

2020-005828

Klamath County, Oregon



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05/08/2020 03:31:17 PM

Fee: \$102.00

Return to: Pacific Power  
1950 Mallard Ln.  
Klamath Falls, OR 97601

CC#: 11176 WO#: 6782946

**UNDERGROUND RIGHT OF WAY EASEMENT**

For value received, *John Douglas Whaley and Jeanette Marie Whaley, Co-Trustees or their Successors in Trust under the Whaley Living Trust dated January 16, 2003 and any amendments thereto* ("Grantor"), hereby grants to PacifiCorp, an Oregon corporation, its successors and assigns ("Grantee"), a perpetual easement for a right of way 20 feet in width and 65 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 therefor; and pads, transformers, switches, cabinets, vaults on, across, or under the surface of the real property of Grantor in **Klamath County**, State of **Oregon**, as more particularly described as follows and/or shown on Exhibit(s) *A* attached hereto and by this reference made a part hereof:

A portion of:

***Lot 3, Block 4 of PINE RIDGE ESTATES, UNIT 1, according to the official plat thereof on file in the office of the Count Clerk of Klamath County, Oregon***

Assessor's Map No.: 3407-027DB-01200

Parcel No.: 194480

Together with the right of ingress and egress 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 therefor) 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 conduct or permit any ground penetrating activity or excavation in the right of way without the express written consent of the Grantee. Subject to the foregoing limitations, the right of way may be used for other purposes not inconsistent, as determined by the Grantee, with the purposes for which this easement has been granted.

**JURY WAIVER.** TO THE FULLEST EXTENT PERMITTED BY LAW, EACH OF THE PARTIES HERETO WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY IN RESPECT OF LITIGATION DIRECTLY OR INDIRECTLY ARISING OUT OF, UNDER OR IN CONNECTION WITH THIS EASEMENT. EACH PARTY FURTHER WAIVES ANY RIGHT TO CONSOLIDATE, OR TO REQUEST THE CONSOLIDATION OF, ANY ACTION IN WHICH A JURY TRIAL HAS BEEN WAIVED WITH ANY OTHER ACTION IN WHICH

A JURY TRIAL CANNOT BE OR HAS NOT BEEN WAIVED. THIS PARAGRAPH WILL SURVIVE THE EXPIRATION OR TERMINATION OF THIS AGREEMENT.

Grantor represents and warrants that it possesses all right, title and interest in and to the right of way area, free and clear of any lien, security interest, encumbrance, claim, license or other restriction that would interfere with Grantee's use of the right of way area for the purposes contemplated hereunder.

The rights and obligations of the parties hereto shall be binding upon and shall benefit their respective heirs, successors and assigns and shall run with the land.

Dated this 24 day of FEB, 2020.

John Douglas Whaley  
John Douglas Whaley GRANTOR

Jeanette Marie Whaley  
Jeanette Marie Whaley GRANTOR

\*\*\*\*\*  
**REPRESENTATIVE ACKNOWLEDGEMENT**

State of \_\_\_\_\_ }  
County of \_\_\_\_\_ } SS.

