

13910-8906  
After Recording Return to

W & H Pacific  
1004 Main Street  
Klamath Falls, OR 97601

2007-013432  
Klamath County, Oregon



07/30/2007 03:08:47 PM

Fee: \$36.00

## UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that Skyridge Estates III, LLC, a Nevada Limited Liability Company (Grantors), does hereby grant bargain, sell and convey to any and all necessary utility companies (Grantee), permanent non-exclusive easement for public utilities including geothermal and all necessary appurtenances in, into, upon, over, across and under a strip of land described and shown as follows:

### SEE EXHIBIT 'A' ATTACHED HERETO

The Easement Area lies within the real property owned by Grantor that is legally described as follows:

Lot 33 of Tract 1482 – SKY RIDGE ESTATES Phase 2, according to the official plat thereof on file in the Office of the Clerk of Klamath County, Oregon

Together with the rights of ingress and egress over Grantor's adjoining lands for the purpose of Grantee's enjoyment of this easement.

Grantor retains the right to utilize the Easement Area for any purposes that do not conflict with utilities. Although this easement is non-exclusive, Grantor agrees that any other use of the Easement Area or the ingress/egress area permitted by Grantor shall not interfere with Grantee's use of those areas authorized herein.

IN CONSIDERATION OF THIS GRANT OF EASEMENT, Grantee agrees to the following:

1. **Indemnification by Grantee**, Grantee shall indemnify, defend and hold Grantor harmless from and against any and all claims, demands, damages, losses, liens, liabilities, penalties, fines, lawsuits and other proceedings asserted by third parties against Grantor and Grantor's heirs, successors and assigns (Including attorney's fees, costs and expenses) that arise from or out of the Grantee's use of the Easement Area or the Property at any time.

AMERITITLE, has recorded this instrument by request as an accommodation only, and has not examined it for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

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2. **Notice Prior to Entry.** This easement shall include the perpetual right to enter upon the Property at any necessary time, so long as Grantee uses it's best effort to coordinate such access with Grantor so as not to interfere with Grantor's ongoing business.
3. **Restoration of Property.** Upon the completion of Grantee's installation of utilities, or upon completion of grantee's ongoing maintenance or inspection of the utilities that are installed in the Easement Area. Grantee shall restore the Easement Area and the Property to the same condition as existed prior to Grantee's entry into the Easement Area or onto the property

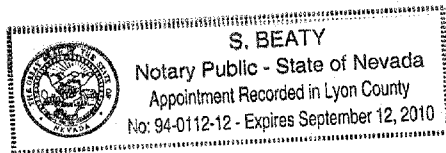
This document shall be binding upon all subsequent purchasers of the Property, the Grantee, and the heirs, successors and assigns, of both.

IN WITNESS WHEREOF, I/we have hereunto set our hands the 25<sup>th</sup> day of July, 2007.

  
Sky Ridge III, LLC, a Nevada Limited Liability Company


The Superstition Trust under trust agreement dated  
March 16, 2006, Managing Member

By Kenneth R. Gearhart, Trustee



State of NEVADA  
County of LYON

This instrument was acknowledged before me this 25<sup>th</sup> day of July, 2007 by Kenneth R. Gearhart as Trustee for the Superstition Trust under the trust agreement dated March 16, 2006 as Managing Member for Skyridge Estates III, LLC, a Nevada Limited Liability Company

  
Notary Public for LYON County, NEVADA

My commission expires 9-12-2010



1004 Main Street  
Klamath Falls, Oregon 97601-5813  
541.884.3042  
Fax 541.885.2105

JULY 12, 2007

TRACT NO. 1482-SKY RIDGE ESTATES, PHASE 2  
LEGAL DESCRIPTION – LOT 33 ADDITIONAL P.U.E.

PROJECT NO. 32623

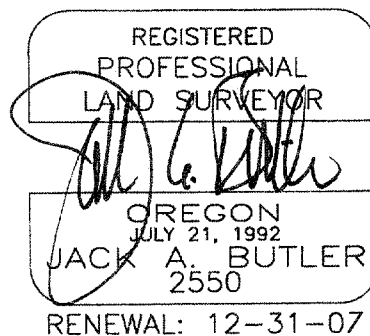
**EXHIBIT "A"**

A 4.00 FOOT WIDE STRIP OF LAND BEING A PART OF LOT 33 OF "TRACT 1482, SKYRIDGE ESTATES PHASE 2", RECORDED AS DOCUMENT 2007-8505 OF THE KLAMATH COUNTY PLAT RECORDS, AND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 26, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, CITY OF KLAMATH FALLS, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 14.00 FEET OF SAID LOT 33 EXCEPTING THEREFROM THAT PART LYING WITHIN THE EXISTING 10.00 FOOT WIDE P.U.E. CREATED BY SAID PLAT.

