

Aspen 34654

9511

WARRANTY DEED

Vol. 189 Page 24987

KNOW ALL MEN BY THESE PRESENTS, That PRENTISS K. PUCKETT

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ROBERT D. GARDNER and DOROTHY J. GARDNER, 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:

All that certain real property more particularly described and set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

SUBJECT TO: All future real property taxes and assessments, and, those exceptions more particularly set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

(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 above set forth, and, easements and rights of way of record, and those apparent on 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 \$185,000.00. However, the actual consideration consists of or includes other property or value given or promised which is (the true consideration (indicate which)) (The sentences 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 18 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.

STATE OF OREGON,

County of Klamath ss.
December 18, 1989.

Personally appeared the above named
PRENTISS K. PUCKETT

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 9-6-92

STATE OF OREGON, County of Klamath ss.

12-18-1989

Personally appeared Prentiss K. PUCKETT and 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

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:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

(If executed by a corporation, affix corporate seal)

Prentiss K. Puckett
P.O. Box 15

Merrill, Oregon 97633

GRANTOR'S NAME AND ADDRESS

Robert D. Gardner et ux

P.O. Box 490

Winters, California 95674

GRANTEE'S NAME AND ADDRESS

After recording, return to:

Robert D. Gardner

P.O. Box 490

Winters, California 95674

NAME, ADDRESS, ZIP

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

Robert D. Gardner

P.O. Box 857

Merrill, OR 97633

NAME, ADDRESS, ZIP

STATE OF OREGON,

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/ree/volume No. on page or as fee/file/instrument/microfilm/reception No. Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

SPACE RESERVED FOR RECORDER'S USE

My Commission Expires 9-6-92

NOTARY PUBLIC - OREGON

C. BARNES

89 DEC 27 PM 4 03

EXHIBIT "A"

24988

All that portion of Lot 1, and the SE 1/4 SW 1/4 of Section 35, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying South and West of a line drawn parallel to and distant 75 feet Southwesterly of the center line of the railway of the Great Northern Railway Company, said center line being more particularly described as follows:

Beginning at a point in the Westerly boundary of said Section 35, 767.8 feet Northerly from the one-quarter corner on the West boundary of said Section 35; thence Southeasterly along a straight line making a Southeasterly included angles of 28 degrees 38' with said Westerly boundary a distance of 3914.9 feet to an intersection with the Southerly boundary of said Section 35 at a point distant 775.8 feet Westerly from the South one-quarter corner of said Section 35;

All that portion of Lot 5, Section 34, Township 40 South, Range 10 East of the Willamette Meridian, lying North and East of the most Easterly boundary of property conveyed to State of Oregon, by and through its State Highway Commission by deed dated April 19, 1940 and recorded May 1, 1940 in Book 129 at Page 59, Deed Records.

EXCEPTING from the above described land that portion of Lot 5 of said Section 34 and that portion of Lot 1 of said Section 35 conveyed to United States of America by deed dated March 28, 1910 and recorded April 2, 1910 in Book 28 at Page 568, Deed Records.

CODE 18 MAP 4010-3400 TL 1900
CODE 18 MAP 4010-3500 TL 1000
CODE 18 MAP 4010-3500 TL 1100

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District.
2. 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.
3. Waiver of Riparian Rights, including the terms and provisions thereof, executed by E. F. Offield, et vir, dated August 11, 1905, recorded September 16, 1905 in Book 18 at Page 340, Deed Records.
4. Easement, including the terms and provisions thereof:
For: Right of way
Granted to: The California Oregon Power Company
Recorded: September 12, 1929
Book: 88
Page: 49
5. Easement, including the terms and provisions thereof:
For: Right of way
Granted to: The California Oregon Power Company
Recorded: April 10, 1941
Book: 136
Page: 509
6. Reservations, including the terms and provisions thereof, of a perpetual easement for road purposes extending from Highway No. 93 in an Easterly direction, as set out in that certain deed from Fred A. Hills, et ux., to M. A. Bowman, et ux., to M. A. Bowman, et ux., dated December 9, 1948, recorded December 9, 1948 in Book 227 at Page 187, Deed Records.
7. Easement, including the terms and provisions thereof:
For: Anchor and Guy Line of Lot 5, including the right of ingress and egress
Granted to: Pacific Power and Light Company
Recorded: October 5, 1964
Book: 356
Page: 491
8. Easement, including the terms and provisions thereof:
For: Pole and wire line 18 feet in width over the S 1/2 SE 1/4 SE 1/4 of Section 34, Southeasterly of Lost River
Granted to: Pacific Power & Light Company
Recorded: June 15, 1966
Book: M-66
Page: 6166
9. Easement, including the terms and provisions thereof:
For: Pole and Wire Line 18 feet in width over the S 1/2 SE 1/4 SE 1/4 of Section 34 Southerly of Lost River
Granted to: Pacific Power & Light Company
Recorded: August 11, 1966
Book: M-66
Page: 8166

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 27th day
of December A.D., 19 89 at 4:03 o'clock P M., and duly recorded in Vol. M89
of Deeds on Page 24987
By Evelyn B. Jehn County Clerk
Bernetha W. Detoch

FEE \$18.00