

2006-018957

Klamath County, Oregon



00004278200600189570040043

09/21/2006 09:58:31 AM

Fee: \$36.00

RECORDING REQUESTED BY:

GRANTOR: The Autumn One
Family Limited Partnership

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

pr
de

RIGHT OF WAY EASEMENT

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, The Autumn One Family Limited Partnership ("Grantor"), hereby grants to PacificCorp, an Oregon corporation, its successors and assigns, ("Grantee"), a non-exclusive easement for a right of way 20 feet in width and 20 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 NW 1/4 of NW 1/4 of Section 10 Township 39S Range 9E of the Willamette Meridian and more specifically described in Volume M03 Page88429 in the official records of Klamath County.

Assessor's Map No. R-3909-D10BB-00201-000 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 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 14th day of June, 2004.

The Autumn One Family Limited Partnership (Grantor)

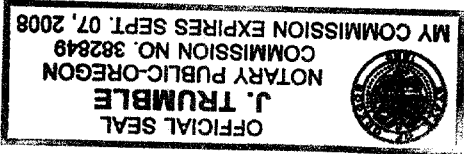
(Grantor)

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of OREGON
County of JACKSON
On June 14th, 2004, before me, J. TRUMBULE
Name, Title or Officer (eg Jane Doe, Notary Public)
JOHN BARTER, PARTNER OF THE AUTUMN ONE FAMILY LIMITED PARTNERSHIP
Name(s) of Signer(s)
personally appeared and signed

☒ 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

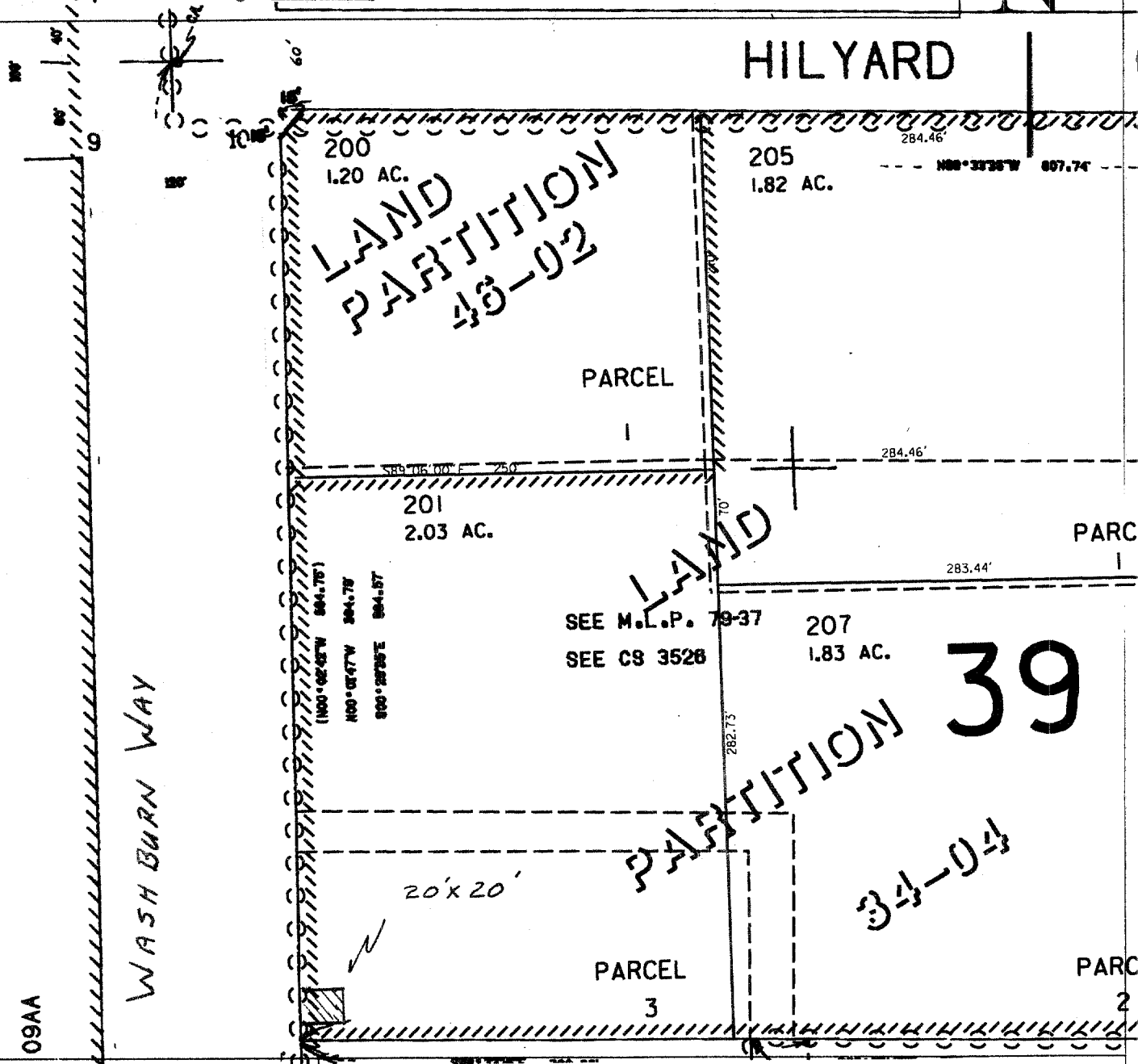
WITNESS my hand and official seal.



