

K-34669

1-1-74

4275

WARRANTY DEED

Vol. 17-8/Pr. 16221



KNOW ALL MEN BY THESE PRESENTS, That LESNICK DEVELOPMENT CO., LTD.,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by THE PONDEROSA OF KLAMATH, LTD., an Oregon Limited Partnership, 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 ATTACHED 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

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.

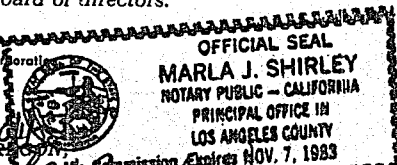
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$.550,000.00....

However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 30th day of June, 1981; 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 Clatsop,

Personally appeared the above named

HY LESNICK for Lesnick Development Co., Ltd.,

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

(OFFICIAL SEAL)

Before me

Notary Public for Oregon

My commission expires: 11/7/83

LESNICK DEVELOPMENT CO., LTD.

BY

Hy Lesnick

STATE OF OREGON, County of

ss.

Personally appeared

and

who, being duly sworn,

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

a corporation, 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:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

Lesnick Development Co., Ltd.

GRANTOR'S NAME AND ADDRESS

The Ponderosa of Klamath, Ltd.
110 North 6th, Suite 207
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS

Boivin & Boivin, P.C.
110 North 6th, Suite 209
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

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

The Ponderosa of Klamath, Ltd.
110 North 6th, Suite 207
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

SPACE HEREBY
FOR
RECORDER'S USE

STATE OF OREGON,

ss.

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/reel/volume No. on page. or as document/fee/file/instrument/microfilm No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

EXHIBIT "A to DEED

All of the following described real property situate in Klamath County, Oregon:

Township 39 South, Range 8 East of the Willamette Meridian

Section 10: W1/2 SE1/4, SE1/4 SW1/4

Section 15: W1/2 NE1/4, E1/2 NW1/4, SW1/4, W1/2 SE1/4, SE1/4 SE1/4

Section 16: SE1/4

Section 20: NE1/4 SE1/4, S1/2 SE1/4

Section 21: W1/2 NE1/4, SE1/4 NE1/4, N1/2 SW1/4

Section 22: NE1/4, S1/2 NW1/4, NE1/4 SW1/4, SE1/4
 Excepting that part of Section 22 lying Southeasterly of Highway, and ALSO EXCEPTING the following: Beginning at the quarter section corner between Sections 22 and 27, Township 39 South, Range 8 East of the Willamette Meridian; thence East 327 feet; thence North 54 deg. West 400 feet; thence South to the point of beginning. ALSO SAVING AND EXCEPTING a tract of land lying within the SE1/4 NE1/4 and the NE1/4 SE1/4 of Section 22, Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; said tract being particularly described as follows: Beginning at the 1/4 section corner common to Sections 22 and 23, Township 39 South, Range 8 East of the Willamette Meridian; thence South along the section line a distance of 409.3 feet to a point on the Northerly right of way boundary of the Klamath Falls-Ashland Highway (Oregon 66); thence South 39 deg. 17' West a distance of 174.4 feet along said right of way to an angle point of same; thence South 40 deg. 06' West a distance of 254 feet along same right of way to a point; thence South 39 deg. 31' West along said right of way boundary, a distance of 428.7 feet to a 3/4" galvanized iron pipe; thence leaving said highway and bearing North 14 deg. 44' West a distance of 2441.9 feet to a 3/4" galvanized iron pipe set in an old existing fence line; thence North 89 deg. 25' 45" East along said fence line a distance of 1168.7 feet to a point on the section line marked with a 3/4" galvanized iron pipe; thence South along the said section line a distance of 1303.0 feet, more or less to the point of beginning.

Section 28: SW1/4 NW1/4, NW1/4 SW1/4

Section 29: NE1/4, N1/2 SE1/4, E1/2 NW1/4, NE1/4 SW1/4 and SW1/4 NW1/4

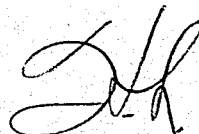
Also, beginning at the Northeast corner of the W1/2 SE1/4 SE1/4 of Section 29; thence West along the North line of the W1/2 SE1/4 SE1/4, 385 feet, more or less, to the Northeast corner of property conveyed to Walter V. Vincent, et ux, by deed recorded in Volume 192 at page 269, thence South along the East line of the said Vincent property to the North line of the Emmitt Ditch, thence East along the North line of said Emmitt Ditch to the East

line of the W1/2 SE1/4 SE1/4 of said Section 29 thence North along said East line to the point of beginning.

