

OK

29073

BARGAIN AND SALE DEED

Vol. 791 Page 8516

KNOW ALL MEN BY THESE PRESENTS, That FRANCIS O'CONNOR ENTERPRISES, INC.

hereinafter called grantor,

for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto

DANOC CORPORATION

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath

State of Oregon, described as follows, to-wit:

"An undivided 1/2 interest in real property described in Exhibit "A"

SUBJECT TO reservations and restrictions of record, easements and rights of way of record and those apparent on the land, contracts and/or liens for irrigation and/or drainage.

(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.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$132,500.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 12 day of July, 1988; if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized therefor 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.

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON,

County of Klamath ss.

The foregoing instrument was acknowledged before me this 12 day of July, 1988, by

Notary Public for Oregon

(SEAL)

My commission expires:

STATE OF OREGON, County of Klamath ss.

The foregoing instrument was acknowledged before me this

July 12, 1988, by Jim O'Connor,

president, and by

secretary of FRANCIS O'CONNOR

ENTERPRISES, INC.

a Oregon corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires: 3/15/92

(If executed by a corporation affix corporate seal)

FRANCIS O'CONNOR ENTERPRISES, INC.

GRANTOR'S NAME AND ADDRESS

DANOC CORPORATION

GRANTEE'S NAME AND ADDRESS

After recording return to:

RICHARD FAIRCLO

280 MAIN STREET

KLAMATH FALLS, OREGON 97601

NAME, ADDRESS, ZIP

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

SAME AS NOW LISTED

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of ss.

I certify that the within instrument was received for record on the day of 1988, at o'clock M., and recorded in book/reel/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

EXHIBIT "A"

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

PARCEL 2: Granting and conveying an undivided one-half interest in the following described properties

Township 37 South, Range 9 East of the Willamette Meridian

Section 31: All of the NE $\frac{1}{4}$ SE $\frac{1}{4}$, and that portion of Lots 4 and 5, lying Southerly and Easterly of the County Road, formerly the Dalles-California Highway. SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$.

Township 38 South, Range 8 East of the Willamette Meridian

Section 1: That portion of Lots 1 and 2 lying East of the State Highway, as described in Deed Volume 138 page 81, in Section 1, containing 11 acres, more or less, SAVING AND EXCEPTING THEREFROM any portion of Upper Lake Garden Tracts, as same is now platted that may lie in said Government Lot 2.

Township 38 South, Range 9 East of the Willamette Meridian

Section 5: NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 6: NE $\frac{1}{4}$, the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ SE $\frac{1}{4}$, the SE $\frac{1}{4}$ SE $\frac{1}{4}$, and that portion of Lot 1 lying Northeastly of the County Road, formerly the Dalles-California Highway; SAVING AND EXCEPTING that portion conveyed to C. W. Hurtgen by deed executed on November 8, 1943, recorded December 20, 1943, in Deed Volume 160 page 527.

Section 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Township 39 South, Range 9 East of the Willamette Meridian

Section 6: The S $\frac{1}{2}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$

Township 38 South, Range 9 East of the Willamette Meridian

Section 17: E $\frac{1}{2}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$, SAVING AND EXCEPTING therefrom that portion thereof more particularly described as follows: Beginning at a point on the line between Sections 16 and 17 of said township and range, which point is 660 feet North of the corner common to Sections 16, 17, 20 and 21 of said township and range; thence Westerly along a line parallel to the South line of said Section 17 a distance of 1634.6 feet; thence at right angles North a distance of 640 feet; thence at right angles East and parallel to the South line of said Section 17 a distance of 990 feet; thence at right angles North a distance of 336 feet; thence East at right angles and parallel to the South line of said Section 17 a distance of 644 feet, more or less, to the East line of said Section 17; thence South along the East line of Section 17 a distance of 990 feet, more or less, to the point of beginning, containing 29.64 acres, more or less, in the SE $\frac{1}{4}$ of said Section 17.

Section 20: NW $\frac{1}{4}$ SAVING AND EXCEPTING therefrom that portion thereof described as follows: Commencing at the Southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section, which point is the true point of beginning; thence North along the Westerly line of Section 20 a distance of 723 feet; thence East 300 feet to a point; thence South 726 feet to a point, said point being on the Southerly line of said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence West 300 feet to the point of beginning, containing 5 acres, more or less.

