

**M06-10749**

Klamath County, Oregon

05/26/2006 12:00:09 PM

Pages 6 Fee: \$46.00

RECORDING REQUESTED BY:

GRANTOR: Five H. Ranch, Inc.  
GRANTOR:

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**  
MAR 10 2006

BY: *ow* .....

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

CC#: 11176 WO#: 2717351

OVERHEAD RIGHT OF WAY EASEMENT

For value received, Five H. Ranch, 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 650 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 and B attached hereto and by this reference made a part hereof:

Said property generally located in the SE 1/4 of NE 1/4 of Section 6, Township 39S, Range 11.5 E, of the Willamette Meridian and more specifically described in Volume M80, Page 15699 in the official records of Klamath County.

Assessor's Map No. R3911-V0000-02000-000

Tax Parcel No. 02000

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 10th day of march, 2006.

Five H Ranch, Inc. by Ray W. Hamel (Pres.)  
Grantor(s) Five H. Ranch, Inc. Grantor(s)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

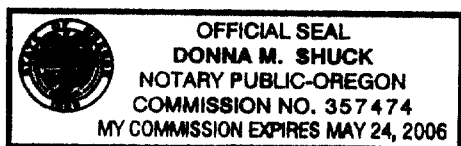
State of Oregon }  
County of Klamath } ss

On march 10, 2006 before me, Donna M Shuck, Notary Public  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Ray W. Hamel  
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

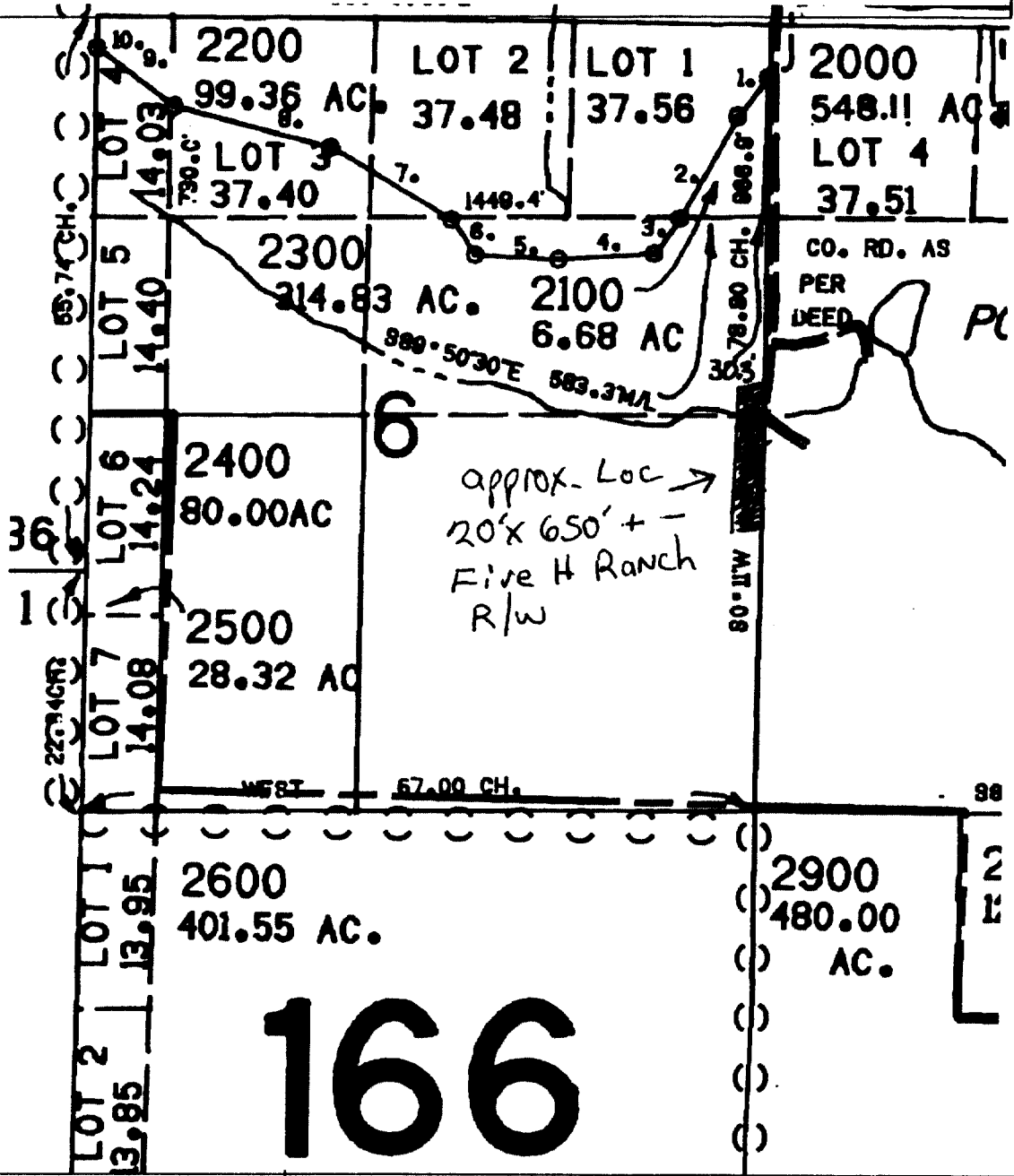
WITNESS my hand and official seal.



