

83474

28-4183

Vol. 22 Page 15061

KNOW ALL MEN BY THESE PRESENTS, That ROCKNE LANE FIEGI

to grantor paid by BEN F. SMITH, INC., hereinafter called the grantor, for the consideration hereinafter stated,

does hereby grant, bargain, sell and convey unto the said grantee and grantee'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: The South Half of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 34, the Southwest quarter of the Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Lots 12 and 13, and the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 35 in Township 39 South Range 11 $\frac{1}{2}$ East of the Willamette Meridian. SAVING AND EXCEPTING 45.2 acres conveyed to D. D. Liskey and Dave Liskey, by deed recorded on page 37 of Volume 218 of Deeds, and being a portion of Lot 13 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, Township 39 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian. AND SAVING AND EXCEPTING a tract of land described as follows: Beginning at a point on the South line of Section 35, Township 39 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, which lies North 89°53' West along the Section line a distance of 803.4 feet from the Southeast corner of Section 35, Township 39 South, Range 11 $\frac{1}{2}$ East of the Willamette Meridian, and running thence: Continuing North 89°53' West along the South line of Section 35 a distance of 1402.6 feet to a point; thence North 0°11' East, a distance of 829 feet to a point; thence South 76°36' West a distance of 262.6 feet to an iron

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns, that And said grantor hereby covenants to and with said grantee and grantee'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 above,

grantor will warrant and forever defend the above granted 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 \$ 5,000.00

In construing this deed and where the context so requires, the singular includes the plural. 1973. WITNESS grantor's hand this 12th day of June, 1973.

STATE OF OREGON, County of KLAMATH ss. Personally appeared the above named ROCKNE LANE FIEGI

and acknowledged the foregoing instrument to be his voluntary act and deed. Before me: Mameda E. Giacomini Notary Public for Oregon My commission expires Aug. 5, 1974

(OFFICIAL SEAL)

NOTE—The sentence between the symbols Ⓢ, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED
ROCKNE LANE FIEGI

TO
BEN F. SMITH, INC.

AFTER RECORDING RETURN TO and
mail tax statement to:
Ben F. Smith, Inc.
P.O. Box 954
El Monte, California
91734

(DON'T USE THIS
SPACE; RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

STATE OF OREGON

County of _____ ss.
I certify that the within instru-
ment was received for record on the
day of _____, 19____,
at _____ o'clock _____ M., and recorded
in book _____ on page _____ or as
filing fee number _____, Rec-
ord of Deeds of said County.
Witness my hand and seal of
County affixed.

By _____ Title
Deputy

15062

LEGAL DESCRIPTION CONTINUED:

pin; thence North 62°16' West a distance of 177.4 feet to an iron pin; thence South 44°37' West a distance of 202.5 feet to an iron pin; thence South 85°26' West a distance of 213.7 feet to an iron pin on the East bank of a farm drain; thence North 65.0 feet to the center of Lost River; thence Northeastly following the center line of Lost River upstream a distance of 1125 feet more or less to its intersection with that certain line shown as North 59°19' West 850 feet more or less, in the description on page 37, book 218, Deed Records of Klamath County, Oregon, extended; thence along the following courses: South 59°19' East a distance of 953 feet to a point and South 33°29' East a distance of 869 feet to the point of beginning.

SUBJECT TO: Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to assess additional taxes in the event said use should be changed, which obligation grantee assumes and agrees to pay and perform; regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District; reservations and restrictions as shown in deed from Klamath Irrigation District to C. V. Barton dated January 18, 1935, recorded July 25, 1936 in Volume 106 at page 636, Deed Records of Klamath County, Oregon, substantially as follows: "Subject to contract and/or lien for irrigation and/or drainage which grantee assumes. It is expressly stipulated and agreed that irrigation water shall be delivered at the upper end of the flume connection said lands with the Klamath Irrigation District System and that the upkeep and maintenance of said flume and the receipt of said water there through shall be at grantee's expense; that instead of grantor delivering water to said lands as by statute provided at the highest point on said lands, the water shall be delivered at the flume as herein specified, and that this agreement concerning place of delivery of water and upkeep and maintenance of said flume is understood to be and is a covenant running with the land, (SW $\frac{1}{4}$ SW $\frac{1}{4}$ and Lots 12 and 13, Section 35, Twp. 39 S., R 11 $\frac{1}{2}$ EWM; Q.C.D. Lot 1, Sec. 2, Twp 40 S., R 11 EWM; SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 35, Twp 39 S, R 11 $\frac{1}{2}$ EWM; NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 10 Twp. 40 S, R 11 EWM; Lots 1, 8, 9 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 3; Lots 2, 3, 4, 5, 12 and 13 of Sec. 2.); contract between United States and C.V. Barton dated March 5, 1938 and recorded March 11, 1938, in Book 114, page 482 of Deed Records of Klamath County, Oregon, for water over; Portions of Lot 12 of Sec. 35, Twp. 39 S, R 11 $\frac{1}{2}$ EWM; Lot 3; Lot 4; Lot 5; Lot 6 of Sec. 2, Twp 40 S, R 11 EWM); grant of right of way, including the terms and provisions thereof, as revealed in Deed Volume 338 at page 192. (Lot 1 Sec. 3, Twp. 40 S, R 11 EWM and SW $\frac{1}{4}$ Sec. 35, Twp. 39 S, R 11 $\frac{1}{2}$ EWM); and easements and rights of way of record and apparent thereon.

STATE OF OREGON; COUNTY OF KLAMATH; ss

Filed for record at request of Transamerica Title Ins. Co.

this 11th day of Nov. A. D. 1973 at 3:58 clock P.M.

duly recorded in Vol. M73, of Deeds on Page 15061

Fee \$4.00

Wm D. MILNE, County Clerk

Lucia Quintela