

M05-70214

Klamath County, Oregon

12/01/2005 11:16:52 AM

Pages 5 Fee: \$41.00

RECORDING REQUESTED BY:

GRANTOR: JAMES J. MIELOSZYK

GRANTOR: KARYN M. MIELOSZYK

9c GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

RIGHT OF WAY EASEMENT

RECEIVED
NOV 01 2005

BY: JB 11:00

41 ✓

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

CC#: 11176 WO#: 02710147

RIGHT OF WAY EASEMENT

For value received, JAMES J. MIELOSZYK and KARYN M. MIELOSZYK, ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 30 feet in width and 1498 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 therefore; 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, 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 N 1/2 of S 1/2 of Section 33, Township 37 S, Range 9 E, of the Willamette Meridian and more specifically described in Volume M85, Page 18019 & 19020 in the official records of Klamath County.

Assessor's Map No. R-3709-03300-01200-000

Tax Parcel No. 1200

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 18 day of October 2005.

[Signature]
Grantor(s) JAMES J. MIELOSZYK

[Signature]
Grantor(s) KARYN M. MIELOSZYK

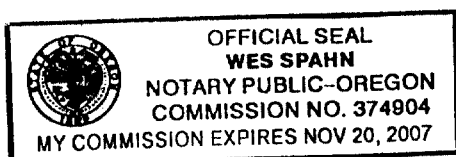
INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of OREGON }
County of KLAMATH } ss

On OCTOBER 18TH, 2005 before me, WES SPAHN
JAMES MIELOSZYK AND KARYN MIELOSZYK
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared JAMES MIELOSZYK AND KARYN MIELOSZYK
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

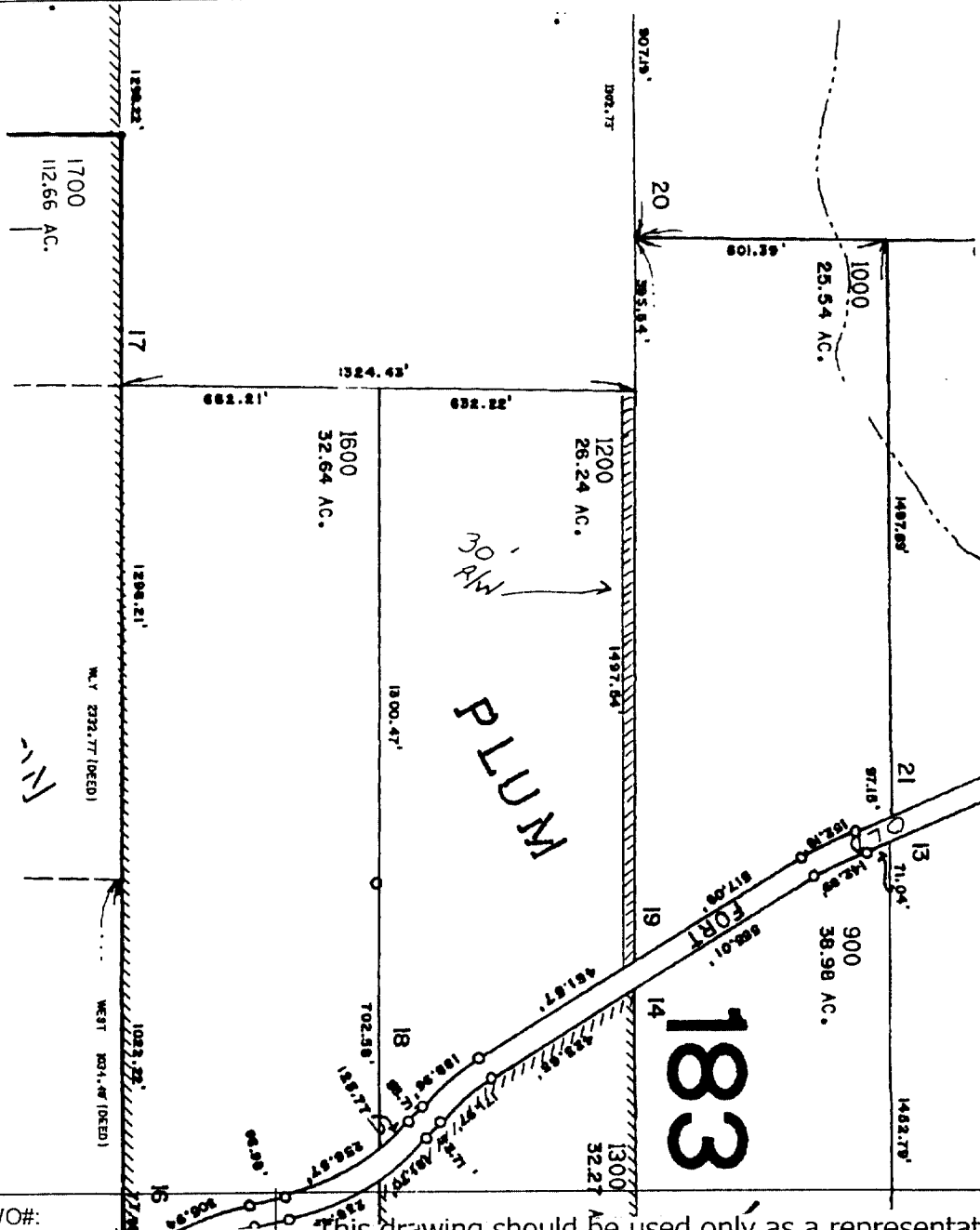


WITNESS my hand and official seal.

