

81807

Vol. <sup>72</sup> Page 12910

Warranty Deed

This Indenture Witnesseth, That RICHARD A. SPIELMAN and  
EUGENIA W. SPIELMAN, husband and wife,  
herein called "grantors," in consideration of SEVEN HUNDRED SEVENTEEN THOUSAND  
Dollars to them paid, have bargained and sold and by these presents do grant,  
bargain, sell and convey to  
KIRSCH BROS., a general partnership,  
successors  
herein called "grantee," its / and assigns forever, the following described  
premises, situated in Klamath County, State of Oregon,  
described on Exhibit A attached hereto and by this  
reference made a part hereof,

together with all tenements, hereditaments and appurtenances hereunto belonging or  
appertaining, and all estate, right, title and interest in and to the same.  
TO HAVE AND TO HOLD said premises unto grantee, its  
successors and assigns forever. Said grantors do covenant to and  
with said grantee, its successors and assigns, that they are the owners  
of said premises, being lawfully seized in fee simple thereof; that said premises are  
free from all encumbrances, except as stated on Exhibit A,  
and that they and their heirs and representatives will warrant and defend  
the same from all lawful claims whatsoever.

The true and actual consideration for this transfer is \$717,000.00.

IN WITNESS WHEREOF, We have hereunto set our hands this  
21st day of September, 1973.

*Richard A. Spielman*  
*Eugenia W. Spielman*

H. F. SMITH  
Attorney at Law  
538 Main Street  
Klamath Falls, Oregon



12911

STATE OF OREGON }  
County of KLAMATH } ss. September 21, 1973.

Personally appeared the above-named RICHARD A. SPIELMAN and EUGENIA W. SPIELMAN, husband and wife, know to me to be the identical persons described as grantors in the within Deed, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Marlene T. Addington

Notary Public for Oregon

My commission expires 3-21-77

*Marlene T. Addington*  
NOTARY PUBLIC FOR OREGON

My commission expires March 21, 1977

STATE OF OREGON }  
County of KLAMATH } ss. \_\_\_\_\_, 19\_\_\_\_

Personally appeared \_\_\_\_\_ who, being first duly sworn, did say that \_\_\_\_\_ of \_\_\_\_\_ and \_\_\_\_\_ the foregoing Deed was signed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said Deed to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON  
My commission expires \_\_\_\_\_

Warranty Deed

From

To

Recording Data:

Return to:

*Transamerica  
attn: Malone*

90-4-3-44-173



## EXHIBIT A

TOWNSHIP 39 S., R. 11½ E.W.M., Klamath County, Oregon:

PARCEL 1:

Section 20: That portion of Government Lots 5, 6, 7 and 8 lying Southerly of the new channel of Lost River taken by the United States of America in Federal Court Civil Case No. 4309, the description of which is set forth in Klamath County Deed Book 232, Page 156. SAVING AND EXCEPTING the following-described tract of land conveyed to Klamath Basin Improvement District: A portion of Lot 5, Section 20, Township 39 S., R. 11½ E.W.M., 80 feet wide extending between the SE line of Lost River and the NW line of Klamath Irrigation District "F" Canal, and lying 40 feet on each side of the following-described line: Beginning at a point on the Northwestern right of way line of the Klamath Irrigation District "F" Canal, opposite centerline Station 220+09.0 from whence the SW corner of Section 20, Township 39 S., R. 11½ E.W.M., bears the following courses: S. 32°14' E. 44.0 feet; thence W. 1022.3 feet; thence from said point of beginning N. 32°14' W. 555 feet, more or less, to the Southerly shore line of Lost River.

Section 21: That portion of Government Lot 6 and the S½SW¼ lying Southerly of the new channel of Lost River taken by the United States of America in Federal Court Civil Case No. 4309, the description of which is set forth in Klamath County Deed Book 232, Page 156.

Section 27: Government Lots 7, 8 and 9.

Section 28: Government Lot 4 and the N½NW¼.

Section 29: NE¼, E½NW¼, that portion of the NW¼NW¼ lying E. of the U.S.R.S. "F" Canal; that portion of the SW¼NW¼ and the NE¼SE¼ lying NE of the County Road.

Section 34: Government Lots 3 and 4; that portion of the NE¼NE¼ lying W. of Lost River; SW¼NE¼, E½NW¼, SW¼NW¼, NE¼SW¼, the E. 30 feet of the SE¼SW¼, and N½SE¼. SAVING AND EXCEPTING the Westerly 60 feet of the SW¼NW¼, Section 34, Township 39 S., R. 11½ E.W.M.

Section 35: Government Lots 10 and 11.

