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Vol. ^W 23 Page 9043

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR JACKSON COUNTY

2
3 IN THE MATTER OF THE GUARDIANSHIP)
4 OF) No. P-126-73
5 MABEL A. McCOLLUM, an Incompetent.) ORDER FOR SALE

6
7 BASED ON the petition of Melvin W. McCollum and LaVene
8 E. Konschot, co-guardians of the above entitled estate,
9 requesting the court for an order allowing them to sell a
10 certain parcel of real property of said estate, and

11 IT APPEARING that citation was served on June 1, 1973
12 upon the ward and upon R. Gary Clark, Administrator of
13 Hearthstone Manor, and that no objections have been filed, and

14 IT FURTHER APPEARING that the sale proposed in said
15 petition is necessary and proper for the purposes mentioned
16 therein and the court being fully advised in the premises,
17 now, therefore,

18 IT IS HEREBY ORDERED that the co-guardians sell the
19 real property of the ward described as follows:

20 All of Section 15; and N 1/2 N 1/2 and the N 1/2 SE 1/4
21 NE 1/4 of Section 22; all in Township 38 south, Range
22 11 1/2 east of the Willamette Meridian, Klamath County,
23 Oregon.

24 SAVING AND EXCEPTING THEREFROM any portion thereof
25 included in existing roadways.

26 at private sale, it appearing that such sale is in the best
27 interest of the ward, upon the following terms and conditions:

28 The co-guardians will convey the above
29 described real property to Stanley M.
30 Peterson and Naomi Janet Peterson, husband
31 and wife, and said Stanley M. Peterson and
32 Naomi Janet Peterson will convey to Melvin
W. McCollum as trustee for the partnership
of Mabel A. and George W. McCollum, the real
property more particularly described in exhibit
"A" attached hereto and made a part hereof.
As a result of said exchange the purchase
price of the real property more particularly
described in exhibit "A" will be reduced from
\$478,000.00 to \$276,000.00. Melvin W. McCollum

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FROMMAYER & DEATHERAGE
ATTORNEYS AT LAW
P. O. BOX 1726
MEDFORD, OREGON 97501

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1 as trustee for the partnership of Mabel A.
2 and George W. McCollum shall then mortgage
3 the real property more particularly described
4 in exhibit "A" for \$276,000.00 with the Federal
5 Land Bank of Spokane thereby paying the balance
6 of the sales price. Said mortgage will be
7 the obligation of the Mabel A. and George
8 W. McCollum partnership which will hold Melvin
9 W. McCollum free and clear of any liability
10 thereon.

11 DATED this 17th day of June, 1973.

12 S/ James M. Main
13 Circuit Judge
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PROHMAYER & DEATHERAGE
ATTORNEYS AT LAW
P. O. BOX 1728
MEDFORD, OREGON 97501

EXHIBIT APARCEL 1:

The S 1/2 of Section 36,

SAVING AND EXCEPTING all that portion of the W 1/2 of W 1/2 of SW 1/4 of said Sec. 36 which lies westerly from the westerly boundary of the right of way of the Klamath Falls-Lakeview Highway and more particularly described as follows:

Beginning at the southwesterly corner of said Sec. 36 and running thence north 0°23' east along the westerly boundary of said Sec. 36, 2610 feet, more or less, to its intersection with the westerly boundary of the right of way of said Klamath Falls-Lakeview Highway; thence southerly following said right of way line 2625 feet, more or less, to its intersection with the southerly boundary of said Sec. 36; thence west along said section boundary 51.3 feet, more or less, to the point of beginning.

The S 1/2 of N 1/2, and NW 1/4 of NW 1/4 of Section 36,

SAVING AND EXCEPTING all that portion of the W 1/2 of NW 1/4 lying west of the Klamath Falls-Lakeview Highway, and also SAVING AND EXCEPTING therefrom that portion conveyed to the State of Oregon by deed recorded in Vol. 111 at page 201, and more particularly described as follows:

Beginning at a point on the westerly right of way line of the Klamath Falls-Lakeview Highway, said point being 30 feet distant from (when measured at right angles to) the centerline of said highway at Engineer's Station 694 plus 53.1, said point being 636 feet south and 370 feet east of the northwest corner of Sec. 36; thence north 76°24' west a distance of 150 feet; thence north 13°36' east a distance of 290.4 feet; thence south 76°24' east a distance of 150 feet to the westerly right of way line of said Klamath Falls-Lakeview Highway; thence south 13°36' west along said right of way line a distance of 290.4 feet to the point of beginning.

