

9379

WARRANTY DEED

Vol. m89 Page 24732

KNOW ALL MEN BY THESE PRESENTS that VINTON ALAN LOVENESS, VICKI SUE ROGAL and KATHY ADAIR ROGERS, being all the heirs and devisees of VINION H. LOVENESS and FERN LUCILLE LOVENESS, who are both deceased, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by LOREN LOVENESS and ELSIE LOVENESS, husband and wife, as tenants in common, 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:

An undivided one-fourth (1/4) interest in the property described on Exhibit "A" attached hereto.

SUBJECT TO: See Exhibit "B" attached hereto

THIS DEED IS IN FULFILLMENT OF A CONTRACT DATED DECEMBER 30, 1986.

(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 excepting therefrom reservations, restrictions, rights-of-way, easements of record and those apparent upon the land

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 \$0 - land trade. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (not to be taken into account in computing the consideration for recording purposes. 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 21st day of December, 1989; 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.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Vinton Alan Loveness
VINTON ALAN LOVENESS
Vicki Sue Rogal by V.A. Loveness
VICKI SUE ROGAL by V.A. LOVENESS, Atty.
Kathy Adair Rogers by V.A. Loveness, Atty.
KATHY ADAIR ROGERS, by V.A. LOVENESS, Atty.

STATE OF OREGON
County of Klamath
December 21, 1989

STATE OF OREGON, County of _____, 19____ ss. Atty. in Fact

Personally appeared the above named VINTON ALAN LOVENESS for himself and V. A. LOVENESS as attorney-in-fact for VICKI SUE ROGAL and KATHY ADAIR ROGERS and acknowledged the foregoing instrument to be their voluntary act and deed.

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.

(OFFICIAL SEAL)
Notary Public for Oregon
My commission expires: 11/16/91

Notary Public for Oregon
My commission expires: _____
(If executed by a corporation, affix corporate seal)

VINTON ALAN LOVENESS, VICKI SUE ROGAL and KATHY ADAIR ROGERS, et al.
Box 177
Adin, CA 96006
GRANTOR'S NAME AND ADDRESS
LOREN and ELSIE LOVENESS
HC 62, Box 21A
Malin, OR 97632
GRANTEE'S NAME AND ADDRESS
Loren and Elsie Loveness
HC 62, Box 21A
Malin, OR 97632
NAME, ADDRESS, ZIP
Loren and Elsie Loveness
HC 62, Box 21A
Malin, OR 97632
NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

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/roll/volume No. _____ on page _____ or as fee/title/instrument/microfilm/reception No. _____.
Record of Deeds of said county.
Witness my hand and seal of County affixed.
NAME TITLE
By _____ Deputy

89 DEC 22 PM 12 03

EXHIBIT "A"
LEGAL DESCRIPTION

Beginning at a point marked R-1 from which the Southeast corner of Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, bears South 28 degrees 56' East 1646 feet distant; thence along water line of proposed reservoir, variation 20 degrees 28' East; North 13 degrees 00' West 275 feet; North 16 degrees 15' West 205 feet; North 34 degrees 15' West 275 feet; North 15 degrees 00' West 480 feet; North 24 degrees 30' West 545 feet; North 41 degrees 30' West 335 feet; North 58 degrees 15' West 490 feet; North 62 degrees 15' West 475 feet; North 56 degrees 30' West 325 feet; South 34 degrees 45' West 185 feet; South 3 degrees 30' East 570 feet; South 25 degrees 30' East 670 feet; South 17 degrees 15' East 420 feet; South 47 degrees 00' East 380 feet; South 88 degrees 00' East 250 feet; South 57 degrees 00' East 50 feet; South 56 degrees 30' East 110 feet; South 43 degrees 45' East 200 feet; South 34 degrees 30' East 243 feet; South 60 degrees 15' East 224 feet; South 46 degrees 30' East 440 feet; North 67 degrees 00' East 140 feet; North 7 degrees 45' East 225 feet to the place of beginning, said property being known as Simms Reservoir, and also known as Pope Reservoir.

