

MOUNTAIN TITLE COMPANY

49494

WARRANTY DEED

Vol. 11912 Page 11912

KNOW ALL MEN BY THESE PRESENTS, That PATRICIA CHARLENE LEACH, EVERETT LEE LEACH and WAYNE M. COLE

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by THOMAS MOLATORE and JERRY MOLATORE, as Tenants in common, hereinafter called the grantee, 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:

SEE EXHIBIT "A"

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. 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 reservations, restrictions, rights-of-way, easements of record and those apparent upon the land,

and that grantor will warrant and forever defend the said 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 \$ 255,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

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 2nd day of June, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of Klamath

June 2

1978

ss.

Personally appeared the above named Patricia Charlene Leach, Everett Lee Leach, and Wayne M. Cole

and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Before me:

Notary Public for Oregon

My commission expires: 1-23-82

STATE OF OREGON, County of _____ ss.

Personally appeared _____

and

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 corporate seal 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 them acknowledged said instrument to be its voluntary act and deed.

Before me:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Leach & Cole

GRANTOR'S NAME AND ADDRESS

Thomas & Jerry Molatore
426 Main Street
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS

After recording return to:
Thomas & Jerry Molatore
426 Main Street
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Thomas & Jerry Molatore
426 Main Street
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____ ss.

I certify that the within instrument was received for record on the day of _____, 1978,

at _____ o'clock _____ M., and recorded in book _____ on page _____ or as file/reel number _____

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By _____

Recording Officer
Deputy

MOUNTAIN TITLE COMPANY

DESCRIPTION:

PARCEL I:

A Parcel of land situated in Section 21, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of the SW1/4NW1/4 of said Section 21; thence North 88° 50' 30" East, 2205.00 feet to a point on the Southerly right-of-way line of Joe Wright Road, a county road and the POINT OF BEGINNING for this description; thence South 00° 10' West, 560 feet more or less to the Northeasterly right-of-way line of the U.S.B.R. C-4-E-1 lateral; thence Southeasterly along said Northeasterly right-of-way-line to it's intersection with the West line of the SE1/4 of said Section 21; thence Southerly along said West line to the Southwest corner of SW1/4SE1/4 of said Section 21; thence Easterly along the South line of said Section 21 to the Southeast corner of the SW1/4SE1/4 of said Section 21; thence Northerly along the East line of the SW1/4SE1/4 of said Section 21 to it's intersection with the Southwesterly right-of-way line of the U.S.B.R. Lost River Diversion Canal; thence Northwesterly along said right-of-way line to it's intersection with the West line of the NE1/4 of said Section 21; thence Northerly along said West line 60 feet more or less to said South right-of-way line of Joe Wright Road; thence Westerly along said South right-of-way line 450 feet more or less to the point of beginning.

EXCEPTING THEREFROM any portion lying within the LOST RIVER DIVERSION CHANNEL and any portion lying within the U.S.B.R. C-4-E-1 lateral.

PARCEL II:

NW1/4NE1/4; SW1/4NE1/4; SE1/4NE1/4 lying Westerly of the Westerly right-of-way line of the U.S.B.R. C-4-E lateral; SE1/4NW1/4; NE1/4NW1/4 EXCEPTING THEREFROM the Westerly 85 feet. All of the above in Section 28, Township 39 South, Range 9 E.W.M., Klamath County, Oregon.

EXCEPTING THEREFROM any portion lying within the U.S.B.R. C-4-E-1 lateral and the U.S.B.R. C-4-E lateral.

PARCEL III:

A parcel of land situated in Section 28, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; thence Easterly along the North line of said Section 28, 756 feet more or less to the Point of Beginning for this description; thence

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4 continuing Easterly along the said North section line, 710 feet
5 more or less to a point that is 85 feet Easterly of the East line
6 of NW1/4NW1/4 of said Section 28; thence leaving said North
7 section line, Southerly, parallel to but 85 feet Easterly of the
8 East line of the NW1/4NW1/4 of said Section 28, 50 feet; thence
9 West 710 feet more or less to the Northwest corner of that pro-
10 perty described in Volume M75, page 2064, Microfilm Records of
11 Klamath County, Oregon; thence North 50 feet to the point of
12 beginning.

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SUBJECT TO:

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 addition 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 perpetual right or easement to enter at all times and excavate for, maintain and operate an irrigation ditch as conveyed to the United States of America by deed recorded July 31, 1916 in Volume 45, page 30, Deed Records of Klamath County, Oregon. (Affects the C-4-E-1 lateral)

5. Agreement relating to irrigation executed by the United States of America and Erwin A. Shulmire, et ux, recorded July 20, 1928 in Volume 82, Page 90, Deed Records of Klamath County, Oregon. (Affects a portion of the NW1/4 of Section 28)

6. Right-of-way for the transmission and distribution of electricity and incidentals as conveyed to the California Oregon Power Company by deed recorded May 17, 1935, in Volume 104,

HENDERSON
& MOLATORE
ATTORNEYS AT LAW
428 MAIN STREET
KLAMATH FALLS,
OREGON 97601
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(503) 884-7731
884-2030

EXHIBIT "A" - Page 2.

