

2008-011957

Klamath County, Oregon



00052079200800119570040048

08/26/2008 08:16:22 AM

Fee: \$36.00

RECORDING REQUESTED BY:

GRANTOR: James M. MacAllister
and Bette D. MacAllister, husband
and wife

GRANTEE: PACIFICORP

RETURN TO:

PACIFIC POWER
1950 MALLARD LANE
KLAMATH FALLS, OR 97601

Returned to Counter

RIGHT OF WAY EASEMENT

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

CC#: 11176 WO#: 05148168

UNDERGROUND RIGHT OF WAY EASEMENT

For value received, James M. MacAllister and Bette D. MacAllister, husband and wife ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns, ("Grantee"), an easement for a right of way 3 feet in width and 130 +/- feet in length, more or less, for the construction, reconstruction, operation, maintenance, repair, replacement, enlargement, and removal of Grantee's underground electric distribution and communication lines and all necessary or desirable accessories and appurtenances thereto, including without limitation: wires, fibers, cables and other conductors and conduits therefore; and pads, transformers, switches, cabinets, 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/or shown on Exhibit(s) A B attached hereto and by this reference made a part hereof:

Said property generally located in the SW 1/4, SE 1/4 of Section 11 Township 39 S Range 9 E of the Willamette Meridian and more specifically described in Volume M 81 Page 8486 in the official records of Klamath County.

Assessor's Map No. R-3909-011DC-09600-000 Tax Parcel No. 09600

Together with the right of access, for Grantee, its contractors, or agents, 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 or store any flammable materials (other than agricultural crops), or light any fires, 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 12th day of MAY, 2008.

James M. MacAllister
James M. MacAllister (Grantor)

Bette D. MacAllister
Bette D. MacAllister (Grantor)

INDIVIDUAL ACKNOWLEDGEMENT

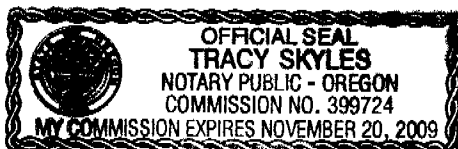
State of Oregon }
County of Klamath } ss

On May 12, 2008 before me, Tracy Skyles, Notary Public
Name, Title or Officer (eg Jane Doe, Notary Public)

personally appeared James M. MacAllister and Bette D. MacAllister, husband and wife
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.