SAVING AND EXCEPTING rights of way for roadways, ditches, canals or laterals.

SUBJECT TO:

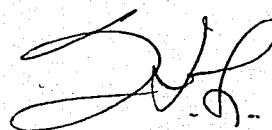
1. Taxes for 1981-82 are now a lien but not yet payable.
2. Waiver of Riparian Rights, executed by R. W. Emmitt, et ux., to the United States of America, dated July 5, 1905, recorded September 16, 1905, in Volume 18, page 328, Deed Records of Klamath County, Oregon, affecting the SE1/4 SE1/4 of Section 29.
3. Right of Way for canal, including the terms and provisions thereof, given by R. A. Emmitt, et ux., to the United States of America, dated December 23, 1907, recorded December 24, 1907, in Volume 23, page 410, Deed Records of Klamath County, Oregon, affecting the SE1/4 SE1/4 of Section 29.
4. Right of Way for pole line, including the terms and provisions thereof, given by G. W. Heavilin, et ux., to The California Oregon Power Company, dated March 24, 1926, recorded April 8, 1926, in Volume 69 page 442, Deed Records of Klamath County, Oregon, across the NE1/4 SE1/4 of Section 22.
5. Right of Way for pole line, including the terms and provisions thereof, given by H. H. VanValkenburg, et ux., to The California Oregon Power Company, dated April 2, 1926, recorded April 26, 1926, in Volume 69, page 493, Deed Records of Klamath County, Oregon, across the S1/2 SE1/4 of Section 22.
6. Right of Way for pole line, including the terms and provisions thereof, given by H. H. VanValkenburg, et ux., to The California Oregon Power Company, dated May 31, 1928, recorded June 13, 1928, in Volume 80, page 478, Deed Records of Klamath County, Oregon, across the S1/2 SE1/4 of Section 22 and the NE1/4 NE1/4 of Section 27.
7. Easement for pole line, including the terms and provisions thereof, given by Louis Beirll, a single man, to The Pacific Telephone and Telegraph Company, dated April 25, 1926, recorded August 31, 1931, in Volume 96, page 67, Deed Records of Klamath County, Oregon, across the N1/2 SW1/4 of Section 21.
8. Right of Way for pole line, including the terms and provisions thereof, given by Fred W. German Co., formerly Realtor Investment Co., to The Pacific Telephone and Telegraph Company, dated May 13, 1926, recorded August 31, 1926, in Volume 96, page 71, Deed Records of Klamath County, Oregon, across the NE1/4 of Section 29.
9. Right of Way for pole line, including the terms and provisions thereof, given by Rufus S. Moore, et ux., to The Pacific Telephone and Telegraph Company, dated May 29, 1926, recorded August 31, 1931, in Volume 96, page 75, Deed Records of Klamath County, Oregon, across the S1/2 SW1/4 of Section 15.
10. Pumping Contract, by and between the United States of America and H. H. VanValkenburg and Emma VanValkenburg, husband and wife, dated July 29, 1935, recorded August 21, 1935, in Volume 105, page 135, Deed Records of Klamath County, Oregon, and affecting 20.0 acres in the SW1/4 SE1/4 and 30.0 acres in the SE1/4 SE1/4, both in Section 22.



