

17114

Vol. m90 Page 13210

NONMERGER WARRANTY DEED IN LIEU OF FORECLOSURE  
 FCB Loan No. 201-440-22767-301-01-999  
 WIARD, ROGER K.

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

Farm Credit Bank of Spokane  
 c/o Farm Credit Services  
 900 Klamath Avenue  
 P. O. Box 148  
 Klamath Falls, OR 97601

THIS DEED, made this 15th day of June, 1990, between Roger K. Wiard and Mary J. Wiard, husband and wife, and Dennis W. Robinson and Linda M. Robinson, husband and wife, the Grantors, and FARM CREDIT BANK OF SPOKANE, a corporation chartered under the laws of the United States, (FCB) successor by merger to The Federal Land Bank of Spokane, a corporation formerly chartered under the laws of the United States, whose mailing address is West 601 First Avenue, TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that for and in consideration of the covenants hereinafter contained, the avoidance of the costs and expense of foreclosure litigation, the payment by Grantee of all title insurance premiums and recording and transfer fees, costs and expenses, and other good and valuable consideration, the Grantors do by these presents grant, convey and warrant forever unto the Grantee, and to its successors and assigns, all the property described on Exhibit "A" attached hereto and incorporated herein.

ALL SITUATE IN County of Klamath, State of Oregon, subject to rights of way and easements for roads, utilities and irrigation ditches as same exist or appear of record, unpaid real property taxes, and mortgage to Grantee dated May 14, 1981 and recorded May 27, 1981.

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantors to water, including but not limited to <sup>any and all right to irrigation water from</sup> 49.65 shares of stock in Klamath Irrigation District and 3 shares of stock in Van Brimmer Ditch Company, the latter evidenced by Certificate No. 165. Auer 20K

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

TOGETHER WITH the following described personal property:  
 NONE.

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WITNESSETH, that for and in consideration of the covenants hereinafter contained, the avoidance of the costs and expense of foreclosure litigation, the payment by Grantee of all title insurance premiums and recording and transfer fees, costs and expenses, and other good and valuable consideration, the Grantors do by these presents grant, convey and warrant forever unto the Grantee, and to its successors and assigns, all the property described on Exhibit "A" attached hereto and incorporated herein.

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TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantors to water, including but not limited to <sup>any and all right to irrigation water</sup> ~~49.65 shares of stock in~~ from Klamath Irrigation District and 8 shares of stock in Van Brimmer Ditch Company, the latter evidenced by Certificate No. 165.

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

TOGETHER WITH the following described personal property:  
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THIS DEED, made this 15<sup>th</sup> day of June, 1990, between Roger K. Wiard and Mary J. Wiard, husband and wife, and Dennis W. Robinson and Linda M. Robinson, husband and wife, the Grantors, and FARM CREDIT BANK OF SPOKANE, a corporation chartered under the laws of the United States, (FCB) successor by merger to The Federal Land Bank of Spokane, a corporation formerly chartered under the laws of the United States, whose mailing address is West 601 First Avenue, TAF-C5, Spokane, Washington 99220, the Grantee,

WITNESSETH, that for and in consideration of the covenants hereinafter contained, the avoidance of the costs and expense of foreclosure litigation, the payment by Grantee of all title insurance premiums and recording and transfer fees, costs and expenses, and other good and valuable consideration, the Grantors do by these presents grant, convey and warrant forever unto the Grantee, and to its successors and assigns, all the property described on Exhibit "A" attached hereto and incorporated herein.

ALL SITUATE IN County of Klamath, State of Oregon, subject to rights of way and easements for roads, utilities and irrigation ditches as same exist or appear of record, unpaid real property taxes, and mortgage to Grantee dated May 14, 1981 and recorded May 27, 1981.

TOGETHER WITH all water and water rights of every kind and description and however evidenced, used upon or appurtenant to said property, which in any manner entitle Grantors to <sup>any and all right to irrigation</sup> water, including but not limited to ~~49.65 shares of stock in~~ 49.65 shares of stock in Van Klamath Irrigation District and 8 shares of stock in Van Brimmer Ditch Company, the latter evidenced by Certificate No. 165. <sup>from</sup>

TOGETHER WITH any and all tenements, hereditaments, easements, rights, privileges and appurtenances thereunto belonging or used in connection therewith, and the reversions, remainders, rents, issues and profits thereof.

TOGETHER WITH the following described personal property:  
 NONE.

TO HAVE AND TO HOLD, all and singular, the said property, together with the appurtenances, unto the said Grantee, and to its successors and assigns forever. Grantors covenant with Grantee that the former is now seized in fee simple of the property granted; that the latter shall enjoy the same without any lawful disturbance; that the same is free from all encumbrances (except those set forth above); that Grantors and all persons acquiring any interest in the same through or for them will, on demand, execute and deliver to Grantee at Grantee's expense, any further assurance of the same that may be reasonably required; and that Grantors will warrant to Grantee all of the said property against every person lawfully claiming the same, except those claiming under the above exceptions.

This deed is absolute in effect and conveys fee simple title of the property above described to the Grantee and does not operate as a rescission or as a mortgage, trust conveyance, or security agreement of any kind.

