

**M05-62208**

08/18/2005 09:11:35 AM

# Of Pages 4

Fee: \$36.00

RECORDING REQUESTED BY:

GRANTOR:JOEL E. FUNKHOUSER  
GRANTOR:SHEILA M. FUNKHOUSER

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER  
1950 MALLARD LANE  
KLAMATH FALLS, OR 97601

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## RIGHT OF WAY EASEMENT

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**RECEIVED**  
AUG 08 2005

BY: *KR* 1424

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, Joel E. and Sheila M. Funkhouser ("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 450 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 the SW 1/4, SE 1/4 of Section 6 Township 39S Range 10E of the Willamette Meridian and more specifically described in Volume M04 Page 61467 in the official records of Klamath County.

Assessor's Map No. R-3910-006D0-02700-000

Tax Parcel No. 02700

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 4<sup>th</sup> day of August, 2005.

Joel E. Funkhouser  
Joel E. Funkhouser (Grantor)

Sheila M. Funkhouser  
Sheila M. Funkhouser (Grantor)

## INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }  
 } ss

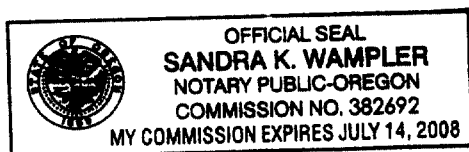
County of Klamath }

on August 4, 2005 before me, Sandra K Wampler, Notary Public  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Joel E Funkhouser and Sheila M Funkhouser  
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 which the person(s) acted, executed this instrument

WITNESS my hand and official seal.



Sandra K Wampler  
SIGNATURE OF NOTARY

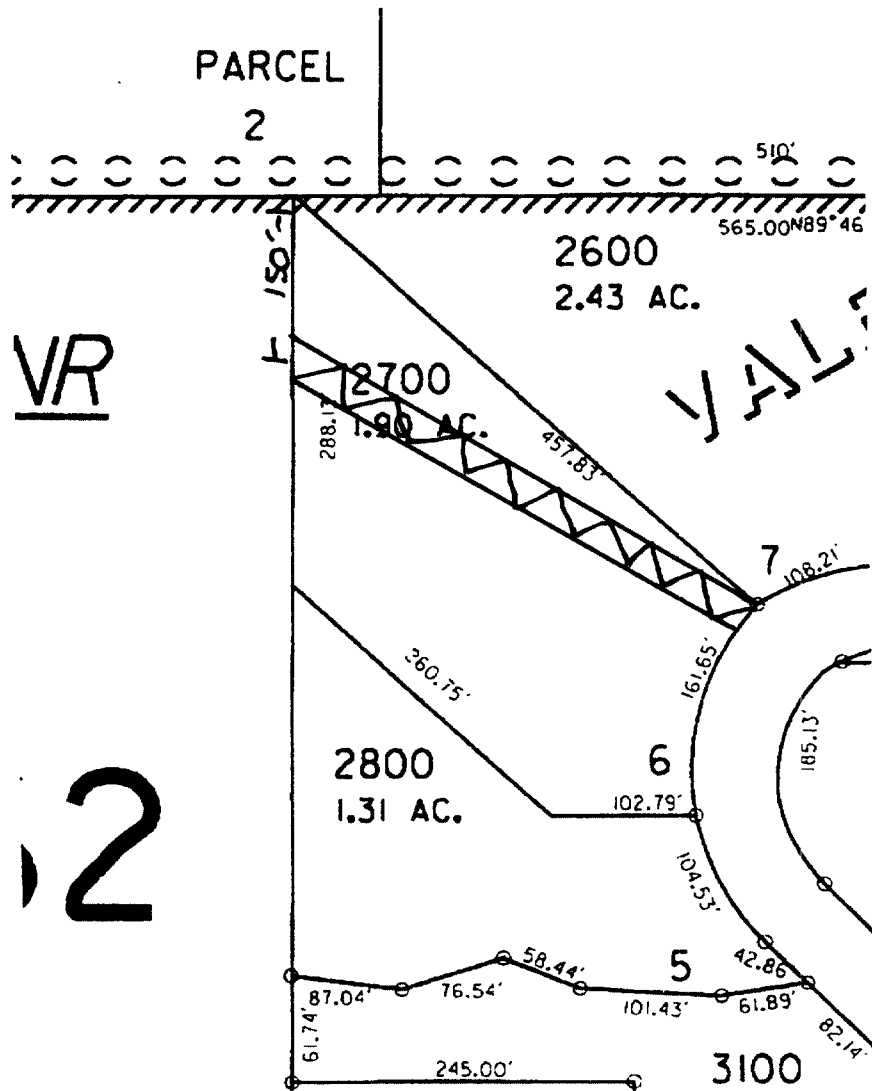
# Property Description

SW 1/4 SE 1/4

Section: 6 Township: 39 S (N or S), Range: 10 E (E or W) Willamette Meridian

County: Klamath State: OR

Parcel Number: 02700



CC#: 11176 WO#: 02600494

Landowner Name: J. Funkhouser

Drawn by: B. Olden

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

04 SEP 15 PM 2:56

Vol M04 Page 61467

## Property Description



After recording return to:  
Joel E. Funkhouser and Sheila M.  
Funkhouser  
11511 Clovis Drive  
Klamath Falls, OR 97603

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

Joel E. Funkhouser and Sheila M.  
Funkhouser  
11511 Clovis Drive  
Klamath Falls, OR 97603

File No.: 7021-427092 (SAC)  
Date: September 13, 2004

State of Oregon, County of Klamath  
Recorded 08/15/04 2:56 p.m.  
Vol M04 Pg 61467-68  
Linda Smith, County Clerk  
Fee \$ 26 # of Pgs 2

## STATUTORY WARRANTY DEED

Robert A. Stewart and Marilyn J. Stewart as tenants by the entirety, Grantor, conveys and warrants to Joel E. Funkhouser and Sheila M. Funkhouser as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Lot 6, Tract 1386, Vale Heights, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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.

The true consideration for this conveyance is \$157,250.00. (Here comply with requirements of ORS 93.030)

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CC#: 11176

WO#: 02600494

NAME: J. Funkhouser

DRAWN BY: B. Olden

**EXHIBIT B**

**PacifiCorp**

SCALE:

NTS

SHEET

OF

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