

WHEN RECORDED MAIL TO:

'80 MAR 20 AM 8 38

STATE OF OREGON Vol 3780 Page 5235

Klamath County Title Co.

(Don't use this space; reserved for recording label in counties where used.)

County of _____

I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M. and recorded in book _____ on page _____ or as filing fee number _____, Record of Deeds of said County.

Witness my hand and seal of County affixed.

Title
By _____ Deputy

MAIL TAX STATEMENTS TO:

ELLINGTON R. PEEK
c/o SHASTA LIVESTOCK CO.
P.O. BOX 558
COTTONWOOD, CALIFORNIA 96022

WARRANTY DEED

A.M. WARMERDAM and JOHN VAN RUITEN, as tenants in common, GRANTOR, conveys and warrants to ELLINGTON R. PEEK, GRANTEE, 30/59ths of the following described real property situate in Klamath County, Oregon, free of encumbrances except as specifically set forth below:

PARCEL 1:

Township 40, South, Range 8 East of the Willamette Meridian:

Section 2: Government Lots 4 and 10.

Section 3: S $\frac{1}{2}$ S $\frac{1}{2}$.

Section 9: NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, the East 20 acres of Government Lot 12; E $\frac{1}{2}$ SE $\frac{1}{4}$, and Government Lots 1, 2, 3, 8, 9, 10 & 11.

Section 10: N $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Government Lots 8, 9, 10, 11 & 12. ALSO that part of Section 10 described as follows: Beginning at a point at which the present boundary fence intersects the meander line on the Easterly border of tule marsh on right or west bank of Klamath River approximately North 14°5' East 33.20 chains from the fractional section corner common to Sections 10 and 15 on said meander line; thence along the boundary fence North 14°30' East 4.30 chains; thence North 29° East 7.00 chains; thence North 26°15' East 8.75 chains to said meander line; thence back along said meander line South 51°30' West 1.00 chains; thence South 26°15' West 8.00 chains; thence South 30°15' West 7.00 chains; thence South 6° West 4.00 chains, more or less, to the point of beginning.

BUT EXCEPTING FROM Lots 8 and 9 above, the following parcel: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the Section corner common to Sections 9, 10, 15 & 16, Township 40 South, Range 8 East of the Willamette Meridian; thence West .50 chains to the present boundary fence; thence following said fence North 52°35' East .40 chains; thence, North 14°30' East along said fence 32.80 chains, more or less, to the meander line on the East boundary of the tule marsh on the right or West bank of the Klamath River; thence following said meander line South 6° West 114 chains; thence South 23°15' East 7 chains; thence South 3°30' East 8 chains; thence South 65°45' West 10.45 chains to the point of beginning.

AND EXCEPTING FROM Lot 12 above the following parcel: Beginning at the fractional section corner between Sections 10 and 11; 6.38 chains South of the section corners common to Sections 2, 3, 10 and 11, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 67°15' West 19.80 chains, more or less, to the present boundary fence; thence North 63°30' East 20.60 chains, more or less, to the Section line between Sections 10 and 11; thence South 1° West along the Section line 1.55 chains to the point of beginning.

Section 15: Lot 2; and all that part of Lot 1 lying South of a line drawn East and West from a point 6.69 chains South of fractional section corner common to Sections 15 and 16. AND ALSO Lot 19.

SAVINGS AND EXCEPTING therefrom: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the corner common to Sections 9, 10, 15 and 16, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 46°30' West 20.60 chains;

thence South 61°15' West 15.13 chains, more or less, to the boundary fence at the fractional section corner common to Sections 15 and 16; thence North 1° East .25 chains to a fence corner; thence North 52°35' East along said boundary fence 34.80 chains, more or less, to the North Section line of Section 15; thence East 50 links to the point of beginning.

Section 16: Government Lots 7, 8, 9, 10, 15, 16, 17 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$.

PARCEL 2:

Lots 1, 2, 3 and 4 in Section 10, Township 40 South, Range 8 East of the Willamette Meridian, EXCEPTING the following portion thereof conveyed to Ruth Kerns Ray, by deed recorded on Page 583, Volume 107 of Deeds.

ALL that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at a point at which the present boundary fence intersects the meander line on the Easterly border of the tule marsh on the right or West bank of Klamath River, approximately North 14°5' East 33.20 chains from the fractional section corner common to Sections 10 and 15 on the said meander line; thence along the boundary fence North 14°30' East 4.30 chains; thence North 29° East 7.00 chains; thence North 26°15' East 8.75 chains to the said meander line; thence back along said meander line South 51°30' West 1.00 chains; thence South 26°15' West 8.00 chains; thence South 30°15' West 7.00 chains; thence South 6° West 4.00 chains, more or less, to the point of beginning.

ALSO Lot 1 of Section 15, Township 40 South, Range 8 East of the Willamette Meridian, EXCEPTING the following portion thereof conveyed to Ruth Kerns Ray by Deed recorded on Page 583, Volume 107 of Deeds.

