: *[Signature]*

**EXHIBIT B**

**PacifiCorp**

SCALE:  
NTS

SHEET 2 OF 2