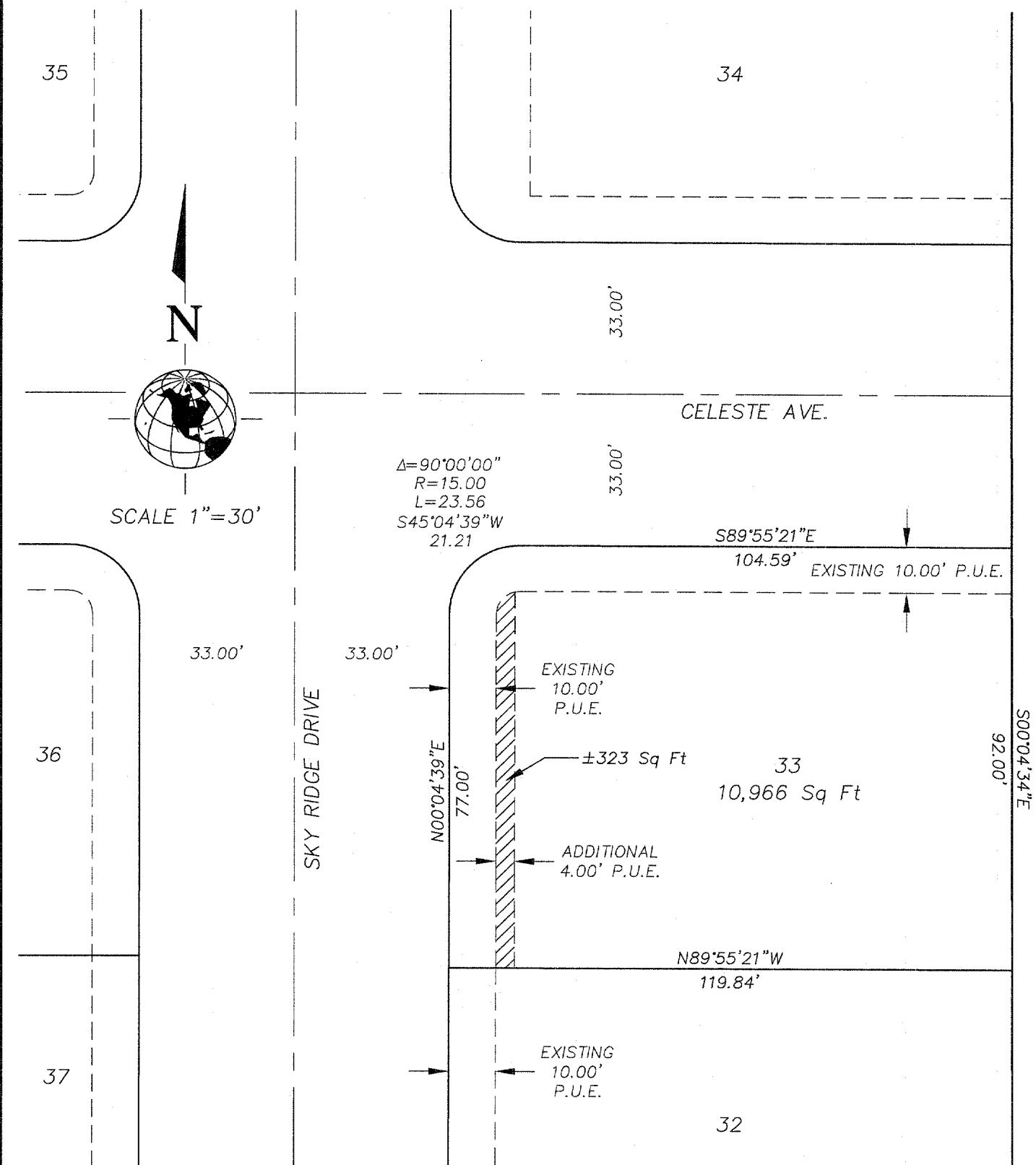
CONTAINING APPROXIMATELY 323 SQUARE FEET, MORE OR LESS.

THIS DESCRIPTION IS INTENDED TO DESCRIBE A 4.00 FOOT WIDE STRIP OF LAND ADJOINING THE EASTERLY LINE OF THE 10.00' WIDE P.U.E. CREATED BY SAID PLAT.



P:\Sky Ridge Estates III LLC\032623\Survey\Documents\Lot33PUE071307.doc

EXHIBIT "B"  
SKETCH TO ACCOMPANY LEGAL DESCRIPTION



###	###	CHECKED BY:	JAB		
DRAWN BY:	DJW	APPROVED BY:	JAB		
LAST EDIT:	7/12/2007	PLOT DATE:	07/12/07		
DATE	BY	REV#	REVISION	CK'D	APPR.

1004 Main St.  
Klamath Falls, Oregon  
97601-5919  
(541)884-3048  
(541)884-2106 Fax  
whpacific.com

TRACT 1482, SKY RIDGE ESTATES, PHASE 2  
LOT 33  
**ADDITIONAL PUBLIC UTILITY EASEMENT**

KLAMATH FALLS	PROJECT NO.	DRAWING FILE NAME:	OREGON
SCALE: 1"=30'	32761	32623-SURV-EX02	1 SHEET 1