

16066

VOLUME 87 PAGE 13212

WHITE BROS. CONSTRUCTION CO., INC., a corporation, an estate in fee simple as to an undivided one-half interest; EMMA S. ATWATER and CHARLES OTT, as joint trustees for the use and benefit of EMMA S. ATWATER and CHARLES OTT and MARJORIE JEAN OTT, as to remaining undivided one-half interest; hereinafter called grantor, conveys to LEWIS A. YORK, all that real property situate in the County of Klamath, State of Oregon, described as follows:

The South half of the Southeast quarter of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Oregon EXCEPT the following parcels thereof, to-wit:

PARCEL 1: That portion of said property conveyed by Frank D. Miles, a single man, to P. J. Elliott, by deed dated December 22, 1937, in Book 113 page 443, Deed records of Klamath County, Oregon, described as follows: to-wit: Beginning at a point on the East boundary of said Section 26 from which the Southeast corner of said Section 26 bears South 1193.0 feet distant, and running thence South 89°49' West 100 feet; thence North 50.0 feet; thence South 89°49' West 2559.0 feet to the West boundary of the Southeast Quarter of said Section 26; thence North 60.0 feet; thence North 89°49' East 2479.0 feet; thence South 64°50' East 88.5 feet; thence South 72.0 feet to the point of beginning.

PARCEL 2: Excepting also that portion of said property described as Parcel Four (Unit No. 11) in the United States of America, Plaintiff vs. Charles E. Drew et al., Defendants, Civil No. 4253. In the District Court of the United States for the District of Oregon in Judgment of Declaration of Taking and Order Granting Possession, recorded March 11, 1949 in Book 229 page 308, Deed records of Klamath County, Oregon, and also described in United States of America, Plaintiff v. Jack C. Hayes, et al., Defendants Civil No. 4726. In the District Court of the United States for the District of Oregon in Order Fixing Value, Final Judgment in Comdemnation and Order Disbursing Funds recorded March 9, 1951, in Book 246 Page 73, Deed records of Klamath County, Oregon, and described as follows: to-wit: Beginning at a point in the Easterly boundary of the Southeast Quarter of said Section 26, distant there along North 125.7 feet from the Southeast corner of said Section 26, said point being also distant North 165 feet from the center line of Lost River Diversion Channel Enlargement running thence from said point of beginning South 89°58' West 2658.0 feet to a point in the Westerly boundary of the Southeast Quarter of said Section 26, distant there along North 128.2 feet from the South Quarter corner of said Section 26, said point being also North 165 feet from said center line of Lost River Diversion Channel Enlargement; EXCEPTING THEREFROM all that portion thereof lying within the present boundaries of the right of way for Lost River Diversion Channel owned by the United States of America.

VANDENBERG & BRANDSNESS
ATTORNEYS AT LAW
KLAMATH FALLS, OREGON 97601

PARCEL 3. EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by deed dated February 15, 1955, recorded February 16, 1955, in Book 272 page 328, Deed records of Klamath County, Oregon, described as follows; Beginning at the Northwest corner of the SW 1/4 SE 1/4 of Section 26, TOWNSHIP 39 South, Range 9 E.W.M., said corner being on the center line of the U.S.B.R. drainage canal; thence South 89° 57' 15" East along the center line of said canal a distance of 1026.63 feet to a point; thence South 88°29'45" West a distance of 1107.04 feet to an iron pin; said pin being on the Westerly one-quarter section line of the SE 1/4 of said Section 26; thence North 0°27'45" East along said one-quarter section line a distance of 406.77 feet to the point of beginning.

PARCEL 4; EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by deed dated September 16, 1955, recorded September 21, 1955, in Book 277 page 468, Deed records of Klamath County, Oregon, described as follows, to-wit: Beginning at an iron pin on the West line of the SW 1/4 of the SE 1/4 of Section 26, Township 39 South, Range 9 E.W.M., said pin being South 0°27'45" West a distance of 408.54 feet from the Northwest corner of said SW 1/4 SE 1/4 of Section 26, Township 39 South, Range 9 E.W.M.; thence North 63° 29'45" East a distance of 1107.04 feet, to a point on the North line of said SW 1/4 SE 1/4, said point being also the center line of the U.S.R.S. drainage ditch; thence South 89°57'15" East along said North line of the SW 1/4 SE 1/4 a distance of 53.50 feet to a point; thence South 21°30'15" East a distance of 1312111 feet to an iron pin, said pin being on the Northerly right of way line of the Lost River Diversion Canal and being within the SE 1/4 of the SE 1/4 of Section 26; thence North 89°49'09" West along said Northerly right of way line a distance of 1571.10 feet to an iron pipe, said pipe being on the West line of said SW 1/4 SE 1/4 of Section 26; thence North 0°27'25" East along said West line a distance of 809.83 feet to the point of beginning.

and covenant that grantors are the owners of the above described property free of all encumbrances, except reservation, restrictions, easements and rights of way of record and those apparent upon the land; rules, regulations, liens and assessments of water users and sanitation districts; ALSO Warranty Clearance Easements, including the terms and provisions thereof; given by C. E. Atwater and Emma Atwater, husband and wife, and White Bros. Construction Co., Inc. a Washington corporation, to the United States of America, dated September 21, 1964, recorded October 6, 1964, in Vol. 356 page 519, Deed records of Klamath County, Oregon; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is Twenty Thousand and No/100ths (\$20,000.00) DOLLARS.

The foregoing recital of consideration is true as I verily believe.

DATED this 16 day of may, 1973.

VANDENBERG & BRANDSNESS
ATTORNEYS AT LAW
KLAMATH FALLS, OREGON 97601

13214

WHITE BROS. CONSTRUCTION CO., INC.,
a corporationBy O. A. White PresidentBy T. W. White SecretaryCharles OttEmma S. AtwaterSTATE OF Washington)
County of Walla Walla) ss.May 16, 1973.

Personally appeared O. A. White, who, being sworn stated that he is the President of grantor corporation and T. W. White, who being sworn stated that he was the Secretary of grantor corporation, and that the seal affixed hereto is its seal and that this deed was voluntarily signed and sealed in behalf of the corporation by authority of its Board of Directors. Before me:

Evelyn Kitchin
Notary Public for Washington
My Commission expires: 3/18/75

STATE OF Washington)
County of King) ss.May 21, 1973.

Personally appeared the above named EMMA S. ATWATER and acknowledged the foregoing instrument to be her voluntary act. Before me:

Margaret J. Ott
Notary Public for Washington
My Commission expires: Aug. 18, 1975

STATE OF Washington)
County of King) ss.May 21, 1973.

Personally appeared the above named CHARLES OTT, and acknowledged the foregoing instrument to be his voluntary act. Before me:

Re David K. Smith
9324 Dornedach
K. Smith

Margaret J. Ott
Notary Public for Washington
My Commission expires: Aug. 18, 1975

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 4 day of Oct A.D. 1982 at 9:50 o'clock AM, and
duly recorded in Vol. N 82, of Deeds on page 13212

VANDENBERG & BRANDSNESS
ATTORNEYS AT LAW
KLAMATH FALLS, OREGON 97601

3. WARRANTY DEED

Fee \$12.00

By Evelyn Kitchin
EVELYN KITCHIN, County Clerk