

2006-021203

Klamath County, Oregon



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10/23/2006 10:31:01 AM

Fee: \$61.00

RECORDING REQUESTED BY:

GRANTOR: Merl J. Howland and  
Carol A. Howland

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 14 2006

BY: *JB*

41  
20NS

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

CC#: 11176 WO#: 02861478

RIGHT OF WAY EASEMENT

For value received, Merl J. Howland and Carol A. Howland, ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 10 feet in width and 850 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 and B attached hereto and by this reference made a part hereof:

Said property generally located in the SW of NE of Section 21, Township 39S, Range 9E, of the Willamette Meridian and more specifically described in Volume M96, Page 32642 in the official records of Klamath County.

Assessor's Map No. R-3909-02100-01200 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 7 day of Aug, 2006

Merl J. Howland  
Merl J. Howland, Grantor

Carol A. Howland  
Carol A. Howland, Grantor

INDIVIDUAL OR REPRESENTATIVE ACKNOWLEDGEMENT

State of Oregon }  
County of Klamath } ss

On August 7, 2006 before me, Heather R. Criss, Notary public  
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared Merl Howland and Carol Howland  
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.

Heather R. Criss  
SIGNATURE OF NOTARY

↑  
N

[illegible]

SCALE: *None*

MTC 39652KA

JOHN D. ALARCON and DARLENE ALARCON, as tenants by the entirety,  
Grantor(s) hereby grant, bargain, sell and convey to:  
MERL J. HOWLAND and CAROL A. HOWLAND, husband and wife,  
Grantee(s) and grantee'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:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO: all those items of record and those apparent upon the land, 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.

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 \$ 68,000.00.

Until a change is requested, all tax statements shall be sent to Grantee at the  
following address: 7829 Washburn Way Klamath Falls OR 97603

Dated this 15 day of October, 1996.

John D. Alarcon

JOHN D. ALARCON

Darlene Alarcon

DARLENE ALARCON

#### NOTARY ACKNOWLEDGEMENT

STATE OF OREGON

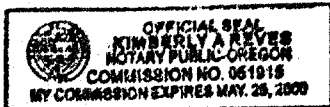
ss. October 15 19 96

COUNTY OF KLAMATH

Personally appeared the above named JOHN D. ALARCON

AND DARLENE ALARCON

and acknowledged the foregoing instrument to be their voluntary act.



Before me:

Kimberly A. Reeves

Notary Public for Oregon

My commission expires 5/25/2000

(seal)

ESCROW NO. MT39652-KA

Return to:

MERL J. HOWLAND

7829 Washburn Way  
Klamath Falls, OR 97603

**EXHIBIT "B"**

## EXHIBIT "A"

## LEGAL DESCRIPTION

All those parts of the SW1/4 NE1/4 and NW1/4 SE1/4 of Section 21, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which lies northeasterly of the northeasterly boundary of the right of way of Lost River Diversion Canal.

EXCEPTING THEREFROM beginning at the Northeast corner of the SW1/4 NE1/4 of Section 21, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, thence West 343 feet; thence in a southeasterly direction following Drain No. 1, 630 feet intersecting the East line of the SW1/4 NE1/4 of said Section; thence North 450 feet to the point of beginning.

AND ALSO EXCEPTING, beginning at a point 350 feet West of the Northeast corner of SW1/4 NE1/4 of Section 21, in Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which point is also the intersection of the westerly line of Drain No. 1 and the center line of the County Road known as the Joe Wright Road; thence running in a southeasterly direction along the westerly line of Drain No. 1, to the East line of said SW1/4 NE1/4 of said Section 21; thence South along the East line of said SW1/4 NE1/4, to the intersection with the easterly line of the No. 1C-4E-1A Lateral; thence northwesterly along the said easterly line of said Lateral a distance of 1,440 feet to the center line of said County Road; thence East along the center line of said road a distance of 400 feet to the place of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 15th day  
of OCTOBER A.D. 19 96 at 3:19 o'clock P. M., and duly recorded in Vol. 1996  
of Deeds on Page 32642  
Berneth G. Letsch County Clerk  
By Kathleen Bess

FEE \$35.00

EXHIBIT "B"