ALL that part of Lot 1, Section 15, Township 40 South, Range 8 East of the Willamette Meridian, lying South of a line drawn East and West from a point 6.69 chains South of the fractional section corner common to Sections 15 and 16, a stone marking the Northwest corner of said Lot 1, Section 15.

ALSO, Lot 1 of Section 11 and Lots 17 and 18 of Section 15 in Township 40 South, Range 8 East of the Willamette Meridian.

ALSO all that part of Lot 6, Section 11, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner between Sections 10 and 11, 6.38 chains South of the section corner common to Sections 2, 3, 10 and 11, Township 40 South, Range 8 East of the Willamette Meridian; thence North 55°15' East along the meander line 9.07 chains to the present boundary fence; thence South 63°30' West 8.60 chains along said fence to the section line; thence South 1° West 1.55 chains to the point of beginning.

ALSO, all that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner between Sections 10 and 11, 6.38 chains South of the section corner common to Sections 2, 3, 10 and 11, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 67°15' West 19.80 chains, more or less, to the present boundary fence; thence North 63°30' East 20.60 chains, more or less, to the section line between Sections 10 and 11; thence South 1° West along the section line, 1.55 chains to the point of beginning.

ALSO All that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the section corner common to Sections 9, 10, 15 and 16, Township 40 South, Range 8 East of the Willamette Meridian; thence West .50 chains to the present boundary fence; thence following said fence North 52°35' East .40 chains; thence North 14°30' East along said fence 32.80 chains, more or less, to the meander line on the East boundary of the tule marsh on the right or West bank of the Klamath River; thence following said meander line South 6° West 14.00 chains; thence South 23°15' East 7.00 chains; thence South 3°30' East 8.00 chains; South 65°45' West 10.45 chains to the point of beginning.

523

ALSO All that part of Section 15, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the corner common to Sections 9, 10, 15 and 16, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 46°30' West 20.60 chains; thence South 61°15' West 15.13 chains, more or less, to the boundary fence at the fractional section corner common to Sections 15 and 16; thence North 1° East .25 chains to a fence corner; thence North 52°35' East along said boundary fence 34.80 chains, more or less, to the North section line of Section 15; thence East 50 links to the point of beginning.

EXCEPTING therefrom any portion of the above described property lying within the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11, Township 40 South, Range 8 East of the Willamette Meridian.

PARCEL 3:

Government Lot 1 of Section 11 and Government Lot 1 of Section 10,
EXCEPTING THEREFROM any portion lying within the S $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 10 in Township 40 South, Range 8 East of the Willamette Meridian.

SUBJECT TO:

Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder.

Liens and assessments of Klamath Project and Keno Irrigation District, and regulations, easements, contracts, water and irrigation rights in connection therewith.

Any unpaid charges or assessments of Keno Irrigation District.

Rights of the Federal Government, the State of Oregon, and the general public in any portion of the herein described premises lying below the high water line of Klamath River.

Easement and Waiver of Claim for Damages, including the terms and provisions thereof, given by Keno Irrigation District, et al, to The California Oregon Power Company, dated May 31, 1930, and recorded January 15, 1932, in Deed Volume 96, Page 575, records of Klamath County, Oregon.

Release of Claim for Damages, including the terms and provisions thereof, given by Keno Irrigation District, et al, to California-Oregon Power Company, dated May 31, 1930, and recorded January 15, 1932, in Deed Volume 96, Page 580, records of Klamath County, Oregon.

Release for Claim for Damages, including the terms and provisions thereof, given by W. T. Lee, et al, to California-Oregon Power Company, dated October 10, 1930, and recorded January 15, 1932, in Deed Volume 96, Page 590, records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, given by W. T. Lee, et al, to The California Oregon Power Company, dated October 10, 1930, and recorded January 15, 1932, in Deed Volume 96, Page 591, records of Klamath County, Oregon.

Release of Claim for Damages, including the terms and provisions thereof, given by Keno Irrigation District, et al, to the California Oregon Power Company, dated May 31, 1930, and recorded January 25, 1932, in Deed Volume 96, Page 617, records of Klamath County, Oregon.

Right of Way, including the terms and provisions thereof, given by Martha E. Kerns to the California Oregon Power Company, dated October 19, 1932, and recorded December 15, 1932, in Deed Volume 99, Page 282, records of Klamath County, Oregon.

Right of Way, including the terms and provisions thereof, given by George

Ray, et ux to the California Oregon Power Company, dated October 19, 1932, and recorded December 15, 1932, in Deed Volume 99, Page 283, records of Klamath County, Oregon.

Agreement for construction of dike, including the terms and provisions thereof, by and between J.P. Lee and B.E. Kerns, dated October 29, 1915, and recorded October 29, 1915, in Deed Volume 45, Page 168, records of Klamath County, Oregon.

