

**KNOW ALL MEN BY THESE PRESENTS**, That Peggy A. O'Neill as trustee of the Peggy A. O'Neill Trust as to Parcel #1, and Peggy Ann O'Neill also known as Peggy A. O'Neill as to Parcel #2, Peggy Ann O'Neill as Personal Representative of the Estate of J.K. O'Neill hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Trendwest Development Company as to parcel #3, 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 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 exhibit "B" 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 \$ with other property. 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 6th day of September, 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)

X Peggy Ann O'Neill  
Peggy Ann O'Neill  
as Personal Rep. of the

X Peggy A. O'Neill  
Peggy A. O'Neill as trustee of the Peggy A. O'Neill Trust

STATE OF OREGON, Estate of J.K. O'Neill } ss.  
County of Klamath }  
September 6, 1985 } Personally appeared \_\_\_\_\_ and

Personally appeared the above named Peggy Ann each for himself and not one for the other, did say that the former is the O'Neill for herself and as trustee of the Peggy A. O'Neill Trust, and as Personal Rep. of the Estate of J.K. O'Neill, and acknowledged the foregoing instrument to be her voluntary act and deed.

(OFFICIAL SEAL)

Berlene I. Addington  
Notary Public for Oregon  
My commission expires: 3-22-89

Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

Peggy A. O'Neill  
P.O. Box 2  
Klamath Falls, Oregon 97601  
GRANTOR'S NAME AND ADDRESS  
Trendwest Development Company  
P.O. Box 1089  
Klamath Falls, Oregon 97601  
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, } 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 \_\_\_\_\_ 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

All that real property situated in Township 39 South, and Township 40 South, All in Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

In said Township 39 South, Range 10 East of the Willamette Meridian, by sections as follows:

PARCEL 1:

Section 14: Government Lot 7, EXCEPT that portion in Deed Volume 106, page 17, as recorded in the Klamath County Deed Records more particularly described as follows: Beginning at a point on the North boundary line of said Lot 7, from which the  $\frac{1}{4}$  corner common to sections 14 and 15, of said Township and Range, bears North  $34^{\circ} 44'$  West 1607.5 feet; thence South 513.5 feet; thence West 341.7 feet; thence North  $33^{\circ} 43'$  West 54.6 feet; thence North  $34^{\circ} 37'$  East 204.4 feet; thence North  $30^{\circ} 21'$  East 347.5 feet; thence East 80.4 feet to the point of beginning, EXCEPTING THEREFROM that portion conveyed to Peter Boor, and more particularly described as follows: Beginning at a point on the bank of Lost River, said point being 1054 feet West of the Northeast corner of section 22, of said Township and Range; thence East 366 feet to the right of way line of the U.S.B.R. ditch; thence following said right of way line North  $54^{\circ} 45'$  East 200 feet; thence North  $64^{\circ} 30'$  East 452 feet; thence North  $45^{\circ} 45'$  East 400 feet; thence North  $57^{\circ}$  East 275 feet; thence North  $48^{\circ}$  West 138 feet, to Lost River; thence following Lost River, down stream, to the point of beginning.

Section 15: Government Lot 2, EXCEPT that portion conveyed to Peter Boor, and more particularly described as follows: Beginning at a point on the bank of Lost River, said point being 1054 feet West of the Northeast corner of Section 22, of said Township and Range; thence East 366 feet to the right of way line of the U.S.B.R. ditch; thence following said right of way line North  $54^{\circ} 45'$  East 200 feet; thence North  $64^{\circ} 30'$  East 452 feet; thence North  $45^{\circ} 45'$  East 400 feet; thence North  $57^{\circ}$  East 275 feet; thence North  $48^{\circ}$  West 138 feet, to Lost River; thence following Lost River, down stream, to the point of beginning.

Section 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 23: W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 27: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 27: W $\frac{1}{2}$ E $\frac{1}{2}$  and W $\frac{1}{2}$  lying Easterly of the U.S.B.R. F-1 Canal.

Section 28: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  lying Easterly of Hill Road and Southerly of the U.S.B.R. F-1 Canal.

Section 33: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  lying Southerly of the U.S.B.R. F-1 Canal.

Section 34: That portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$  lying Southerly of the U.S.B.R. F-1 Canal.

Section 35: W $\frac{1}{2}$

LESS AND EXCEPTING from the lands above described that portion conveyed by L. O. Mills, et ux., to Klamath County, Oregon, a public corporation, by deed recorded in Book 157 at page 322, Deed Records of Klamath County, Oregon, described as follows:

"A strip of land 30 feet wide along the North side of the following described property: The NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 28 and the NW $\frac{1}{4}$  of Section 27, both lying in Township 39 South, Range 10 East of the Willamette Meridian."