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_,

by \_\_\_\_\_, as \_\_\_\_\_,  
Name of Representative Title of Representative

of \_\_\_\_\_.  
Name of Entity on behalf of whom this instrument was executed

*See Attached*

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

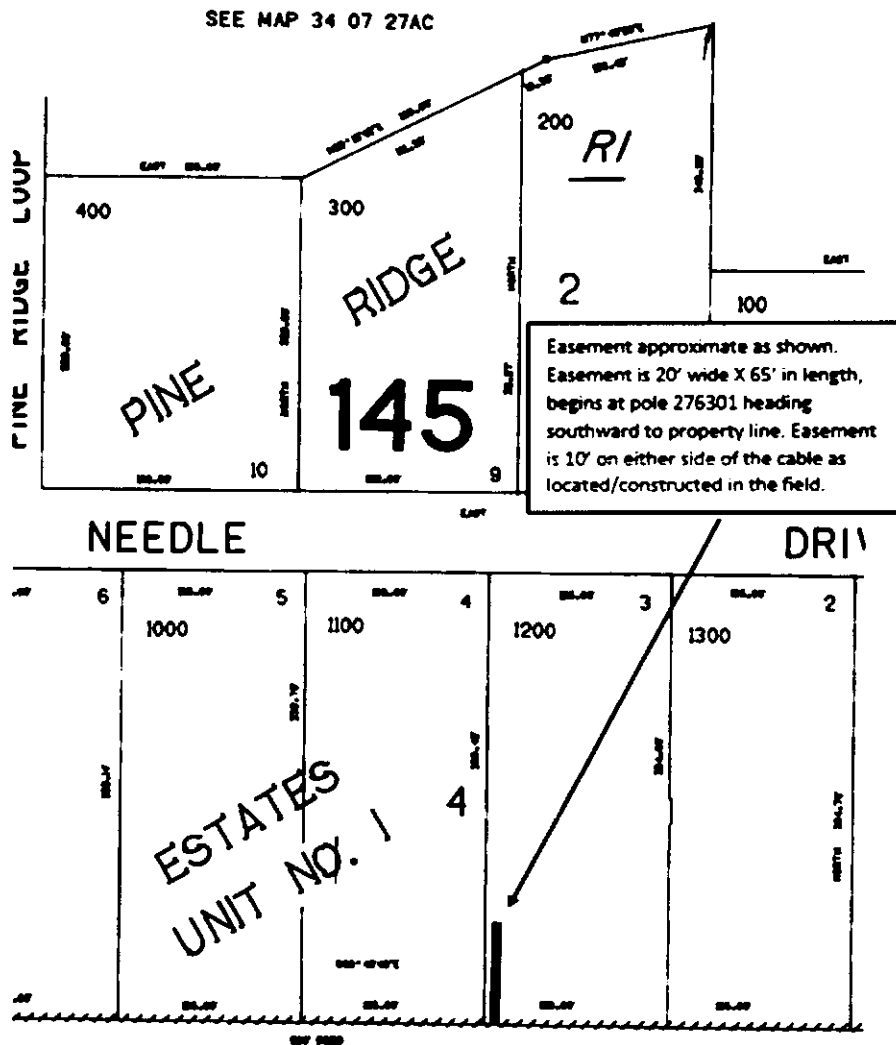
### PROPERTY DESCRIPTION

In the NW ¼ SE ¼ of Section 27, Township 34S, Range 07E  
of the W.M. Meridian, Klamath County, State of Oregon.  
Map / Tax Lot or Assessor's Parcel No.: 3407-027DB-01200



NW1/4 SE1/4 SEC. 27 T.34S. R.07E. W.M.  
KLAMATH COUNTY

1"=400'



CC#: 11176 WO#: 6782946 ROW#:

Landowner: Whaley Living Trust

Drawn by: Shelangouski

**EXHIBIT A**

This drawing should be used only as a representation of the location of the easement area. The exact location of all structures, lines and appurtenances is subject to change within the boundaries of the described easement area.



**PACIFIC POWER**  
A DIVISION OF PACIFICORP

**All-purpose Acknowledgment California only**

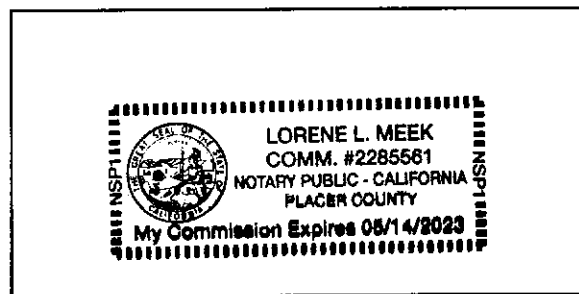
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of PlacerOn 2-24-20 before me, Lorene L. Meek, Notary Public (here insert name and title of the officer),personally appeared Jeanette Marie Whaley

who 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 of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand  
and official seal.

Signature [Handwritten Signature]**For Bank Purposes Only**

Description of Attached Document

Type or Title of Document Underground Right of Way EasementDocument Date 2-24-20 Number of Pages 3Signer(s) Other Than Named Above John Douglas Whaley

**All-purpose Acknowledgment California only**

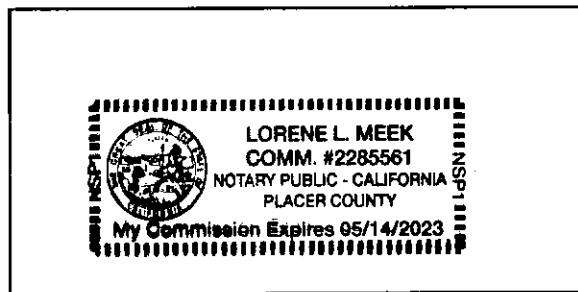
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Notary Seal

WITNESS my hand  
and official seal.

Signature

A handwritten signature in dark ink, appearing to read 'L. Meek', written over a horizontal line.

**For Bank Purposes Only**

Description of Attached Document

Type or Title of Document Underground Right of way EasementDocument Date 2-24-20Number of Pages 3Signer(s) Other Than Named Above Jeanette Marie Whaley