

## MOUNTAIN TITLE COMPANY

WARRANTY DEED

MTC 11895-5 Page 1092

**KNOW ALL MEN BY THESE PRESENTS, That** ROGER I. HELLIWELL, as to an undivided interest in and DOROTHY J. HELLIWELL, husband and wife, as to an undivided interest hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by GILCHRIST TIMBER COMPANY, 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:

## PARCEL 1:

In Township 23 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 25, the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 36, and that part of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Section 26 lying southeasterly of the East boundary of the right of way of the Dalles-California Highway as described and set forth in that certain Warranty Deed executed on the 12th day of May, 1952, wherein Brooks-Scanlon, Inc., as grantor, and the State of Oregon was grantee, recorded May 22, 1952, in Book 254, page 630, Deed Records of Klamath County, Oregon, and Northerly of a line that is 33 feet distant Northeasterly from the center line of the existing access road to a former logging camp site, said access road being more specifically described in the Deed executed on the 12th day of May, 1952, described above, excepting therefrom the certain lands described in that certain Deed dated April 9, 1910, in which Antone Aune was grantor and the Oregon Trunk Railway was grantee, recorded in Volume 29, page 150 of Klamath County Records of Deeds.

- continued on the reverse side of this deed -

(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 as stated on the reverse side of this deed and those apparent upon the land, if any, as of the date of this deed

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 \$ 50,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (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 17th day of January, 1983; 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 DEUEL

January 17, 1983

Personally appeared the above named ROGER I. HELLIWELL and DOROTHY J. HELLIWELL

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

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 7-26-84

STATE OF OREGON, County of DEUEL

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:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Mr. & Mrs. Roger I. Helliwell  
843 SE Kane Street  
Roseburg, OR 97470

GRANTOR'S NAME AND ADDRESS

Gilchrist Timber Company  
P.O. Box 638  
Gilchrist, OR 97137

GRANTEE'S NAME AND ADDRESS

After recording return to:

SAME AS GRANTEE

NAME, ADDRESS, ZIP

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

SAME AS GRANTEE

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of DEUEL

I certify that the within instrument was received for record on the day of \_\_\_\_\_, 1983, 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

PARCEL 2:

A tract of land located in Klamath County, Oregon, and described as follows:

The old railroad right of way in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of the said Section 17, Township 33 South, Range 9 East of the Willamette Meridian, EXCEPTING the approximately 1.5 acres described in Deed recorded in Volume 239, page 637, Deed Records of Klamath County, and EXCEPTING the approximately .5 acres described in Deed recorded in Volume 252, page 471, Deed Records of Klamath County, the tract conveyed herein consisting of approximately 1.70 acres.

SUBJECT:

1. Rights of the public in and to any portion of therein described premises lying within the limits of streets, roads, or highways.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.
3. Reservations, restrictions, and easements as contained in Deed from Anton Aune as grantor, to Oregon Trunk Railway as grantee, recorded May 7, 1914, in Volume 29, page 150, Deed Records of Klamath County, Oregon.
4. Reservations, restrictions, and easements as contained in Deed from Anton Address Aune as grantor to The Shavlin-Hixon Company, as grantee, recorded March 26, 1924, in Volume 63, page 572, Deed Records of Klamath County, Oregon, to wit:  
"Subject, however to existing rights of way of record for railways and ditches over and across said real estate."
5. Easement, including the terms and provisions thereof, for telephone and telegraph lines, recorded in Deed Volume 88 at page 120 in favor of Pacific Telephone and Telegraph Company. (Affects SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 21 and NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 36)
6. Limited access in Deed to State of Oregon by and through its State Highway Commission recorded May 22, 1952, in Deed Volume 294, page 630, which provides that no right or easement of right of access to, from, or across the State Highway other than expressly therein provided for shall attach to the abutting property.
7. Right of way, including the terms and provisions thereof, for gas transmission line, recorded September 26, 1960, in Deed Volume 324, page 292, in favor of Pacific Gas Transmission Company.  
  
Notice of Location Amending Description of Existing Right of Way, dated February 23, 1962, and recorded in Volume 336, page 24, Deed Records of Klamath County, Oregon.  
  
Notice of Location Amending Description of Existing Right of Way, dated November 30, 1978, and recorded January 17, 1979, in Volume M70, page 1274, Microfilm Records of Klamath County, Oregon.
8. Reservations, restrictions, and easements as contained in Deed from Brooks-Seamlon, Inc., a corporation to Fred L. Mahn, recorded February 11, 1965, in Volume 343, page 151, Deed Records of Klamath County, Oregon.
9. Easement, including the terms and provisions thereof, for road purposes, recorded February 11, 1963, in Deed Volume 343, page 143, in favor of Brooks-Seamlon, Inc. (Affects NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 36)
10. An Easement Deed, including the terms and provisions thereof, from Brooks-Seamlon, Inc., a corporation to Fred L. Mahn, as grantee, for road purposes, recorded May 9, 1963, in Volume 343, page 157, Deed Records of Klamath County, Oregon. (Affects SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 36 and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 37)
11. Grant of Easement, including the terms and provisions thereof,  
Dated: April 12, 1972  
Recorded: August 1, 1972  
Volume: M72, page 8478, Microfilm Records of Klamath County, Oregon  
In favor of: Pacific Northwest Bell Telephone Company  
For: Underground communication facilities

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record ..

this 19 day of Jan A. D. 19 83 at 3:06 o'clock P. M.  
duly recorded in Vol. M83, of Deeds on Page 1092

nm Fee \$12.00

By EVELYN BIEHN, County Clerk