1 page 550, Deed Records of Klamath County, Oregon. (General
2 location in the NE1/4 of Section 28)

3 7. Agreement relating to irrigation executed by the
4 United States of America and Leona E. Dutton, et ux, recorded
5 January 14, 1936, in Volume 105, page 530, Deed Records of
6 Klamath County, Oregon. (Affects a portion of the SE1/4 of
7 NE1/4 of Section 28)

8 8. Agreement relating to irrigation executed by the
9 United States of America and Julian R. Abbott, et ux, recorded
10 April 8, 1943, in Volume 154, page 259, Deed Records of Klamath
11 County, Oregon. (Affects a portion of the NE1/4 of NW1/4 of
12 Section 28)

13 9. Right-of-way 10 feet wide for pole and wire lines
14 and other facilities for the transmission and distribution of
15 electricity and incidentals as conveyed to the California Oregon
16 Power Company of Klamath County, Oregon. (General location in
17 the NW1/4 of NE1/4 of Section 28)

18 10. The right to construct, maintain and operate ditches,
19 canals, flumes, pipelines, telegraph and telephone transmission
20 lines and other structures in connection with the Lost River
21 Diversion Channel as contained in final Judgement of Condemnation
22 recorded March 28, 1951 in Volume 246, Page 68, Deed Records of
23 Klamath County, Oregon.

24 11. Notice to Persons intending to Plat Lands within
25 Klamath Basin Improvement District recorded July 27, 1970, in
26 Volume M70, Page 6187, Microfilm Records of Klamath County,
27 Oregon.

28 12. Mortgage, including the terms and provisions thereof,
given to secure an indebtedness with interest thereon and such
future advances as may be provided therein.

29 Dated: August 26, 1976
30 Recorded: September 3, 1976
31 Volume: M76, Page 13882, Microfilm Records of Klamath
32 County, Oregon
33 Amount: \$140,000.00
34 Mortgagor: Cole and Leach, a partnership, consisting of
35 Wayne M. Cole and Everett Leach; Wayne M.
36 Cole and Joyce A. Cole, husband and wife;
37 Everett L. Leach, same person as Everett
38 Leach and Patricia C. Leach, husband and
wife.
Mortgagee: The Federal Land Bank of Spokane,

which mortgage grantees hereby expressly agree to assume and to
pay, according to the terms thereof and hold grantors harmless
therefrom.

13. Financing statement filed September 3, 1976 under County Clerk's File No. 18582 by Cole and Leach; Cole, Mayne M. & Joyce A.; Leach, Everett L. & Patricia C. to the Federal Land Bank of Spokane.

ALONG WITH:

1. An easement appurtenant to the above-described property as disclosed by Deed recorded in Volume M75, page 2064, Microfilm Records of Klamath County, Oregon:

"An easement for roadway purposes 60.00 feet in width lying 30.00 feet on each side of the following described center line: Beginning at a point on the Westerly line of said Section 28 from which the Northwest corner of said Section 28 bears North 00° 01' 40" East, 21.50 feet; thence South 89° 58' 20" East 1466 feet more or less to a point that is 85.0 feet Easterly of the East line of NW1/4NW1/4 of said Section 28, said point being on the Easterly terminus of this easement."

2. An easement appurtenant to the above-described property for ingress and egress as disclosed by Deed recorded January 28, 1974, in Volume M 74, page 955, Microfilm Records of Klamath County, Oregon, to wit:

A 60 foot right-of-way for roadway purposes adjacent to and northerly of the South line of the following described property commencing at said easterly right-of-way line of a County road and terminating at said Westerly right-of-way of the C-4-E lateral:

A parcel of land situated in Section 21 and 28, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, being more particularly described as follows:

Commencing at the Northwest corner of said Section 28; thence South 00°01'40" West along the West line of said Section 28, 51.50 feet to the Northwest corner of that parcel of land described in Deed Volume 73 at page 7239, Klamath County Deed Records; thence South 89°58'20" East along the North line of said property described in Volume M73, page 7239, 30.00 feet to the East right-of-way line of a County Road and the point of beginning of this description; thence continuing South 89°58'20" East along said North property line and the extension thereof to the Westerly right-of-way line of the U.S.B.R. Klamath Project C-4-E lateral; thence Northwesterly along

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said Westerly lateral right-of-way line to the beginning of a curve to the right; thence along the arc of a 168.32 feet radius curve to the right (delta=23°40'00"; long chord=North 16°16'29" West, 69.03 feet) 69.53 feet to the end of curve; thence North 04°26'29" West, 213.63 feet; thence leaving said lateral Westerly right-of-way line North 89°51'29" West, 675.62 feet to said Easterly county road right-of-way line; thence Southerly along said Easterly county road right-of-way line to the point of beginning.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
 ed for record at request of Blair Henderson

5th day of June A. D. 1978 at 2:28'clock P.M., and
 duly recorded in Vol. M78, of Deeds on Page 11912

Wm D. MILNE, County Clerk

By Bernice M. Heltsch

Fee \$18.00

HENDERSON
 & MOLATORE
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EXHIBIT "A" - Page 5.