Grantee's acceptance of this conveyance is conditioned upon there being no liens against the property, except for those set forth above.

This deed does not effect a merger of the fee ownership and the lien of the mortgage described herein. The fee and lien shall hereafter remain separate and distinct. It is not the intent of the parties to affect the subrogation rights of any third parties.

By acceptance of this deed, Grantee covenants and agrees that it shall not enforce any judgment against Grantors for the indebtedness evidenced by the promissory note secured by that certain mortgage executed by Roger K. Wiard and Mary J. Wiard, husband and wife, and Dennis W. Robinson and Linda M. Robinson, husband and wife, Mortgagors, to The Federal Land Bank of Spokane, a corporation, Mortgagee, dated May 14, 1981, and recorded on May 27, 1981 in Volume M81 Page 9403, Re-recorded June 29, 1981 in Volume M81 Page 11740, in the official records of Klamath County, Oregon. This deed shall not operate to preclude Grantee from proceeding in any action to enforce the mortgage, but shall preclude Grantee from obtaining a deficiency judgment against Grantors.

Grantors do hereby waive, surrender, convey, and relinquish any equity of redemption and statutory rights of redemption concerning the property and mortgage described above.

Grantors hereby surrender and deliver possession of the property to Grantee.

Grantors declare that this conveyance is freely and fairly made, and Grantors are not acting under any misapprehension as to the legal effect of this deed, nor under any duress, undue influence, or misrepresentation of Grantee, its agent, or attorney, or any other person.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands the day and year first above written.

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.

FARM CREDIT BANK OF SPOKANE

By: \_\_\_\_\_

Authorized Agent

\_\_\_\_\_  
Roger K. Wiard

\_\_\_\_\_  
Mary J. Wiard

X Dennis W. Robinson  
Dennis W. Robinson

X Linda M. Robinson  
Linda M. Robinson

STATE of \_\_\_\_\_ )  
 ) ss.

County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1990, before me personally appeared, \_\_\_\_\_ to me known to be the person described in and who executed the within instrument, and acknowledged that he/she executed the same as his/her free act and deed.

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission expires \_\_\_\_\_



STATE of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 1990, before me personally appeared, Roger K. Wiard and Mary J. Wiard, to me known to be the persons described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
 Notary Public for the State of \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

State of Montana )  
 ) ss.  
 County of Fergus )

On this 25th day of June, 1990, before me personally appeared, Dennis W. Robinson and Linda M. Robinson, to me known to be the persons described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.



Carol Lehner  
 Notary Public for the State of Montana  
 Residing at Lewistown  
 My commission expires 12-11-92







STATE of Washington  
 ) ss.  
 County of Stevens )

On this 15th day of June, 1990, before me personally appeared, Roger K. Wiard and Mary J. Wiard, to me known to be the persons described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.



Martinez A. Tector  
 Notary Public for the State of Washington  
 Residing at Chehalis  
 My commission expires 12-21-97

State of \_\_\_\_\_ )  
 ) ss.  
 County of \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 1990, before me personally appeared, Dennis W. Robinson and Linda M. Robinson, to me known to be the persons described in and who executed the within instrument, and acknowledged that they executed the same as their free act and deed.

\_\_\_\_\_  
 Notary Public for the State of \_\_\_\_\_  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

## EXHIBIT "A"

## Legal Description

The following described real property situate in Klamath County, Oregon:

A tract of land situated in Sections 21 and 28, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, being more particularly described as follows:

Beginning at a point where the centerline of a U.S.B.R. Drain intersects the Northerly right of way line of State Highway No. 39, from which the Northeast corner of the Southeast Quarter of said Section 21 bears N. 47°21'28" E. 6085.30 feet; thence N. 38°35'09" E. along said centerline, 293.19 feet; thence N. 08°27'19" E. along said centerline, 864.97 feet; thence S. 81°32'41" E., 46.22 feet to the centerline of an irrigation ditch; thence N. 54°34' E. along the centerline of said irrigation ditch, 250 feet, more or less, to the West line of the E|NW| of said Section 28; thence Northerly along said West line and along the East line of the SW|SW| of said Section 21, 788.48 feet to the Northwesternly extended centerline of a drainage ditch; thence S. 69°56'34" E. along said centerline and its extension, 1362.88 feet; thence continuing along said centerline, the following three courses and distances; S. 26°38'58" E., 393.77 feet; S. 33°30'26" E., 76.29 feet; S. 44°50'32" W., 284.35 feet to a point lying 15 feet West of the West line of Government Lot 1 of said Section 28; thence Southerly parallel to the west line of said Government Lot 1, 752.06 feet to the centerline of a drainage ditch; thence N. 87°17'09" W., 1292.77 feet; thence S. 08°47'17" W. along a fence, 682.74 feet to the Northeasterly right of way line of State Highway No. 39; thence Northwesternly along said right of way line, 629.61 feet to the point of beginning, containing 59.06 acres, more or less.

Return to: Farm Credit  
900 Klamath Avenue  
Klamath Falls, Or 97601

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 5th day  
of July A.D. 19 90 at 11:03 o'clock AM., and duly recorded in Vol. M90  
of Deeds on Page 13210

Evelyn Biehn, County Clerk

By Douglas Mulendore

FEE \$73.00