ALSO SAVING AND EXCEPTING from said Sections 17 and 20 two parcels, more particularly described as follows:

Beginning at the iron pin marking the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20; thence South 89°21' East 393.24 feet; thence North 0°46' East 1962.0 feet; thence North 89°05' West 2675.11 feet; thence South 0°50' West 1969.63 feet; thence South 89°10' East 966.14 feet; thence South 89°21' East 1778.1 feet to the point of beginning, containing 120.00 acres, more or less.

Beginning at a point which lies South 89°21' East 393.24 feet and North 0°46' East 156.33 feet from the Southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 17; thence South 89°21' East 600.0 feet; thence South 0°46' West 217.8 feet; thence North 89°21' West 600.0 feet; thence North 0°46' East 217.8 feet to the point of beginning, containing 3.00 acres, more or less.

Township 39 South, Range 10 East of the Willamette Meridian

Section 2: All that portion of Lot 1 of Section 2, said township and range, which lies Easterly from the Easterly boundary of the Klamath Falls-Lakeview Highway and more particularly described as follows: Beginning at the Southeastly corner of said Lot 1 and running thence North 1°28' West along the Easterly boundary of said Section 2, a distance of 765.7 feet, more or less, to its intersection with the Easterly boundary of the right of way of the Klamath Falls-Lakeview Highway; thence South 8°8' West along said right of way 773.3 feet, more or less, to its intersection with the Southerly boundary of said Lot 1; thence East along said Lot 1 boundary 129.0 feet, more or less, to the point of beginning (being same property described in deed recorded April 28, 1944, in Volume 164 page 342 of Klamath County, Oregon Deed records, which conveyed said property to Matthew O'Connor and to John D. O'Connor).

Township 39 South, Range 9 East of the Willamette Meridian

Section 9: Government Lots 3 and 4

ALSO, that portion of Tract 90 of Enterprise Tracts which lies West of the right of way of the Southern Pacific Railroad described as follows: Commencing at the intersection of the Northerly line of a road running Easterly and Westerly through the center of Section 9 with the Westerly line of said Tract 90, being 30 feet North of the Southwest corner of said tract, and running thence Northerly along the Westerly boundary of said tract 1434.3 feet, more or less, to the U.S. meander line of 1858; thence Northeasterly along the meander line 252 feet to the Westerly line of said right of way; thence Southerly 1540 feet to the Northerly line of said road; thence Westerly along the North boundary of said road 234.8 feet to the point of beginning.

ALSO, That part of Tract 90 of Enterprise Tracts described as follows: Beginning at a point on the Easterly line of California Northeastern Railway Company right of way, which point is 30 feet, more or less, North from the South line of the NW¼ of Section 9, Township 39 South, Range 9 East of the Willamette Meridian; thence running in an Easterly direction parallel with and 30 feet, more or less, North from the South line of the NW¼ of Section 9, 263.2 feet, more or less, to a point; thence in a Northerly direction parallel with the Easterly boundary line of said Tract 90 to the Southerly right of way line of Great Northern Railway right of way; thence Northwesterly to the East right of way line of Southern Pacific railroad right of way; thence Southerly along said Easterly line to the point of beginning.