Tax Account No.: 4013 00000 08500 001
4013 00000 08500 002

1. 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; in addition thereto a penalty may be levied if notice of disqualification is not timely given.

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

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

4. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.

5. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 8, 1965

Recorded: January 1, 1966

Volume: M66, page 111, Microfilm Records of Klamath County, Oregon

In Favor of: United States of America

For: Transmission Line Easement

Affects: NE1/4 NW1/4, SE1/4 NW1/4 and NW1/4 SE1/4 of Section 31, Township 40 South, Range 13 East of the Willamette Meridian

6. An easement created by instrument, subject to the terms and provisions thereof,

Dated: February 9, 1966

Recorded: March 7, 1966

Volume: M66, page 1880, Microfilm Records of Klamath County, Oregon

In Favor of: Portland General Electric Company, an Oregon corporation

For: Electric transmission line

Affects: NE1/4 NW1/4, SE1/4 NW1/4, NW1/4 SE1/4, Section 31, Township 40 South, Range 13 East of the Willamette Meridian

7. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 1, 1966

Recorded: September 21, 1966

Volume: M66, page 9375, Microfilm Records of Klamath County, Oregon

In Favor of: United States of America and Portland General Electric Company, an Oregon corporation

For: Access Road Easement

Affects: E1/2 NW1/4; SW1/4 NE1/4; NE1/4 SE1/4 of Section 31, Township 40 South, Range 13 East of the Willamette Meridian

8. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 5, 1967

Recorded: June 5, 1967

Volume: M67, page 5498, Microfilm Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company

For: Right of Way Easement 100 feet in width

Affects: SE1/4 NW1/4; NW1/4 SE1/4; Section 31, Township 40 South, Range 13 East of the Willamette Meridian

9. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 10, 1968

Recorded: September 6, 1968

Volume: M68, page 8104, Microfilm Records of Klamath County, Oregon

In Favor of: United States of America

For: Access Road Easement

Affects: SW1/4 NE1/4, E1/2 NW1/4, NE1/4 SE1/4, Section 31, Township 40 South, Range 12 East of the Willamette Meridian

10. The effects of, if any, of that certain Bargain and Sale Deed from Loyal H. Loveness and Mildred E. Loveness, husband and wife, grantors, to Vinton H. Loveness and Fern L. Loveness, husband and wife, grantees recorded October 20, 1969 in Volume M69, page 8945, Microfilm Records of Klamath County, Oregon.

(Affects a portion of the herein described property: The E1/2 NW1/4, SW1/4 NE1/4, N1/2 SE1/4 of Section 31, Township 40 South, Range 13 East of the Willamette Meridian)

11. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 22, 1979

Recorded: July 23, 1979

Volume: M79, page 17423, Microfilm Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company

For: Right of Way Easement 145 feet in width

Affects: NW1/4 SE1/4, E1/2 NW1/4, SW1/4 NE1/4 of Section 31, Township 40 South, Range 13 East of the Willamette meridian

12. The effect, if any, of that certain Agreement between Fern L. Loveness, surviving spouse of Vinton H. Loveness, deceased; and Loveness Logging, Inc. recorded January 22, 1980 in Volume M80, page 1315, Microfilm Records of Klamath County, Oregon and re-recorded February 19, 1980 in Volume M80, page 3157, Microfilm Records of Klamath County, Oregon.

(Affects a portion of the herein described property)

13. Due probate and administration of the Estate of Vinton Huber Loveness, deceased, which proceedings are filed in the Circuit Court of Klamath County; Vinton Alan Loveness was appointed as personal representative.

Probate No.: 82-153P

A claim has been filed against the Estate, United States of America, claimant, for recovery of fire suppression costs on land owned by deceased.

The Amended Inventory dated July 25, 1984 and filed in the above probate does not list the herein described real property.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 22nd day of Dec. A.D., 19 89 at 12:03 o'clock P.M., and duly recorded in Vol. M89, of Deeds on Page 24732.

FEE \$23.00

Evelyn Biehn County Clerk

By Pauline M. Miller