Easement and Release of Claim for Damages, including the terms and provisions thereof, given by George D. Ray, et ux, to The California Oregon Power Co., dated February 10, 1937, and recorded February 13, 1937, in Deed Volume 108, Page 122, records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, given by Beulah Kerns Ray to The Pacific Telephone and Telegraph, dated August 19, 1937, and recorded December 15, 1937, in Deed Volume 113, Page 366, records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, given by Ruth Kerns Ray and George D. Ray to The Pacific Telephone and Telegraph Company, dated August 6, 1937, and recorded December 15, 1937, in Deed Volume 113, Page 374, records of Klamath County, Oregon.

Grant of Right of Way, including the terms and provisions thereof, given by Beulah Kerns Ray et vir to The California Oregon Power Company, dated December 26, 1947, and recorded January 20, 1948, in Deed Volume 216, Page 63, records of Klamath County, Oregon.

Reservations and restrictions as disclosed by deed from George D. Ray and Shirley V. Ray to Harold E. Maltby and Helen P. Maltby, dated August 29, 1955, and recorded August 30, 1955, in Deed Volume 277, Page 126, records of Klamath County, Oregon, as follows: "Reserving unto the grantor, George D. Ray, the non-transferable and exclusive personal hunting privilege for himself and five guests during opening week-end of waterfowl hunting in Klamath County, Oregon," (Affects Ptn. of T.L. 7200.)

Agreement, including the terms and provisions thereof, between Harold E. Maltby and Helen P. Maltby, and Pacific Power and Light Company, dated May 1, 1968, and recorded May 29, 1968, in Microfilm records M-68, Page 4805, records of Klamath County, Oregon.

Mortgage, including the terms and provisions thereof, given by Donald E. McGhehey and Grace G. McGhehey, to the Federal Land Bank of Spokane, recorded December 15, 1961, in Mortgage Volume 207, Page 170, records of Klamath County, Oregon, to secure the payment of \$12,000.00. (Parcel 2 and 3.)

Mortgage, including the terms and provisions thereof, given by Donald E. McGhehey and Grace G. McGhehey to Central Oregon Production Credit Association, dated November 5, 1969, and recorded November 12, 1969, in Microfilm records M-69, Page 9493, records of Klamath County, Oregon, to secure the payment of \$103,785.50. (Parcel 2 and 3.) (Contains additional property.)

Contract, including the terms and provisions thereof, Donald E. McGhehey and Grace G. McGhehey, husband and wife, Vendor, and A. M. Warmerdam and John Van Ruiten, each as to an undivided $\frac{1}{2}$ interest as Vendees, dated September 17, 1976, and recorded August 9, 1977, in Microfilm M-77, Page 14409, records of Klamath County, Oregon. (Parcel 2.)

Easement disclosed by Contract mentioned above as follows: "Grantors herein reserve a non-exclusive easement 60 feet in width for ingress and egress running along the Northwesterly boundary of the above described property beginning at the county road between Sections 15 and 16 and extending to the South line of Section 2".

Option Agreement, including the terms and provisions thereof, by and between Donald E. McGhehey and Grace G. McGhehey, husband and wife, and A.M.

5239
Warmerdam and John Van Ruiten, dated September 17, 1976, and recorded August 9, 1977, records of Klamath County, Oregon. (Parcel 3.)

Mortgage, including the terms and provisions thereof, given by V & W Ranch, a co-partnership consisting of A.M. Warmerdam and John Van Ruiten: A.M. Warmerdam and Frances A. Warmerdam, husband and wife; John Van Ruiten and Ann Van Ruiten, husband and wife, to the Federal Land Bank of Spokane, dated August 10, 1978, and recorded August 22, 1978, in Microfilm Mortgage records M-78, Page 18663, records of Klamath County, Oregon, to secure the payment of \$550,000.00. (Parcel 1.)

Easements and rights of way apparent thereon.

Terms and conditions of special assessment as farm use and the right of Klamath County, Oregon, to additional taxes in the event said use should be changed, which obligations Grantee assumes and agrees to pay and perform.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$750,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

In construing this deed and where the context so requires, the singular includes the plural.

Dated this 15 day of March, 1980.

A.M. Warmerdam
A.M. WARMERDAM

John Van Ruiten
JOHN VAN RUITEN

STATE OF Oregon)
County of Klamath) ss:

Personally appeared before me this 15th day of March, 1980, the above named A.M. WARMERDAM and acknowledged the foregoing instrument to be his voluntary act and deed.

(SEAL)
KIRSTINE L. PROCK
NOTARY PUBLIC - OREGON
My Commission Expires

Kirstine L. Prock
NOTARY PUBLIC FOR Oregon
My Commission Expires: 12/16/80

STATE OF Oregon)
County of Klamath) ss:

Personally appeared before me this 15th day of March, 1980, the above named JOHN VAN RUITEN and acknowledged the foregoing instrument to be his voluntary act and deed.

(SEAL)

Kirstine L. Prock
NOTARY PUBLIC FOR Oregon
My Commission Expires: 12/16/80

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Subscribed for record at request of Klamath County Field Co.
this 20th day of March A. D. 1980 at 8:30 o'clock A.M., and
fully recorded in Vol. 100, of Books on Page 5239