[Signature]
SIGNATURE OF NOTARY

Property Description

Section: 33 Township: 37 (N or S) Range: 9 (E or W) W Meridian
 County: Klamath State: OR
 Parcel Number: 1200



Landowner Name: Mieloszyk
 Drawn by: DM

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:

551-401

KNOW ALL MEN BY THESE PRESENTS, That

HARIL W. NEWTON

Vol. 1885 Page 18019

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by
 MARYN MIELOSZYK and JIM MIELOSZYK, wife and husband, 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 tenements, hereditaments and appurtenances thereto belonging or ap-
 pertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

SEE LEGAL DESCRIPTION ON THE REVERSE SIDE OF THIS DEED

"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 appro-
 priate city or county planning department to verify approved uses."

MOUNTAIN TITLE COMPANY INC.

- continued on the reverse side of this deed -

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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 as
 stated on the reverse side of this deed 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 \$ 18,750.00

(The number between the symbols @, if not applicable, should be deleted. See ORS: 93.030.)

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 1st day of November, 1985;
 if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by
 order of its board of directors.

X. *Haril W. Newton*
 HARIL W. NEWTON

(If executed by a corporation,
 attach corporate seal)

MOUNTAIN TITLE COMPANY INC.

CAMMAE KUMARZEN
 Notary Public for Oregon
 My commission expires: 3/20/87

GRANTOR'S NAME AND ADDRESS
 of CLARK Nevada
 1985
 Personally appeared the above named
 W. NEWTON
 and acknowledged the foregoing instru-
 his voluntary act and deed.
 Before me:
Cammae Kumarzen
 Notary Public for Oregon
 My commission expires: 3/20/87

STATE OF OREGON, County of) s.
 19
 Personally appeared) and
 who, being duly sworn,
 each for himself and not one for the other, did say that the former is the
 president and that the latter is the
 secretary of
 a corporation,
 and that the seal affixed to the foregoing instrument is the corporate seal
 of said corporation and that said instrument was signed and sealed in be-
 half of said corporation by authority of its board of directors; and each of
 them acknowledged said instrument to be its voluntary act and deed.
 Before me:
 Notary Public for Oregon
 My commission expires:

Haril W. Newton
 4733 Lakewood
 Las Vegas, NV 89110
 GRANTOR'S NAME AND ADDRESS
 GRANTOR'S NAME AND ADDRESS
 After recording return to:
 SAME AS GRANTEE
 NAME, ADDRESS, ZIP
 Send a check to pay all tax charges that be sent to the following address:
 SAME AS GRANTEE
 NAME, ADDRESS, ZIP

STATE OF OREGON,
 County of) s.
 I certify that the within instru-
 ment was received for record on the
 day of 19
 at o'clock PM, and recorded
 in book on page or as
 file/reel number.
 Record of Deeds of said county.
 Witness my hand and seal of
 County of
 Recording Officer
 Deputy

EXHIBIT "B"

LEGAL DESCRIPTION:

PARCEL A:

A parcel of land situated in the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 33, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of Old Fort Road and being more particularly described as follows:

Beginning at a point where the South boundary line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 33, Township 37 South, Range 9 East of the Willamette Meridian intersects the Westerly boundary line of Old Fort Road, thence Northerly along said Westerly boundary line of Old Fort Road, 820.42 feet, more or less, to the true point of beginning, said point being the Northeast corner of that property conveyed to Lawrence S. Ruiz, et ux, by instrument recorded November 20, 1981 in Volume M81, page 20253, Microfilm Records of Klamath County, Oregon; thence Westerly along the North line of said Ruiz Tract, 1836.26 feet; thence North 662.22 feet, more or less to the North line of the N $\frac{1}{2}$ of the S $\frac{1}{2}$ of said Section 33; thence East 1411.04 feet, more or less to the Westerly boundary line of Old Fort Road; thence South along said Westerly line 762.40 feet, more or less to the point of beginning. Bearings based on Minor Partition No. 81-60 as filed in the Klamath County Engineer's Office.

SUBJECT TO:

1. Taxes for the fiscal year 1985-1986, a lien, due and payable.
2. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads, or highways.
3. Reservations and restrictions as contained in Deed recorded in Volume 140, page 612, Deed Records of Klamath County, Oregon, to wit:
"subject to all other rights of way of record and existing vehicle roads and ways."
4. A 30 foot easement along the Northerly boundary of the above described property as disclosed by Partition 81-60, and as disclosed by Deed from Charlotte M. Koehler to Haril W. Newton, recorded April 23, 1979, in Volume M79, page 9088, Microfilm Records of Klamath County, Oregon.
5. Subject to any adverse claims based on the assertion that Old Fort Road has moved, as disclosed by Survey 2578 filed in the Klamath County Engineer's Office.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of _____ A.D. 19 85 at 2:50 o'clock P.M., and duly recorded in Vol. 1815
of _____ on Page 18019

FEE \$9.00

Evelyn Biehn
By _____

County Clerk

[Signature]

EXHIBIT "B"