

M05-68788

Klamath County, Oregon

11/10/2005 09:18:06 AM

Pages 4 Fee: \$36.00

RECORDING REQUESTED BY:

GRANTOR: Train Mountain, Inc.
GRANTOR:

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

RIGHT OF WAY EASEMENT

RECEIVED

BY: JB

36-

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

CC#: 11176 WO#: 2642933

OVERHEAD RIGHT OF WAY EASEMENT

For value received, Train Mountain, Inc., ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 20 feet in width and 4,640 feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of electric power 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, 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:

Said property generally located in the NE of Section 4, Township 35S, Range 7E, of the Willamette Meridian and more specifically described in Volume M87, Page 22383 in the official records of Klamath County.

Assessor's Map No. 3507-0040-00100-00 & 3507-00400-00300-00 Tax Parcel No.

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 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 2nd day of September, 2005.

Grantor(s) Train Mountain, Inc.

Grantor(s)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of OREGON }
County of KLAMATH } ss

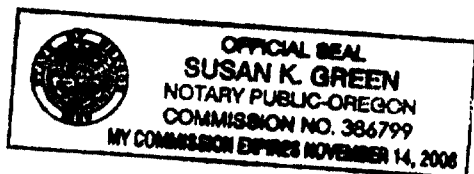
On SEPT. 2, 2005 before me, SUSAN K. GREEN
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared QUENTIN BREEN
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

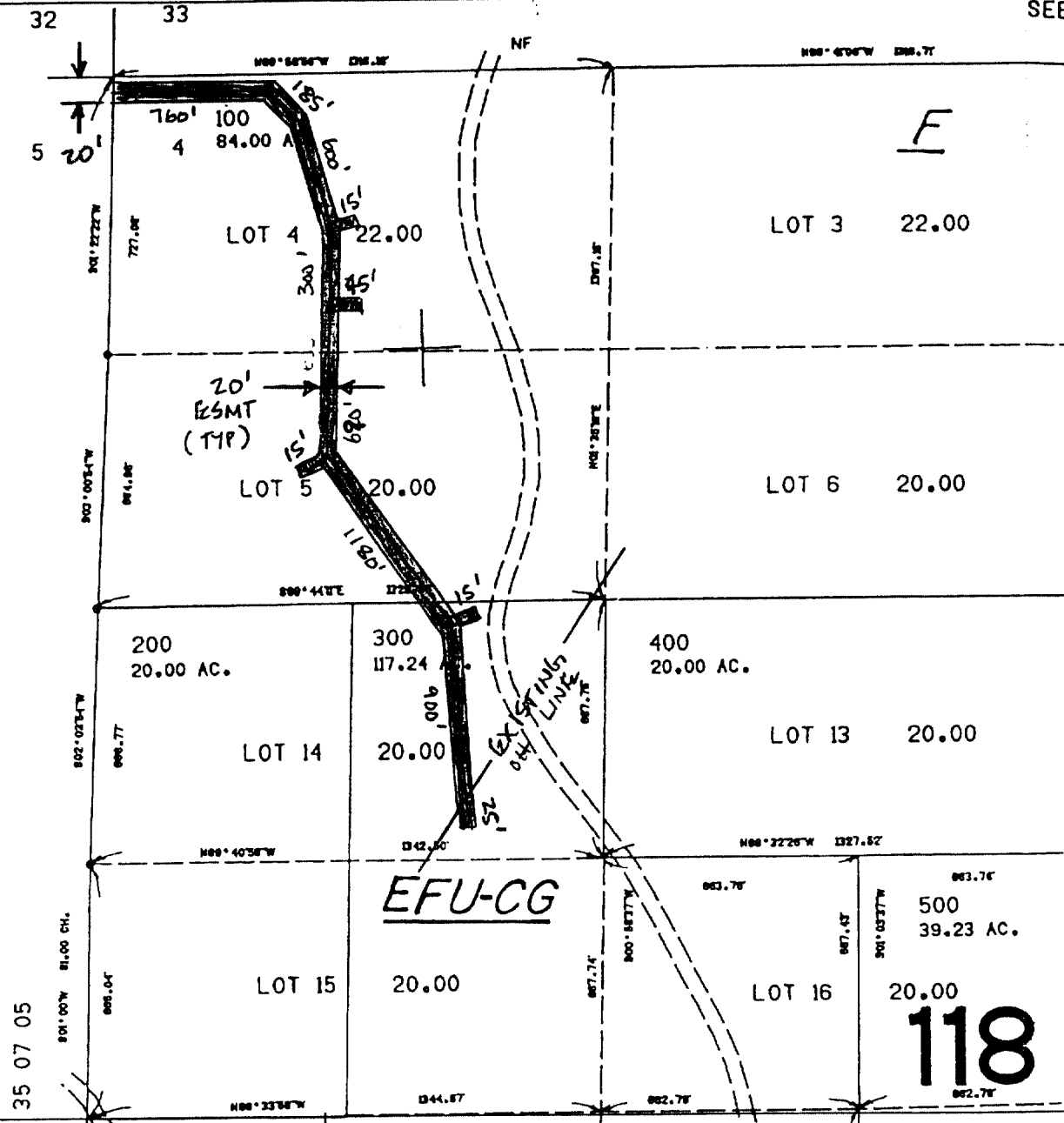
WITNESS my hand and official seal.