All in township 38 south, range 10 E. W.M.; and also

All of Section 1,

SAVING AND EXCEPTING that portion of lot 4 of said section 1 which lies westerly from the westerly boundary of the right of way of the Klamath Falls-Lakeview Highway, and more particularly described as follows:

Beginning at the northwesterly corner of said section 1 and running thence south 1°23' east along the westerly boundary of said section 1, 304.5 feet, more or less, to its intersection with the westerly boundary of the right of way of the Klamath Falls-Lakeview Highway; thence north 8°08' east along said right of way boundary 307.7 feet to its intersection with the northerly boundary of said section 1, thence west along said section boundary 51.3 feet, more or less, to the point of beginning; and

The NW 1/4 of NW 1/4 of Section 12, EXCEPTING THEREFROM

all that portion of the NW 1/4 NW 1/4, Sec. 12, Twp. 39 S R. 10 E.W.M., lying south of a line 200 feet due north of the centerline of Oregon Highway 66 and running parallel to said Highway to a point on the south boundary of said NW 1/4 NW 1/4, which is 200 feet due north of said centerline, less all present existing rights of way.

Beginning at the NE corner of the SE 1/4 of SE 1/4 of Sec. 2, Twp. 39 S R. 10 E.W.M., and running west to the easterly right of way line of the Oregon California & Eastern Railroad; thence southwesterly along said right of way to a point in the NE 1/4 NE 1/4, Sec. 11, which lies due north 375 feet from the centerline of Oregon Highway 66, which said point is 200 feet from, when measured at right angles to, the centerline of said highway; thence parallel to and 200 feet at right angles from said centerline to the easterly boundary line of the NE 1/4 NE 1/4, Sec. 11, thence due north to point of beginning. ALSO that portion of the SW 1/4 of NW 1/4, Sec. 12, lying north of the Klamath Irrigation District "E" Canal, less all existing rights of way.

Beginning at the NW corner of the NE 1/4 NW 1/4 of Sec. 12, Twp. 39 S. R. 10 E. W.M., and running thence due south to the northern right of way line of Klamath Irrigation District "E" Canal, thence northeasterly along said right of way line 500 feet; thence northeasterly to a point on the northern boundary line of the NE 1/4 NW 1/4, which point lies due east 990 feet from the point of beginning, thence due west 990 feet to the point of beginning.

All in Township 39 South, Range 10 East of the Willamette Meridian.

All of Section 5 in Twp. 39 S. R. 11 1/2 E.W.M., EXCEPT Government Lot 1.

N 1/2 of NE 1/4; NE 1/4 of NW 1/4 of Sec. 8, Twp. 39 S. R. 11 1/2 E. W. M.

A piece or parcel of land situate in lot 1, Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M. and more particularly described as follows:

Beginning at a point 30.3 feet west of the southeast corner of said lot 1, in the westerly road right-of-way fence of the County Road running northerly along the easterly boundary of said lot 1; thence north 0°09 1/2' east along said County Road right-of-way 866.9 feet; thence south 46°44 1/2' west 295.3 feet; thence south 29°10' west 759.6 feet to the south boundary of said lot 1; thence easterly along said southerly boundary of lot 1 south 89°50 1/2' east 583.3 feet, more or less, to the point of beginning.

A parcel of land situate in lots 2 and 3, Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M., and more particularly described as follows:

Beginning at the southwest corner of said lot 3, thence south 89° 50 1/2' east 1831.5 feet along the southerly boundaries of said lots 2 and 3 to a point in the southerly boundary of said lot 2; thence north 60°10' west 959.2 feet; thence north 75°31' west 1031.2 feet to a point in the westerly boundary of said lot 3; thence

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along the westerly boundary of said lot 3 south 0°08' west 730.0 feet, more or less, to the point of beginning.

Government lot 4 of Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M., EXCEPTING THEREFROM the following described parcel:

A piece or parcel of land situate in lot 4, Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M., and more particularly described as follows:

Beginning at the northwesterly corner of said lot 4, thence along the northerly boundary of said lot 4 south 89°50 1/2' east 549.4 feet to the northeasterly corner of said lot 4; thence south 0°08' west 511.0 feet; thence north 57°25' west 651.0 feet to the westerly boundary of said lot 4; thence north 0°07' east 161.9 feet, more or less, to the point of beginning.

The S 1/2 of NE 1/4 of Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M., EXCEPTING THEREFROM the following described parcel:

A piece or parcel of land situate in the S 1/2 of NE 1/4 of Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M., and more particularly described as follows:

Beginning at a point north 89°50 1/2' west 613.6 feet from the northeast corner of SE 1/4 of NE 1/4 of said Sec. 6; thence south 29°10' west 269.4 feet; thence south 85°39 1/2' west 606.2 feet; thence north 86°05' west 569.7 feet; thence north 29°38' west 278.9 feet; thence north 60°10' west 8.4 feet to a point on the northerly boundary of the S 1/2 of NE 1/4 of said Sec. 6; thence south 89° 50 1/2' east 1449.4 feet, more or less, to the point of beginning.

