45010

BARGAIN AND SALE DEED Voi. dated April 3 0, 1976

MEN BY THESE PRESENTS, That Lula M. Smith, under Trust Declaration

hereinatter called frances

for the consideration hereinatter stated, does hereby grant, bargain, sell and convey unto Gordon Harold Smith, under Trust Declaration dated April 30, 1976, an undivided one-hereinatter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in appurise appartuities.

tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County

of Klamath , State of Oregon, described as follows, to-wit:

The NW 1/4 NW 1/4 of Section 18 lying Northeasterly of the drain ditch

The NE 1/4 NW 1/4 of Section 18, lying Southwesterly of the South Pacific Railyway right of way. EXCEPTING THEREFROM that portion conveyed to Thomas F. O'Brien by

Deed recorded in Deed Volume 264 at page 554, Deed Records of Klamath

County, Oregon.
The NE 1/4 SW 1/4 of Section 18, lying Northerly of the #5 Drain as now

the SE 1/4 NW 1/4 of Section 18, lying Southwesterly of the Southern Pacific Railway right of way, all in Township 40 South, Range 10 East

TOGETHER WITH Easements for irrigation purposes as follows: An easement 15.00 feet in width adjacent to but Westerly of the North-South center-of-section line in Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Commencing at the intersection of the North-South center-of-section line of said Section 18 with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence North 00° 23' 45" West along said North-

(for continuation of this legal description see reverse side of this document) To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ "However, the actual-consideration-consists of or includes other property or value given or promised-which is-And of the Consideration (indicate which). (The sentence between the symbols (), if not applicable, should be deleted. See ORS \$1,0.10.)

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 21st day of March if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by

Lula M. Smith, under Trust Declaration dated April 370, 1976.

(If executed by a corporation, affix corporate seal) STATE OF OREGON,

County of Klamath March 21

Personally appeared the above named Lula M. Smith

and acknowledged the loregoing instrument to be her voluntary act and deed.

Before me. COFFICIAL PLAYIC SEAL)

Notary Public for Oregon

My commission expires 8-23-8/

STATE OF OREGON, County of.....

Personally appeared

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

and that the seal affixed to the foregoing instrument is the corporation, 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 mean acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon My commission expires:

SPACE RESERVED

Done ?

RECORDER'S USE

(OFFICIAL SEAL

GRANTOR'S NAME AND ADDRESS

E-HANTER S HAME AND ADDRESS After recording return to:

Gordon Harold Smith 1156 Mira Mar Avenue Medford, Oregon 97501

NAME, ADDRESS, ZU Until a change is requested all tax statements shall be sent to the following address

Lee D. & Beulah E. Reddington, 7633 Booth Road Klamath Falls, Oregon 97601

STATE OF OREGON,

County of

I certify that the within instrucut was received for record on the day of

o'clock M., and recorded

in book on page file/reel number

Record of Deeds of said county. Witness my hand and seal of

County affixed,

Recording Officer Deputy

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South center-of-section line 1220.56 feet to the point of beginning for this description; thence continuing North 00° 23' 45" West along said center-of-section line 441.49 feet; thence leaving said center-of-section line West 15.00 feet; thence South 00° 23' 45" East parallel to but 15.00 feet Westerly of said center-of-section line 441.65 feet to an existing fence; thence North 89° 22' 48" East along said fence 15.00 feet to the point of beginning.

15.00 feet to the point of beginning.

2. An easement located in Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Commencing at the intersection of the North-South center-of-section line of said Section 18 with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence North 00° 23' 45" West along said North-South center-of-section line 1220.56 feet to the point of beginning for this description; thence leaving said North-South center-of-section line South 89° 22' 48" West along an existing fence 696.24 feet; thence leaving said fence South 00° 41' 58" East, 149.21 feet to the Northeast right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence South 33° 27' 04" East along said right-of-way line, 83.18 feet; thence leaving said right-of-way line North 00° 41' 58" West 204.10 feet; thence North 89° 22' 48" East parallel to but 15.00 feet Southerly of said existing fence, 651.16 feet to said North-South center-of-section line; thence North 90° 23' 45" West along said center-of-section line; thence North 90° 23' 45" West along said center-of-section line; thence North 90° 23' 45" West along said center-of-section line;

3. An easement 20.00 feet in width located in Section 7 and Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, the centerline of which is more particularly described as follows: Commencing at the intersection of an existing East-West fence with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39) from which the East quarter corner of said Section 18 bears South 54° 24' 25" East 4271.20 feet; thence South of beginning for this description; thence leaving said right-of-way line North 73° 40' East 70.41 feet; thence North 42° 28' East 54.10 feet; thence North 00° 41' 58" West 1457.95 feet to the South right-of-way line Subject, however, to the following:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in add tion thereto a penalty may be levied if notice of disqualification is not timely given.

2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District. 3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways. 4. The right to extend the slopes of the cuttings or embankments and to build and maintain culverts and surface ditches beyond the limits of the railroad right of way where necessary for the proper construction

the railroad right of way where necessary for the proper construction and maintenance of said railroad as conveyed to Modoc Northern Railway Company by deed recorded December 9, 1910 in Volume 30, page 475, Deed Records of Klamath County, Oregon.

5. Recital in the deed recorded April 10, 1914 in Volume 40, page 202

5. Recital in the deed recorded April 10, 1914 in Volume 40, page 208, Deed Records of Klamath County, to-wit:

"Subject to the United States Reclamation Service for rights of way for canal and ditches over and across said premises and the appurtenances connected therewith."

Hed for record at request of Mountain Title Co.

Mis 22nd day of March A. D. 19 78 at 10:00 A.M., and tuty recorded in Vol. M78, of Peeds on Page 5424

Wm. D. MILNE, County Clerk

By March A. D. 19 78 A. D. MILNE, County Clerk