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Vol. <u>*mg1*</u> Page **7540**

DEED AND ASSIGNMENT

CLAUDE T. HAGERTY, as Trustee of The Duncan Family Trust, Grantor, hereby sells, assigns, transfers, sets over, warrants, and conveys to MICHAEL A. GRASSMUECK, INC., Trustee for the Bankruptcy Estate of Kenneth and Evelyn Duncan, Bankruptcy Case #690-64872-R07, District of Oregon, Grantee, its successors and assigns, all of Grantor's legal and equitable right, title and interest in and to an undivided one-third (1/3) interest in the following described real property:

See Exhibit "A," attached hereto and incorporated herein by this

reference.

1. Unpaid taxes for the years from 1987-88 through 1990-91, plus

2. Liens and assessments of Klamath Project and Klamath interest. 2. Liens and assessments of contracts, easements, water Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.

Any unpaid charges or assessments of the Klamath Irrigation 3.

4. Mortgage, including the terms and provisions thereof, executed by Kenneth H. Duncan and Evelyn Duncan, husband and wife; Rollin R. Throne and Leith Throne, husband and wife; and Keith E. McClung and Beverly J. McClung, husband and wife, to the Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated May 20, 1982, recorded June 2, 1982, in Volume M-82 on Page 6855, Mortgage Records of Klamath County, Oregon, to secure the payment of \$155,000.00.

and further assigns all its right and interest in and to any contract or lease rights related to the potato cellar.

AFTER RECORDING, RETURN TO:

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

Churchill, Leonard, Brown & Donaldson PO Box 804 Salem, OR 97308

Michael A. Grassmueck, Inc., Trustee PO Box 1783 Medford, OR 97501-0140

1 - DEED AND ASSIGNMENT Churchill, Leonard, Brown & Donaldson PO Box 804 Salem, Oregon 97308 (503) 585-2255

The true consideration for this conveyance is compliance with a Settlement Agreement dated February 11, 1991.

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

DATED this 17 day of April, 1991.

7541

Claude T. Hagerty, as Trustee of The Duncan Family Trust

STATE OF OREGON SS. County of Klamath

The foregoing instrument was acknowledged before me on this $\prime \gamma$ day of April, 1991, by Claude T. Hagerty, as Trustee, of The Duncan Family Trust, on its behalf.

Notary Public for Oregon

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My commission expires: 18/1/93

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2 - DEED AND ASSIGNMENT Churchill, Leonard, Brown & Donaldson PO Box 804 Salem, Oregon 97308 (503) 585-2255

EXHIBIT "A"

7542

DESCRIPTION OF PROPERTY

The following described real property situate in Klemath County, Oregon: A one-third interest in and to

A parcel of land situated in Gov't Lot 16 in Section 16, Township 41 South, Range 12 E.W.M., more particularly described as follows:

Beginning at the intersection of the South line of said Section 16 with the centerline of South Malin Highway, as the same is now located and constructed; thence North along said centerline a distance of 35.0 feet and West a distance of 30.0 feet to the intersection of the West line of said Highway with the North right-of-way line of the U.S.B.R. No. 11-B-1-B Drain and the TRUE POINT OF BEGINNING of this description; thence West along the North line of said Drain a distance of 696.0 feet to a point; thence North a distance of 203.25 feet, more or less, to a East-West fence line; thence East along said fence line a distance of 380.0 feet, more or less, to a North-South fence line; thence South along said fence line a distance of 175.25 feet to a point 28.0 feet North of the North right-of-way line of said No. 11-B-1-B Drain; thence East along a fence line 316.0 feet, more or less, to the West line of said Highway; thence South along said West line a distance of 28.0 feet, more or less, to the point of beginning. Said parcel containing 2.0 acres, more or less.

STATE OF OREGON: COUNTY OF KLAMATH: s

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of April	_ A.D., 19 <u>91</u> at <u>1:21</u>	o'clock P_M., and duly	recorded in Vol	<u>,</u>
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