Government lot 5, SE 1/4 of NW 1/4; E 1/2 of SW 1/4, SE 1/4 of Sec. 6, Twp. 39 S. R. 11 1/2 E.W.M.

The S 1/2 of NE 1/4, and SE 1/4 of Sec. 32, Twp. 38 S. R. 11 1/2 E.W.M., EXCEPTING THEREFROM those portions conveyed for right of way of the Oregon California & Northeastern Railway Company by deeds recorded on page 596 of Vol. 47 and on page 261 of Vol. 87.

Also the SE 1/4 of NE 1/4, the NE 1/4 of SE 1/4 of Sec. 31, Twp. 38 S. R. 11 1/2 E.W.M., and the S 1/2 of NW 1/4 and SW 1/4 of Sec. 32, Twp. 38 S. R. 11 1/2 E.W.M.

SAVING AND EXCEPTING THEREFROM the parcels deeded for railroad purposes in deeds recorded in Book 47 page 587 and Book 51 at page 490, and also SAVING AND EXCEPTING therefrom that portion sold by Calvin Lawson Hunt to Earle C. Smith, et ux., by deed deeded April 20, 1946 and recorded December 11, 1946, in Book 199 page 425, as follows: to-wit: All that portion of the SE 1/4 of NE 1/4 of Sec. 31, Twp. 38 S. R. 11 1/2 E.W.M., lying between the Klamath Falls-Dairy Highway and the right of way of the Oregon, California & Northeastern Railway west of the Oden County Road and extending to the West line of said SE 1/4 of NE 1/4.

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A parcel of land lying in the NW 1/4 of Section 32, Twp. 38 south, range 11 1/2 E.W.M., described as follows:

Beginning at the southeast corner of said Sec. 32; thence north 0°01'30" east 3935.4 feet to a point at the intersection of the south right-of-way of the Klamath Falls-Lakeview Highway; thence south 89°25' west 2652.6 feet along the south right-of-way of said highway to a point which is the true point of beginning for this tract; thence south 0°00'15" west 474.4 feet to a point; thence south 89°25' west 307.4 feet to a point; thence north 0°35' west 474.2 feet to a point; thence north 89°25' east 312.4 feet to the true point of beginning.

PARCEL 2:

The SW 1/4 of NE 1/4, the S 1/2 of NW 1/4, the SW 1/4 and the W 1/2 of SE 1/4; all in Section 33, Township 38 south, Range 11 1/2 E.W.M., Klamath County, Oregon.

LESS AND EXCEPTING those portions lying within the rights of way of the O.C. & E. Railroad and the Klamath Falls-Lakeview Highway.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land becomes disqualified for the special assessment under the statute an additional tax may be levied for the last five years or lesser number of years, in which the land was subject to the special land use assessment. NOTE: Upon sale or transfer of said land the new owner must make application for the special assessment within 60 days of said sale or transfer. (Affects all property except tax lots 18-1 and 10800).
2. Liens and assessments of Pine Flat District Improvement Company, and regulations, easements, contracts, water and irrigation rights in connection therewith.
3. Reservations and restrictions in deed from the State Land Board to Daniel H. Ward, dated December 11, 1909, recorded in Deed Vol. 27 page 555, records of Klamath county, Oregon, as follows: "Subject to rights of way for ditches, canals and reservoir sites." (Affects Sec. 33).
4. Grant of right of way executed by Guy Barton and Mildred Barton, husband and wife, to The California Oregon Power Company, dated January 27, 1954, recorded February 16, 1954, in Deed Vol. 265 page 340, records of Klamath county, Oregon. (Affects SW 1/4 NE 1/4 and NW 1/4 SE 1/4 of Sec. 33).
5. Easement, including the terms and provisions thereof, given by L. L. Porterfield and Delila Porterfield, husband and wife, and John D. O'Connor and

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STATE OF OREGON
County of Jackson

I, Harry Chipman, County Clerk of the above named County and State and Clerk of the Circuit Court of the County of Jackson and State of Oregon do hereby certify that the foregoing copy has been by me compared with the original, and that it is a transcript thereof, and of the whole of such original as the same appears on file or of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 12 day of June A.D. 1973.
Harry Chipman, Jackson County Clerk
By Leona Peterson Deputy

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of FRONTRUNNER & DEATHWATCH
this 16th day of JULY A. D., 1973 at 1:46 o'clock PM., and duly recorded in
Vol. 73, of DEEDS on Page 2013

FEE \$ 16.00

By WM. D. MILNE, County Clerk
Hazel Drayton

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A parcel of land lying in the NW 1/4 of Section 32, Twp. 38 south, range 11 1/2 E.W.M., described as follows:

Beginning at the southeast corner of said Sec. 32; thence north 0°01'30" east 3935.4 feet to a point at the intersection of the south right-of-way of the Klamath Falls-Lakeview Highway; thence south 89°25' west 2652.6 feet along the south right-of-way of said highway to a point which is the true point of beginning for this tract; thence south 0°00'15" west 474.4 feet to a point; thence south 89°25' west 307.4 feet to a point; thence north 0°35' west 474.2 feet to a point; thence north 89°25' east 312.4 feet to the true point of beginning.