Donna M Shuck  
SIGNATURE OF NOTARY

# Property Description

SE 1/4 NE 1/4  
 Section: 6 Township: 39 (N or S), Range: 11.5 (E or W) Willamette Meridian  
 County: Klamath State: OR  
 Parcel Number: R 3911-0000-02000-000



166

CC#: 11176 WO#: 2717351

Landowner Name: Five H Ranch

Drawn by: Bill Oden

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

1-1-74

88539

WARRANTY DEED

CORRECTION DEED

KNOW ALL MEN BY THESE PRESENTS, That Ray Warren Hamel and Ruthmarie Hamel husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by 5 H RANCH, INC.

, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantor's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

**PARCEL 1:**

All or Section 5 in Township 39 South, Range 11½ East of the Willamette Meridian, EXCEPT Government Lot 1.

**PARCEL 2:**

The NE¼, NE¼NW¼ of Section 8, Township 39 South, Range 11½ East of the Willamette Meridian.

**PARCEL 3:**

A piece or parcel of land situate in Lot 1, Section 6, Township 39 South, Range 11½ East of the Willamette Meridian, more particularly described as follows:

Continued on back side of 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 above stated, & liens, assessments, rules & regulations for irrigation, drainage & sewage & reservations, restrictions, assessments & rights of way of record and those apparent on the land, 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 \$ 862,750.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.010.)

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 11 day of June, 19 80; 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.

(If executed by a corporate officer, affix corporate seal)

RAY WARREN HAMEL

RUTHMARIE HAMEL

STATE OF OREGON,

County of Klamath

June 11, 19 80

Personally appeared the above named Ray Warren Hamel and Ruthmarie Hamel

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

(OFFICIAL SEAL)

Notary Public for Oregon  
My commission expires: 5-17-81

Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

Ray Warren & Ruthmarie Hamel  
Star Route  
Dairy, Oregon 97625

GRANTOR'S NAME AND ADDRESS

5 H RANCH, Inc.  
Star Route  
Dairy, Oregon 97625

GRANTEE'S NAME AND ADDRESS

After recording return to:

5 H RANCH, INC.  
Star Route  
Dairy, Oregon 97625

NAME, ADDRESS, ZIP

When a change is requested all tax statements shall be sent to the following address.

5 H RANCH, INC.  
Star Route  
Dairy, Oregon 97625

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 19

at o'clock M., and recorded in book on page or as file/roll number

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By

Recording Officer  
Deputy

EXHIBIT B

Beginning at a point 30.3 feet West of the Southeast corner of said Lot 1, in the Westerly road right of way fence of the County Road running Northerly along the Easterly boundary of said Lot 1; thence North 0° 09½' East along said County Road right of way 866.2 feet; thence South 46° 44½' West 295.3 feet; thence South 29° 10' West 759.6 feet to the South boundary of said Lot 1; thence Easterly along said Southerly boundary of Lot 1, South 89° 50½' East 583.3 feet, more or less, to the point of beginning.

PARCEL 4:

A parcel of land situate in Lots 2 and 3, Section 6, Township 39 South, Range 11½ East of the Willamette Meridian, more particularly described as follows:

Beginning at the Southwest corner of said Lot 3; thence South 89° 50½' East 1831.5 feet along the Southerly boundaries of said Lots 2 and 3 to a point in the Southerly boundary of said Lot 2; thence North 60° 10' West 959.2 feet; thence North 75° 31' West 1031.2 feet to a point in the Westerly boundary of said Lot 3; thence along the Westerly boundary of said Lot 3 South 0° 08' West 730.0 feet, more or less, to the point of beginning.