## PARCEL 2:

Section 25: SW $\frac{1}{4}$ Section 26: S $\frac{1}{4}$ Section 35: E $\frac{1}{4}$ 

Section 36: All of the section

In said Township 40 South, Range 10 East of the Willamette Meridian,  
by sections as follows:

Section 1 : NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{4}$ S $\frac{1}{4}$ Section 2: Government Lots 1 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ Section 11: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 12: N $\frac{1}{2}$ 

## PARCEL 3:

Section 13: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14: NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24: W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 11: SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ 

TOGETHER WITH an easement created by instrument, including the terms and provisions  
thereof,

Recorded: August 1, 1984

Book: M-84

Page: 13085

In Favor of: Peggy A. O'Neill aka Peggy Ann O'Neill

For: 80 foot easement for ingress and egress

END



1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Basin Improvement District.

Subject to the terms and provisions of that certain instrument recorded July 24, 1970 in Volume M-70 at page 6187 as "Notice to persons intending to Plat Lands within the Klamath Basin Improvement District."

2. By an instrument recorded in Book 183 at page 197, Deed Records of Klamath County, Oregon, an easement and right of way was given to The California Oregon Power Company by Glenn Dehlinger et ux. This right of way and easement was over the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33 and the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 34, Twp 39 S., R 10 EWM. (Affects Parcel 1)

3. Reservations contained in deed from the State of Oregon to F. W. Lambert and J. T. Alexander recorded in Book 34 at page 442, Deed Records of Klamath County, Oregon. (Affects Parcel 1)

4. Notice of claim of right to appropriate the waters of a spring in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 22, Twp 39 S., R 10 EWM. was recorded January 5, 1896 in Book 1 at page 68, Record of Water Rights, by L. A. Lewis, Articles of Incorporation of Crystal Springs Irrigation and Power Company recorded February 14, 1898 in Book 1 at page 71, Record of Incorporations, by L. S. Lewis, H. D. Stout and C. C. Lewis, the business of the Company being in particular the development of the waters of Crystal Springs in Twp 39 S., R 10 EWM. (Affects Parcel 1)

5. Notice of appropriation of waters of 1000 inches of water under six inches pressure from Crystal Springs recorded February 28, 1898, in Book 1 at page 73, Record of Incorporations, by said Crystal Springs Irrigation and Power Company by mesne conveyances this water right now vests in the assureds herein.

6. A contract between L. O. Mills and U. E. Reeder, recorded June 25, 1936 in Book 106 at page 506 of Deed Records of Klamath County, Oregon, as to divisions of water of Crystal Springs. (Affects Parcel 1)

Rights of the public in and to any portion of the above described property lying within the limits of roads, highways and utilities.

10. Right of way, including the terms and provisions thereof, from Glenn Dehlinger and Dorothy L. Dehlinger to The California Oregon Power Company, a corporation, recorded April 1, 1957 in Book 290 at page 552, Deed Records of Klamath County, Oregon. (Affects NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Sec. 33, Twp 39 S., R 10 EWM.) (Affects Parcel 1)

11. Mortgage, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Mortgagor	: J. K. O'Neill and Peggy Ann O'Neill
Mortgagee	: The Federal Land Bank of Spokane
Dated	: July 10, 1970
Recorded	: July 24, 1970
Book	: M-70
Page	: 6163
Amount	: \$145,000.00

(Partial release recorded as to Sections 27, 28, 33 and 34)

12. SAID MORTGAGE BUYER AGREES TO ASSUME AND PAY. Agreement, including the terms and provisions thereof, dated August 6, 1976, recorded August 19, 1976 in Book M-76 at page 12945, Microfilm Records, between J. K. O'Neill and Peggy A. O'Neill and Elizabeth E. Sharp and Facilities Leasing Corporation, to modify Crystal Springs Agreement. (Affects NW $\frac{1}{4}$  Sec. 27, Twp 39 S., R 10 EWM.)

CONTINUED



13. Any adverse claim based upon the assertion that:
- (a) Said land or any part thereof is now or at any time has been below the ordinary high water mark of the Lost River.
  - (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
  - (c) Some portion of said land has been brought within the boundaries thereof by a change in the location of Lost River.  
(Affects Parcel 1)
14. No liability is assumed if a financing statement is filed in the office of the County Clerk covering growing crops or fixtures wherein the land is described other than by metes and bounds, the rectangular survey system or by recorded lot and block.
15. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
16. Subject to rules and regulations of Fire Patrol District.
17. Reservations or exceptions in patents or in acts authorizing the issuance thereof.

*"This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning departments to verify approved uses."*

STATE OF OREGON, COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
 of September A.D., 19 85 at 3:29 o'clock P M., and duly recorded in Vol. 885 day  
 of Deeds on Page 14325

FEE \$21.00

Evelyn Biehn, County Clerk  
 By [Signature]