

26 JUL 2

MTC 11934-L

WARRANTY DEED

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KNOW ALL MEN BY THESE PRESENTS, That

H. C. SPICER and JEANNE SPICER, husband

and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by

DARYLE PAUL ZIERKE

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:

All that portion of Government Lots 20 and 21, Section 3, Township 36 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of the Westerly right of way line of the Southern Pacific Railway, EXCEPTING THEREFROM all subsurface rights except water, as reserved by deed recorded in Volume 288, page 50, Deed Records of Klamath County, Oregon.

MOUNTAIN TITLE COMPANY INC.

(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 \$ 20,000.00

and the 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

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 26th day of July, 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)

H. C. SPICER

JEANNE SPICER

STATE OF OREGON

County of Klamath

July 26, 1983

STATE OF OREGON, County of

Personally appeared

H. C. SPICER and JEANNE SPICER, husband and wife

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.

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 6/19/87

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Mr. & Mrs. H. C. Spicer

St. Rt. Box 21

Chiloquin, OR 97624

Mr. Daryle Paul Zierke

4501 Greenhill Road

Placerville, CA 95667

After Recording return to:

SAME AS GRANTEE

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

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

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

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

OPAST 889 284 10V

- continued from the reverse side of this deed -

SUBJECT TO:

1. 1983-1984 taxes, a lien, not yet due and payable.
2. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads, or highways.
3. 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.
4. Reservations and restrictions as contained in Deed to Restricted Indian Land recorded in Volume 288, page 50, Deed
 "This conveyance is made pursuant to the provisions of the Act of March 1, 1907, (34 Stat. 1018; 25 U.S.C. 405) and the Act of May 27, 1907 (32 Stat. 275; 25 U.S.C. 379). There is reserved from the lands hereby granted (1) Right of Way to the Southern Pacific Railroad Company for a railroad, approved by the First Assistant Secretary of the Interior on February 4, 1914, pursuant to the provisions of the Act of March 2, 1899, (30 Stat. L. 990) as amended by the Act of June 21, 1906 (34 Stat. 325, 330) and Sec. 16 of the Act of June 25, 1910 (36 Stat. L. 855, 859); (2) Right of way for the Dalles-California Highway No. 97, approved April 13, 1938, by the Assistant Secretary of the Interior, subject to the provisions of the Act of March 3, 1901 (31 Stat. L. 1084) and Departmental regulations thereunder. Title to the above described property is conveyed subject to any existing easements for public roads and highways, for public utilities and for railroads and pipe lines and for any other easements or rights of way of record. All subsurface rights, except water are hereby reserved in trust, to the grantors, pursuant to the provisions of the Act of August 13, 1954 (68 Stat. 720)."
5. Grant of Right of Way, including the terms and provisions thereof,
 Dated: October 19, 1959
 Recorded: November 6, 1959
 Volume: 317, page 90, Deed Records of Klamath County, Oregon
 In favor of: The California Oregon Power Company, a California corporation
 For: Transmission and distribution of electricity
6. Grant of Right of Way, including the terms and provisions thereof,
 Dated: November 4, 1959
 Recorded: November 6, 1959
 Volume: 317, page 92, Deed Records of Klamath County, Oregon
 In favor of: The California Oregon Power Company
 For: Transmission and distribution of electricity
7. Right of Way Easement, including the terms and provisions thereof,
 Dated: April 10, 1968
 Recorded: April 12, 1968
 Volume: M68, page 2885, Microfilm Records of Klamath County, Oregon
 In favor of: Pacific Power & Light Company
 For: Anchor and guy
8. Subject to rules and regulations of Subdivision Ordinance No. 40, Klamath County, Oregon, as revised January 23, 1979. Any conveyance of the herein described property without the proper minor partition, shall be deemed to be without the approval of Mountain Title Company.

STATE OF OREGON,
 County of Klamath)
 Filed for record at request of

on this 26 day of July A.D. 19 83
 at 12:18 o'clock P M, and duly
 recorded in Vol. M83 of deeds

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EVELYN BEHN, County Clerk
 By [Signature] Deputy

Fee 8.00