Tracy Skyles
SIGNATURE OF NOTARY

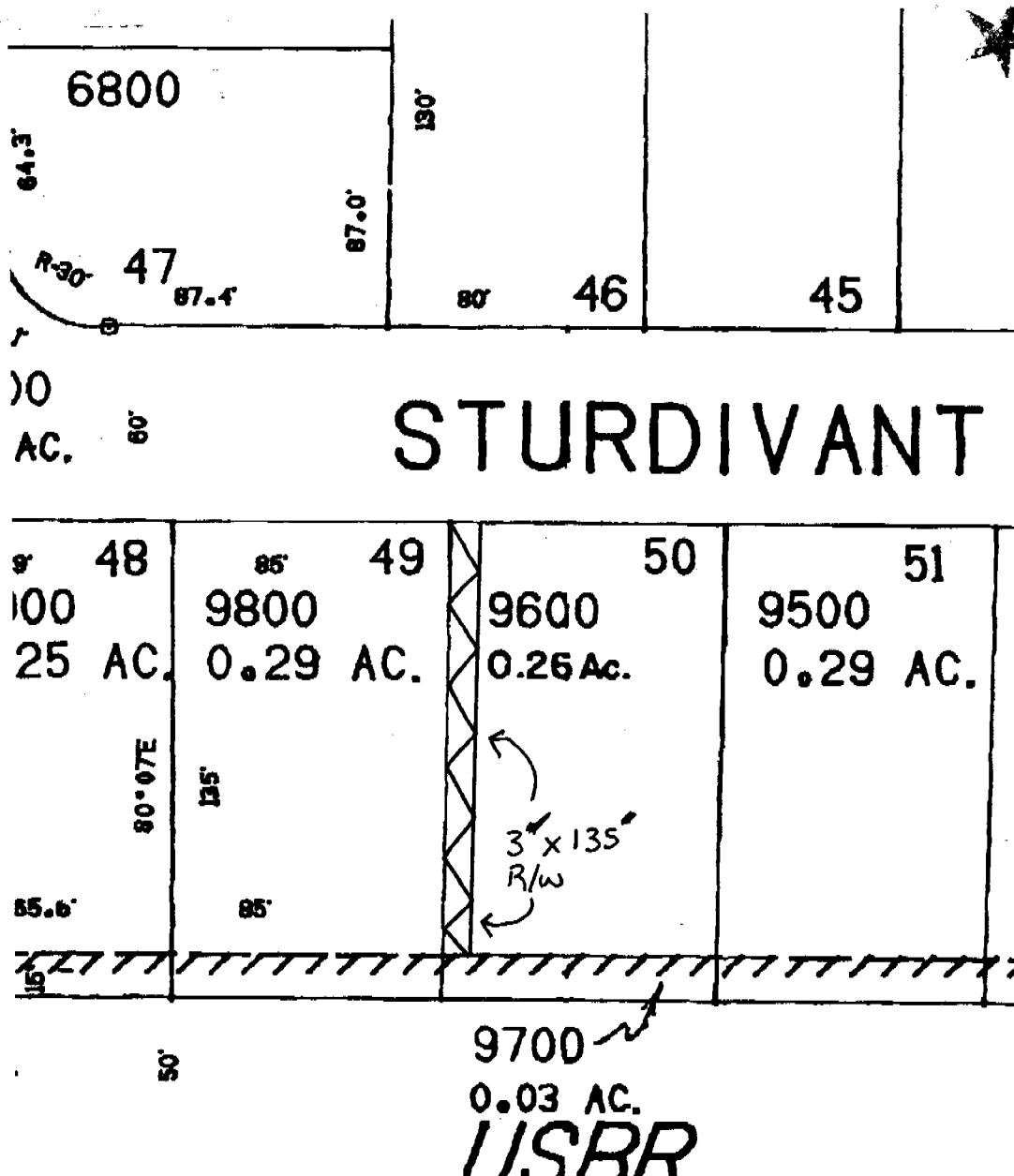
Property Description

SW 1/4 SE 1/4

Section: 11 Township: 39 ^S (N or S), Range: 9 ^E (E or W) Willamette Meridian

County: Klamath State: OR

Parcel Number: 09600



CC#: 11176 WO#: 005148168

Landowner Name: MacAllister

Drawn by: Brian Olde

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: N.T.S.

Property Description

APR-08-2008 11:18

AMERITITLE

1 541 882 0620

P.004

FORM No. 633-WARRANTY DEED (Revised 10-1-80)

STEVENS-HESS LAW PUBLISHING CO., PORTLAND, OR 97201

WARRANTY DEED

99511

WARRANTY DEED

Vol. M81 Page 8486

KNOW ALL MEN BY THESE PRESENTS, That RONALD D. BAXTER and VALORIE E. BAXTER, husband and wife hereinafter called the grantor, for the consideration herein after stated, to grantor paid by JAMES M. MACALLISTER and BETTIE D. MACALLISTER, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the said grantees and grantees'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:

Lot 50, as shown on the map entitled "LAMRON HOMES", filed in the office of the County Clerk, Klamath County, Oregon.

SUBJECT TO:

1. Regulations of South Suburban Sanitary District. 2. Regulations of Klamath Irrigation District. 3. Building set-back line 15 feet from Sturdivant Avenue as shown on dedicated plat. 4. Utility and proposed irrigation ditch as shown on dedicated plat. (affects rear 8 feet) 5. Reservations, restrictions and easements in plat dedication. 6. Covenants, conditions and restrictions imposed by instrument recorded July 28, 1958 in volume 301, page 380, and recorded March 19, 1959 in Volume 310, page 638, all Deed Records of Klamath County, Oregon. 7. Trust Deed in favor of Peoples Mortgage Company, a Washington Corporation, recorded December 14, 1978 in Volume M78, page 28059, and re-recorded March 8, 1979 in Volume M79, page 5293, which the grantees agree to assume and pay according to the terms therein.

To Have and to Hold the same unto the said grantees and grantees's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantees and grantees's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth herein and apparent upon 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 \$53,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence 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 11th day of May, 1981; 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 corporation, affix corporate seal)

Ronald D. Baxter
Valorie E. Baxter

STATE OF OREGON,
County of Marion,
May 11th, 1981

Personally appeared the above named Ronald D. Baxter and Valorie E. Baxter

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

Notary Public for Oregon
My commission expires: 7-23-82

STATE OF OREGON, County of _____ ss.
Personally appeared _____, 19____

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 behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be his voluntary act and deed.

Before me:
Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS
GRANTOR'S NAME AND ADDRESS
After recording return to:
James M. & Bettie D. MacAllister
5034 Sturdivant Avenue
Klamath Falls, Or. 97601
NAME, ADDRESS, ZIP
Until a change is reported off tax statement shall be sent to the following address:
same as above
NAME, ADDRESS, ZIP

STATE OF OREGON,
County of Klamath, ss.

I certify that the within instrument was received for record on the 13th day of May, 1981, at 1:52 o'clock P.M., and recorded in book/reel/volume No. M81 on page 8486 or as document/fee/file/instrument/microfilm No. 99511. Record of Deeds of said county.

Witness my hand and seal of County affixed.

Evelyn Biehn County Clerk

By *Hebra K. Papp* Deputy

Fee \$3.50

CC#: WOW: 11176 005148168

Landowner Name: James M. &

Bettie D. MacAllister

EXHIBIT B

PACIFIC POWER
A PACIFICORP COMPANY