ALSO that part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9 and all that part of Lots 5, 6 and 10 of Section 8 Township 39 South, Range 9 East of the Willamette Meridian, more particularly bounded and described as follows: Commencing at a point on the section line between Sections 8 and 9, 1700 feet North of the Section corner common to Sections 8, 9, 16 and 17, as the point of beginning; thence North 35° West, approximately 1600 feet to the East bank of the Klamath River; thence in a Northeasterly direction along East bank of Klamath River, approximately 1100 feet to the intersection of said East bank of river with section line running North and South between Sections 8 and 9; thence South along said Section line 954 feet, more or less, to the one-quarter section corner between Sections 8 and 9; thence East 1318.2 feet, more or less, to the Northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9; thence South 1256.1 feet, more or less, to the West boundary line of the right of way of the California Northeastern (Southerly Pacific) Railway; thence in a Southwesterly direction along West boundary line of said railway right of way approximately 930 feet to the intersection of said West boundary line of said railway right of way with the North boundary line of the right of way of the U.S. Government irrigation canal or lateral F14; thence in a Northwesterly direction along said North boundary line of said irrigation canal (or lateral) right of way approximately 1300 feet to the intersection of said North boundary line of said irrigation canal (or lateral) right of way with the Section line running North and South between Sections 9 and 8; thence North along said section line approximately 120 feet to the point of beginning, except a strip of land 60 feet in width the center line of which extends from a point on the North boundary line of the right of way of the U.S. Government irrigation canal or lateral, F14, which point is 30 feet distant from the intersection of said North boundary line with the West boundary line of the right of way of the California Northeastern (Southern Pacific) Railway; thence in a Northeasterly direction for a distance of approximately 930 feet to the center of the approach and the overhead bridge crossing said railway right of way; but including the right to use said approach and bridge on said railroad right of way in conjunction with others; EXCEPTING FURTHER, a strip of land 50 feet in width, the center line of which extends from a point on the West boundary of said railroad right of way, which point is 25 feet distant Northeasterly from the intersection of said West boundary line with the North boundary line of said Canal and running thence in a Northwesterly direction for a distance of approximately 1300 feet to a point on the line running North and South between Sections 8 and 9, which point is 37 feet North of the intersection of the North boundary line of said irrigation canal with said section line.

ALSO, Beginning at the most Northerly corner of Lot 4 of said Section 9; thence South 65°30' West 178.36 feet; thence North 52°30' West 800 feet; thence North 50°00' East, 55 feet; thence North 29°00'30" East 307.7 feet; thence East 650 feet; thence South 63°14'10" East to the Westerly right of way line of the Southern Pacific Railroad; thence South along said line to its intersection with the 1858 meander line; thence South 66°25' West to a point that is South 59°30' East from the point of beginning; thence North 59°30' West to the point of beginning.

ALSO, Tract 29 of Ewauna Park, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Ore., etc.

A Tract of land in government lots 5, 6, 9 and 10 of Section 8 Township 39 South Range 9 East W.M., Klamath County, Oregon being more particularly described as follows:

A portion of that Tract of land described as Parcel #1 in volume M 85 page 9575 of the Klamath County deed records lying Northerly of the Northerly right-of-way of the Southside Bypass as presently constructed.

Also the access right to and from the abutting Southside Bypass Highway at Engineer Station 143 + 50 said access reservation being 35 feet and a constructed width of 16 feet.

EXCEPTING THEREFROM:

In Klamath County, Oregon:

A parcel of land situated in the W 1/2 SE 1/4 of Section 17, Township 38 South, Range 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at a point marked by a 5/8-inch rebar with plastic cap, situated on the North-South centerline of said Section 17, being S. 89°27'24" E. 1304.21 feet from the SW 1/16 corner of said Section 17; thence S. 89°27'24" E. 986.44 feet to a 3-1/2 inch Brass Disk marking the most Westerly Northwest corner of that tract of land described in Deed Volume 325, page 567, of the Klamath County deed records; thence South, along the Westerly line of said tract (D.V. 325, page 567), 659.88 feet to a 3-1/2 inch Brass Disk marking the Southwest corner of said tract (D.V. 325, page 567); thence West, along the North line of the Oregon Institute of Technology property, 987.35 feet to a 5/8 inch rebar with plastic cap on the North-South centerline of said Section 17; thence N. 00°04'53" E. 669.22 feet to the point of beginning, containing 15.06 acres, with bearings based on survey No. 700 as recorded in the office of the Klamath County Surveyor.

PARCEL 23:

A tract of land situated in the NE 1/4 SE 1/4 of Section 6, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon more particularly described as follows:

Beginning at a point which is South 27°22'30" West 294.08 feet from the E 1/4 corner of said Section 6; thence South 00°06'00" West 208.71 feet; thence North 89°54'00" West 208.71 feet; thence North 00°06'00" East 208.71 feet; thence South 89°54'00" East 208.71 feet to the point of beginning.

ALSO EXCEPTING THEREFROM any property located within the Southside By-Pass, an Oregon State Highway.

STATE OF OREGON,
County of Klamath ss.

EXHIBIT "A" Page -4-

Filed for record at request of:

Klamath County Title co.
on this 6th day of May A.D. 19 91
at 3:40 o'clock P M. and duly recorded
in Vol. M91 of Deeds Page 8516
Evelyn Biehn, County Clerk
By Pauline Muelandere

Fee, \$48.00

Deputy.