Susan K. Green
SIGNATURE OF NOTARY

Property Description

Section: 04 Township: 35 S (N or S), Range: 7 E (E or W) WILLAMETTE Meridian
 County: KLAMATH State: OREGON
 Parcel Number: 3507-00400-00100-000 & 3507-00400-00300-000



CG#: 11176 WO#: 02642933
 Landowner Name: TRAIN MFG. INC.
 Drawn by: GARCIA

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: N.T.S

Sheet 2 of 3

Property Description

MOUNTAIN TITLE COMPANY

82578

MTC- 19077K

WARRANTY DEED

Vol. 11176 Page 22383

KNOW ALL MEN BY THESE PRESENTS, That RICHARD L. SCHERZER and JUDITH L. SCHERZER, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by TRAIN MOUNTAIN, INC., an Oregon corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the improvements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

PARCEL 1:

Lots 3, 4, 5, and 6, Section 4, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

Lot 12 lying West of U.S. Highway 97 and all of Lot 13, Section 4, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT that section in the Klamath National Forest.

TAX LOT # 3507-0400-00100

3507-0400-00100

3507-0400-00100

"This instrument was not a violation of the provisions of 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."

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except all those of record and those apparent upon the land, if any, as of the date of this deed

and that 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 paid for this transfer, stated in terms of dollars, is \$ 50,000.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14th day of December, 1987, if a corporate grantor, it has caused its name to be signed and attested by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, attach corporate seal)

RICHARD L. SCHERZER

JUDITH L. SCHERZER

STATE OF OREGON, County of Deschutes

STATE OF OREGON,

County of Deschutes

December 14, 1987

Personally appeared the above named RICHARD L. SCHERZER and JUDITH L. SCHERZER

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

KATHLEEN OVERMAN

(OFFICIAL SEAL)

Notary Public for Oregon

My Commission Expires 7/23/91

Before me:

Notary Public for Oregon

My Commission Expires:

(OFFICIAL SEAL)

RICHARD L. SCHERZER & JUDITH L. SCHERZER

GRANTOR'S NAME AND ADDRESS

TRAIN MOUNTAIN, INC., an Oregon corporation
HC 30 BOX 1041
CHILOQUIN, OR 97624

GRANTEE'S NAME AND ADDRESS

INDEXED STATE OF OREGON,

County of Klamath

This instrument was received for record on the 15th day of December, 1987, at 2:17 o'clock PM, and recorded in book M87, on page 22383 or as file/roll number 82578

Record of Deeds of said county. Witness my hand and seal of County attested.

Evelyn Biehn, County Clerk
By Pam Smith Deputy

Fee: \$10.00

CC#: 11176

WO#: 02642933

NAME: TRAIN MTN, INC.

DRAWN BY: GARCIA

EXHIBIT B

PacifiCorp

SCALE: NTS

SHEET 3 OF 3