11. Easement for pole line, including the terms and provisions thereof, given by H. H. VanValkenburg, et ux., to The Pacific Telephone and Telegraph Company, dated August 6, 1927, recorded December 15, 1937, in Volume 11, page 370, Deed Records of Klamath County, Oregon, across the S1/2 NW1/4 of Section 21.
12. Right of Way for pole line, including the terms and provisions thereof, given by H. H. VanValkenburg, et ux., to The California Oregon Power Company, dated November 23, 1942, recorded November 27, 1942, in Volume 151, page 325, Deed Records of Klamath County, Oregon, across the SW1/4 SE1/4 of Section 22.
13. Right of Way for pole line, including the terms and provisions thereof, given by D. E. Colwell and Barbara Colwell, husband and wife, to The California Oregon Power Company, dated August 26, 1953, recorded September 3, 1953, in Volume 262, page 643, Deed Records of Klamath County, Oregon, across the S1/2 NE1/4 and NW1/4 NE1/4 of Section 21.
14. Grant of Right of Way, including the terms and provisions thereof, given by D. E. Colwell and Barbara Colwell, husband and wife, and R. D. Colwell, a single man, the The California Oregon Power Company, a California corporation, dated November 14, 1956, recorded November 16, 1956, in Volume 288, page 70, Deed Records of Klamath County, Oregon, across the NW1/4 NW1/4 SE1/4 of Section 10.
15. Right of Way for roadway, including the terms and provisions thereof, given by D. E. Colwell and Barbara Colwell, husband and wife, et al., to The California Oregon Power Company, a California corporation, dated April 23, 1958, recorded April 28, 1958, in Volume 299, page 127, Deed Records of Klamath County, Oregon, across the NE1/4 SW1/4 and the E1/2 NW1/4 of Section 29.
16. Right of Way Easement, including the terms and provisions thereof, given by Sam W. Chernabuff and Ted J. Lubbs, Attorney in Fact, to Pacific Power and Light Company, dated June 18, 1968, recorded June 21, 1968, in Volume M-68 page 5556, Microfilm records of Klamath County, Oregon, affecting the NW1/4 SE1/4 of Section 29.
17. Easement, including the terms and provisions thereof, given by D. E. Colwell, et al to Patrick Carey Brennan and Mildred Evelyn Brennan, dated February 10, 1966, and recorded May 9, 1966, in M-66 on page 5014, records of Klamath County, Oregon.
18. Easement, including the terms and provisions thereof, given by Hy Lesnick, Trustee, to Klamath County, a governmental subdivision of the State of Oregon, dated July 14, 1972, recorded July 17, 1972, in Volume M-72, page 7786, Microfilm records of Klamath County, Oregon, for roadway and utility purposes over and across the NE1/4 of Section 21.
19. Easement, including the terms and provisions thereof, given by Donald Colwell and Barbara B. Colwell, to Hy Lesnick, Trustee, dated July 31, 1972, recorded July 31, 1972, in Volume M-72, page 8378, Microfilm records of Klamath County, Oregon, for roadway and utility purposes over NE1/4 of Section 21.
20. Non-exclusive Easement, including the terms and provisions thereof, given by Hy Lesnick, to Robert Niles and Virginia Niles, husband and wife, dated August 22, 1972, recorded September 11, 1972, in Volume M-72 on page 10219, Microfilm records of Klamath County, Oregon, for roadway and utility purposes over and across the NE1/4 of Section 21.
21. Right of Way Easement, including the terms and provisions thereof,

given by Patrick C. Brennan and Mildred E. Brennan, husband and wife, to Pacific Power and Light Company, a corporation, dated November 26, 1973, recorded November 27, 1973, in Volume M-73, page 15424, Microfilm Records of Klamath County, Oregon, across the E1/2 NE1/4 SW1/4 NE1/4 of Section 21.

ALSO SUBJECT TO Contract of Sale, including the terms and provisions thereof, given by D. E. Colwell, sometimes known as Donald E. Colwell and Barbara D. Colwell, sometimes known as Barbara B. Colwell, husband and wife, as vendor and Hy Lesnick as Purchaser, dated December 30, 1969, and recorded December 31, 1969, in M-69 on page 10838, records of Klamath County, Oregon, which Grantee does not assume and which Grantor agrees to pay and perform and hold Grantee harmless from and indemnify Grantee against, including any and all damage, cost or expense incurred by or adjudged against Grantee by reason of any claim, action or suit arising therefrom. Grantee may, at Grantee's option, without being required to do so, pay any amounts due thereunder or adjudged against Grantee and offset the same against any obligation due to Grantor by Grantee.



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ~~at request of~~ ~~XXXXXXXXXX~~

this 14th day of Sept A.D. 1981 at 9:45 clock A.M., and
duly recorded in Vol. M-81, of Deeds on Page 16221

EVELYN BIEHN, County Clerk
By *Marie C. Davis, deputy*

Fee \$20.00