

46756

WARRANTY DEED

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KNOW ALL MEN BY THESE PRESENTS, That

Charles G. Duncan and Leone M. Duncan, Husband and Wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by J. Randall Pope and Virginia Lee Pope, Husband and Wife, 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:

REFER TO ATTACHED LEGAL DESCRIPTION

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 set forth in the attached exhibits, or 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 \$110,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the 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 24th day of March, 1985; 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)

Charles G. Duncan
Charles G. Duncan

Leone M. Duncan
Leone M. Duncan

STATE OF OREGON,

County of Klamath

March 24th, 19 85

STATE OF OREGON, County of _____) ss.

Personally appeared _____, 19 _____, 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 be-
half 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:

Personally appeared the above named
Charles G. Duncan and
Leone M. Duncan
and acknowledged the foregoing instru-
ment to be their voluntary act and deed.

(OFFICIAL
SEAL)

Notary Public for Oregon

My commission expires: 7/13/85

Charles G. Duncan and Leone M. Duncan

P.O. Box 427

Merrill, Oregon

GRANTOR'S NAME AND ADDRESS

. Randall Pope and Virginia Lee Pope

HC-62 Box 28

Merrill, Oregon

GRANTEE'S NAME AND ADDRESS

After recording return to:

Per Grantee

NAME, ADDRESS, ZIP

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

Per Grantee

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____) ss.

I certify that the within instru-
ment was received for record on the
_____ day of _____, 19 _____,

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.

Recording Officer

By _____ Deputy

MOUNTAIN TITLE COMPANY INC.

DESCRIPTION

Township 40 South, Range 11 East of the Willamette Meridian,
Klamath County, Oregon:

SECTION 33: That portion of the $E\frac{1}{2}SE\frac{1}{2}$ lying Southwesterly of the Pope-Flesher-Duncan Irrigation ditch as it existed February 18, 1985. Also excepting therefrom that portion thereof lying within Pope Road.

SECTION 34: That portion of the $SW\frac{1}{2}SW\frac{1}{2}$ lying Southwesterly of the Pope-Flesher-Duncan Irrigation ditch as it existed February 18, 1985.

Township 41 South, Range 11 East of the Willamette Meridian,
Klamath County, Oregon:

SECTION 3: That portion of the $NW\frac{1}{2}NW\frac{1}{2}$ lying Northerly and Westerly of the Pope-Flesher-Duncan Irrigation ditch as it existed February 18, 1985.

SECTION 4: The $E\frac{1}{2}NE\frac{1}{2}$ EXCEPTING THEREFROM approximately 6 acres conveyed by deed dated September 5, 1961, recorded in Volume 332 at page 286 to V. L. Pope, Deed Records of Klamath County, Oregon, as follows: Beginning on the East and West center line of Section 4, Township 40 South, Range 11 East of the Willamette Meridian, at a point 640 feet East of the Southwest corner of the $SE\frac{1}{2}NE\frac{1}{2}$ of said Section; thence West 640 feet; thence North 500 feet; thence East 360 feet to the irrigation ditch; thence Southeasterly in a straight line, along the irrigation ditch to the point of beginning, all in Section 4, Township 41 South, Range 11 East of the Willamette Meridian.

1. Rights of the public in and to any portion of the herein 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 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 and in addition thereto a penalty may be levied if notice of disqualification is not timely given.

3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Basin Improvement District.

4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Patterson Irrigation District.

5. Reservations and restrictions as contained in Deed from John G. Patterson and Carrie V. Patterson, to John Deegan, recorded in Volume 54, page 578, Deed Records of Klamath County, Oregon, to wit:

"The above described property is a part of the Patterson Irrigation District and is subject to incumbrances which may arise incident thereto, and is subject to a certain easement with the United States Reclamation Service for irrigation." (Affects the E $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 33 and the W $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 34, Township 40 South Range 11 East of the Willamette Meridian)

6. Agreement, including the terms and provisions thereof, by and between The United States of America and Walter Robison and Hazel I. Robison, for Department of the Interior Bureau of Reclamation Klamath Project, recorded April 22, 1940 in Volume 128, page 501, Deed Records of Klamath County, Oregon. (Affects the NE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 33, Township 40 South Range 11 East of the Willamette Meridian and the NE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 4, Township 41 South Range 11 East of the Willamette Meridian)

7. Grant of Right of Way, including the terms and provisions thereof,
Dated: March 13, 1964
Recorded: April 8, 1964
Volume: 352, page 199, Deed Records of Klamath County, Oregon
In favor of: Pacific Power & Light Company
For: Electric transmission and distribution lines

8. Right of Way Easement, including the terms and provisions thereof,
Dated: May 17, 1967
Re-recorded: June 23, 1967
Volume: M67, page 4747, Microfilm Records of Klamath County, Oregon

In favor of: Pacific Power & Light Company
For: Electric transmission and distribution lines
(Affects the NE $\frac{1}{2}$ NE $\frac{1}{2}$ and the SE $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 4 and the NW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 3 in Township 41 South Range 11 East of the Willamette Meridian; also the SW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 34, Township 40 South Range 11 East of the Willamette Meridian)

9. Right of Way Easement, including the terms and provisions and provisions thereof,
 Dated: May 20, 1969
 Recorded: May 29, 1969
 Volume: M69, page 4074, Microfilm Records of Klamath County, Oregon
 In favor of: Pacific Power & Light Company
 For: Electric transmission and distribution lines
 (Affects the NW $\frac{1}{2}$ NW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 3, Township 41 South Range 11 East of the Willamette Meridian)
10. An easement created by instrument, including the terms and provisions thereof,
 Dated: October 4, 1976
 Recorded: March 1, 1977
 Volume: M77, page 3584, Microfilm Records of Klamath County, Oregon
 In favor of: Harold D. Hansen and Mary S. Hansen
 For: Existing Road
 (Affects E $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 33, Township 40 South Range 11 East of the Willamette Meridian and the E $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 4 Township 41 South Range 11 East of the Willamette Meridian, Klamath County, Oregon)
11. An easement created by instrument, including the terms and provisions thereof,
 Dated: May 6, 1980
 Recorded: June 6, 1980
 Volume: M80, page 10355, Microfilm Records of Klamath County, Oregon
 By and between: Charles G. Duncan and Loene M. Duncan, first parties and Kenneth R. Keeney and June W. Keeney, second parties
 For: Existing road
12. Joint Use Agreement for irrigation system, including the terms and provisions thereof,
 Dated: June 16, 1980
 Recorded: June 17, 1980
 Volume: M80, page 11105, Microfilm Records of Klamath County, Oregon
 By and between: Lynn R. Pope, Lyleen K. Pope, William S. Flesher and Ann Hook Flesher aka Ann E. Flesher

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

on this 12th day of March A.D. 19 85
 at 2:03 o'clock P M, and duly
 recorded in Vol. M85 of Deeds
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EVELYN BIEHN, County Clerk
 By [Signature] Deputy
 Fee 17.00