PARCEL 5:

Government Lot 4 of Section 6, Township 39 South, Range 11½ East of the Willamette Meridian,

EXCEPTING THEREFROM the following described parcel:

A piece or parcel of land situate in Lot 4, Section 6, Township 39 South, Range 11½ East of the Willamette Meridian, and more particularly described as follows: Beginning at the Northwestern corner of said Lot 4; thence along the Northerly boundary of said Lot 4 South 89° 50½' East 540.4 feet to the Northeast corner of said Lot 4; thence South 0° 08' West 511.0 feet; thence North 57° 25' West 651.0 feet to the Westerly boundary of said Lot 4; thence North 0° 97' East 161.9 feet, more or less, to the point of beginning.

PARCEL 6:

The S½NE¼ of Section 6, Township 39 South, Range 11½ East of the Willamette Meridian.

EXCEPTING THEREFROM the following described parcel:

A piece or parcel of land situate in the S½NE¼ of Section 6, Township 39 South, Range 11½ East of the Willamette Meridian, more particularly described as follows:

Beginning at a point North 89° 50½' West 613.6 feet from the Northeast corner of SE¼NE¼ of said Section 6; thence South 29° 10' West 269.4 feet; thence South 85° 39½' West 606.2 feet; thence North 86° 05' West 569.7 feet; thence North 29° 38' West 278.9 feet; thence North 60° 10' West 8.4 feet to a point on the Northerly boundary of the S½NE¼ of said Section 6 thence South 89° 50½' East 1449.4 feet, more or less, to the point of beginning.

PARCEL 7:

Government Lot 5, S½NW¼, E½SW¼, SE¼ of Section 6, Township 39 South, Range 11½ East of the Willamette Meridian.

PARCEL 8:

The S½NE¼ and SE¼ of Section 32, Township 38 South, Range 11½ East of the Willamette Meridian.

EXCEPTING THEREFROM those portions conveyed for right of way of the Oregon California & Northeastern Railway Company by deeds recorded in Volume 47 at page 596 and in Volume 87 at page 261.

PARCEL 9:

The SE¼NE¼, the NE¼SE¼ of Section 31, Township 38 South, Range 11½ East of the Willamette Meridian.

SAVING AND EXCEPTING THEREFROM that portion sold by Calvin Lawson Hunt to Earle C. Smith, et ux, by deed dated April 20, 1946, recorded December 11, 1946 in Volume 199 at page 425, as follows:

CONTINUED ON NEXT PAGE....

EXHIBIT "B"

Continued from back page of warranty deed...

All that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, Township 38 South, Range 11 $\frac{1}{2}$  East of the Willamette Meridian, lying between the Klamath Falls-Dairy Highway and the right of way of the Oregon, California & Northeastern Railway West of the Oden County Road and extending to the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

LESS AND EXCEPTING those portions of the above described Parcels lying within the rights of way of the O.C. & E. Railroad and the Klamath Falls-Lakeview Highway.

PARCEL 10:

The S $\frac{1}{4}$ NW $\frac{1}{4}$  lying Southerly of the Klamath Falls-Lakeview Highway and the SW $\frac{1}{4}$  of Section 32, Township 38 South, Range 11 $\frac{1}{2}$  East of the Willamette Meridian.

SAVING AND EXCEPTING THEREFROM the parcels deeded for railroad purposes in deeds recorded in Volume 47 at page 587 and Volume 51 at page 490.

PARCEL 11:

The SW $\frac{1}{4}$ NE $\frac{1}{4}$ , the S $\frac{1}{4}$ NW $\frac{1}{4}$ , the SW $\frac{1}{4}$ , and the W $\frac{1}{2}$ SE $\frac{1}{4}$ , in Section 33, Township 38 South, Range 11 $\frac{1}{2}$  East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM those portions lying within the rights of way of the O.C. & E. Railroad and the Klamath Falls-Lakeview Highway.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~XXXXXXXXXX~~  
this 19th day of August A. D. 1980 at 2:13 P. M.  
Said deed duly recorded in Vol. 1180 of Deeds on Page 15699

W. D. MILNE, County Clerk

*Bernard H. Hetch*

Fee \$10.50

EXHIBIT "B"