SIGNATURE OF NOTARY

Property Description

Section: 10 Township: 39 (N or S) Range: 9 (E or W) W Meridian
County: KLAMATH State: OR
Parcel Number: R 3909-01038-00201



CC#: 11176 WO#: 2741475
Landowner Name: AUTUMN ONE FAMILY LIMITED PART.
Drawn by: MORRISON

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

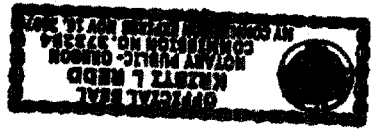
SCALE:

2.40

EXHIBIT "B"

My commission expires 11/16/2007
(Notary Public for Oregon)
[Signature]

This instrument was acknowledged before me on December 1, 2003 by HENRY J. CALDWELL, JR. & DEBORAH L. CALDWELL, TRUSTEES OF THE CALDWELL FAMILY TRUST UDA JANUARY 5, 1996 AND THEIR SUCCESSOR IN TRUST.



State of Oregon
County of KLAMATH
BY: *[Signature]* DEBORAH L. CALDWELL, TRUSTEE
BY: *[Signature]* HENRY J. CALDWELL, JR., TRUSTEE

THE CALDWELL FAMILY TRUST UDA JANUARY 5, 1996 AND THEIR SUCCESSOR IN TRUST

Dated this 1st day of December, 2003.

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 AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTEE.

Grantor is lawfully seized in fee simple on the above granted premises and SUBJECT TO: all those liens of record if any, as of the date of this deed and those shown below, if any:
and the 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.

Tax Account No.: 3909-010BB-00201-000 Key No.: 791076

Parcel 2 of Land Partion 46-02, being a portion of "Major Land Partion No. 79-37" situated on the NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
HENRY J. CALDWELL, JR. & DEBORAH L. CALDWELL, TRUSTEES OF THE CALDWELL FAMILY TRUST UDA JANUARY 5, 1996 AND THEIR SUCCESSOR IN TRUST, Grantor(s) hereby grant, bargain, sell, warrant and convey to THE RANDALL SIMONSON ONE FAMILY LIMITED PARTNERSHIP, as Oregon limited partnership, as to an undivided 1/2 interest and RANDALL SIMONSON ONE FAMILY LIMITED PARTNERSHIP, as Oregon limited partnership, as to an undivided 1/2 interest and undivided 1/2 interest, as tenants in common, Grantor(s) and grantor's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of KLAMATH and State of Oregon, to wit:

WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
RANDALL SIMONSON ONE FAMILY LIMITED PARTNERSHIP
REDEVELOPMENT CO., an Oregon assumed business name
1991 THOMSONST P.O. Box 970
MEDFORD, OR 97504 97501

Until a change is requested all tax statements shall be sent to:
The following address:
RANDALL SIMONSON ONE FAMILY LIMITED PARTNERSHIP
REDEVELOPMENT CO., an Oregon assumed business name
1991 THOMSONST P.O. Box 970
MEDFORD, OR 97504 97501

Escrow No. MT62752-KR

WIT-60752KR



03 DEC 2003 14