PARCEL 2:

The SW 1/4 of NE 1/4, the S 1/2 of NW 1/4, the SW 1/4 and the W 1/2 of SE 1/4; all in Section 33, Township 38 south, Range 11 1/2 E.W.M., Klamath County, Oregon.

LESS AND EXCEPTING those portions lying within the rights of way of the O.C. & E. Railroad and the Klamath Falls-Lakeview Highway.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land becomes disqualified for the special assessment under the statute an additional tax may be levied for the last five years or lesser number of years, in which the land was subject to the special land use assessment. NOTE: Upon sale or transfer of said land the new owner must make application for the special assessment within 60 days of said sale or transfer. (Affects all property except tax lots 18-1 and 10800).
2. Liens and assessments of Pine Flat District Improvement Company, and regulations, easements, contracts, water and irrigation rights in connection therewith.
3. Reservations and restrictions in deed from the State Land Board to Daniel H. Ward, dated December 11, 1909, recorded in Deed Vol. 27 page 555, records of Klamath county, Oregon, as follows: "Subject to rights of way for ditches, canals and reservoir sites." (Affects Sec. 33).
4. Grant of right of way executed by Guy Barton and Mildred Barton, husband and wife, to The California Oregon Power Company, dated January 27, 1954, recorded February 16, 1954, in Deed Vol. 265 page 340, records of Klamath county, Oregon. (Affects SW 1/4 NE 1/4 and NW 1/4 SE 1/4 of Sec. 33).
5. Easement, including the terms and provisions thereof, given by L. L. Porterfield and Delila Porterfield, husband and wife, and John D. O'Connor and

Violette O'Connor, husband and wife, to The Pacific Telephone and Telegraph Company, a California corporation, dated October 6, 1954, recorded October 21, 1954, in Vol. 270 page 132, Deed records of Klamath county, Oregon. (Affects NW 1/4 NW 1/4 Sec. 12; NW 1/4 NW 1/4, SW 1/4 SW 1/4 Sec. 1; and portion of W 1/2 W 1/2 Sec. 36).

6. Grant of right of way, including the terms and provisions thereof, given by L. L. Porterfield and Delila Porterfield, husband and wife, to The California Oregon Power Company, a California corporation, dated April 7, 1958, recorded April 9, 1958, in Vol. 298 page 534, Deed records of Klamath county, Oregon. (Affects Pt. NW 1/4 NW 1/4 Sec. 36).

7. Grant of right of way, including the terms and provisions thereof, given by L. L. Porterfield and Delila Porterfield, husband and wife, to Pacific Power & Light Company, a Maine corporation, dated August 13, 1963, recorded August 21, 1963, in Vol. 347 page 420, Deed Records of Klamath county, Oregon. (Affects NW 1/4 NW 1/4 Sec. 36).

8. Right of way, including the terms and provisions thereof, given by Calvin Lawson Hut to California Oregon Power Company dated September 8, 1945, recorded October 10, 1945, Deed Vol. 181, page 27, records of Klamath county, Oregon. (Affects portion SW 1/4 NW 1/4 Sec. 32)

9. Right of way easement, including the terms and provisions thereof, given by Stanley M. Peterson to Pine Flat District Improvement Company, dated January 17, 1973, recorded January 26, 1973, Vol. M73, page 965, Microfilm records of Klamath county, Oregon. (Affects portions of Sec. 1, 2, 11, 12 and 36).

10. Right of way easement, including the terms and provisions thereof, given by Stanley M. Peterson to Pine Flat District Improvement Company, dated January 17, 1973, recorded January 26, 1973, Vol. M73, page 967, Microfilm records of Klamath county, Oregon. (Affects portion SE 1/4 NE 1/4 Sec. 31).

INDEXED FILED

'73 JUN 12 E. G. G.

JACOBSON
DOCKING

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STATE OF OREGON
County of Jackson

I, Harry Chipman, County Clerk of the above named County and State and Clerk of the Circuit Court of the County of Jackson and State of Oregon do hereby certify that the foregoing copy has been by me compared with the original, and that it is a transcript thereof, and of the whole of such original as the same appears on file or of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, this 12 day of June A.D. 1973
Harry Chipman, Jackson County Clerk
By Leona Peterson Deputy

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of PROHIBITOR & DEATHWATCH
this 16th day of JULY A. D., 1973 at 1:46 o'clock P.M., and duly recorded in
Vol. 4-73 of DEEDS on Page 9043

FEE \$ 16.00

WM. D. MILNE, County Clerk
By Hazel Drayton