PARCEL 2:

Section 20: Those parts of Government Lots 7 and 8 lying N. of the new channel of Lost River taken by the United States of America in Federal Court Civil Case No. 4309, the description of which channel is set forth in Klamath County Deed Book 232 beginning at Page 156.

Section 21: Government Lots 7, 8 and 9 and those parts of Government Lot 6 and the S½SW¼ lying Northerly of the new channel of Lost River taken by the United States of America in Federal Court Civil Case No. 4309, the description of which channel is set forth in Klamath County Deed Book 232 beginning at Page 156.

The above-described property contains in the aggregate 1190 acres, more or less.

(Exhibit A - Page 1)

(Exhibit A - Page 2)

TOGETHER WITH all appliances  
hands, houses and stove, refri-  
main residence on said ranch.  
farm supplies located on said pre-  
sellers specifically reserve to Rich-  
the right to hunt upon said real prop-  
him at any time one guest.

STATE OF OREGON, COUNTY OF Klamath  
this 24 day of \_\_\_\_\_  
duly recorded in \_\_\_\_\_

(9) \_\_\_\_\_  
Comp. \_\_\_\_\_  
1943, \_\_\_\_\_  
(10) \_\_\_\_\_  
Company, \_\_\_\_\_  
ary 5, 1944, \_\_\_\_\_  
(11) \_\_\_\_\_  
Company, a \_\_\_\_\_  
and provisions \_\_\_\_\_  
(12) \_\_\_\_\_  
1954, Agreement \_\_\_\_\_  
Mother of William \_\_\_\_\_  
County, Oregon, \_\_\_\_\_  
(13) \_\_\_\_\_  
thereof, dated February \_\_\_\_\_  
Page 504, in favor of Pac.



SUBJECT TO: (1) 1973-74 taxes which are now a lien but not yet due and payable.

(2) Rights of the public in and to any portion of said premises lying within the limits of roads and highways.

(3) Acreage and use limitations under provisions of the United States Statutes and regulations issued thereunder. Liens and assessments of Klamath Project, Klamath Irrigation District and Poe Valley Improvement District, and regulations, contracts, easements and water and irrigation rights in connection therewith.

(4) Contracts, water rights, proceedings, taxes and assessments relating to Klamath Improvement District, and all rights of way for roads, ditches, canals and conduits, if any there may be.

(5) Instrument, including the terms and provisions thereof, recorded July 24, 1970, in Volume M-70, Page 6187, as Notice to persons intending to plat lands within Klamath Basin Improvement District.

(6) Rights of the public and of governmental bodies in and to that portion of the herein-described property lying below the ordinary high water mark of Lost River.

(7) Right of way and easement granted to The California Oregon Power Company, a California corporation, by an instrument, including the terms and provisions thereof, dated October 30, 1935, recorded June 20, 1936, in Book 106, Page 491, Deed Records of Klamath County, Oregon.

(8) Provisions in deed from Jacob Bartnik, et al, to Ida M. Fink, recorded in Volume 107, Page 534, Deed Records of Klamath County, Oregon.

(9) Right of way and easement granted to The California Oregon Power Company, a California corporation, by an instrument recorded August 18, 1943, in Book 157, Page 535, Deed Records of Klamath County, Oregon.

(10) Right of way and easement granted to The California Oregon Power Company, a California corporation, by an instrument, including the terms and provisions thereof, dated December 23, 1943, recorded January 5, 1944, in Book 161, Page 195, Deed Records of Klamath County, Oregon.

(11) Right of way and easement granted to The California Oregon Power Company, a California corporation, by an instrument, including the terms and provisions thereof, dated December 23, 1943, recorded February 21, 1944, in Book 162, Page 426, Deed Records of Klamath County, Oregon.

(12) Agreement pertaining to sale of excess lands, dated February 25, 1954, executed by William Paul Breithaupt, et ux, and Mary E. Breithaupt, mother of William Paul Breithaupt, to the United States of America, recorded March 15, 1954, in Book 266, Page 3, Deed Records of Klamath County, Oregon.

(13) Easement created by instrument, including the terms and provisions thereof, dated February 13, 1963, recorded May 29, 1963, in Volume 345, Page 504, in favor of Pacific Power & Light Company.

TOGETHER WITH all appliances belonging to sellers located in the ranch hands' houses and stove, refrigerator, washer and dryer located in the main residence on said ranch. Also all inventories of oil, gas and other farm supplies located on said premises.

Sellers specifically reserve to Richard A. Spielman for his lifetime the right to hunt upon said real property and to take thereon with him at any time one guest.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title

this 24 day of Sept. A. D. 1973 at 3:43 P. M., and

duly recorded in Vol. M, 73, of deeds 12910

8.00 Wm. D. MILNE, County Clerk

By *Hazel Dray*