

41311

STATUTORY WARRANTY DEED

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mfe 26566

GRANTOR:

FARM CREDIT BANK OF SPOKANE, a corporation, successor by merger to The Federal Land Bank of Spokane, a Federal corporation, with its office and principal place of business at West 601 First Avenue (P. O. Box TAF-C5) Spokane, Washington 99220-4005

GRANTEE:

LESLIE E. NORTHCUTT and NORMA V. NORTHCUTT, husband and wife, as to an undivided one-half interest, and JOHN L. NORTHCUTT and CAROLYN A. NORTHCUTT, husband and wife, as to an undivided one-half interest, and as between each husband and wife pair, as tenants in common

CONSIDERATION: \$85,100.00

ADDRESS FOR SENDING TAX STATEMENTS: _____

Grantor conveys and warrants to Grantee the following described real property, free of encumbrances except as specifically set forth herein, to-wit:

Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon:

Section 28: S1/2 SE1/4 NW1/4, S1/2 SW1/4 NE1/4, W1/2 SE1/4, E1/2 SW1/4, SAVING AND EXCEPTING that portion of the SE1/4 SW1/4 lying Southerly of the centerline of the Pope-Flesher ditch.

TOGETHER WITH:

- 1) All appurtenant irrigation water rights.
- 2) The irrigation equipment listed on the attached IRRIGATION EQUIPMENT DESCRIPTION SHEET.
- 3) Right of Way for Farm Road, including the terms and provisions thereof, from Lynn R. Pope to William S. Flesher and Ann Hook Flesher also known as Ann E. Flesher, husband and wife, dated September 8, 1980, recorded September 8, 1980 in Volume M80, page 17005, Microfilm Records of Klamath County, Oregon.
- 4) Easements, including the terms and provisions thereof, as disclosed by Estoppel Deed from Cecil R. Brown and Kathlene E. Brown, husband and wife, to Charles G. Duncan and Leone M. Duncan, husband and wife, and Rich C. Duncan, dated May 17, 1984, recorded May 2, 1984 in Volume M84, pge 8447, Microfilm Records of Klamath County, Oregon
- 5) The benefits of and subject to the burdens of that certain Joint Use Agreement, including the terms and provisions thereof, by and between Lynn R. Pope, et ux, William S. Flesher, et ux., Charles G. Duncan, et ux, and J. Randall Pope, et ux, recorded June 17, 1980 in Volume M80, page 11105, Microfilm Records of Klamath County, Oregon, for Pope-Flesher-Duncan Irrigation System.
- 6) The benefits of and subject to the burdens of that certain Agreement for Easement for ingress and egress, including the terms and provisions thereof, by and between Lynn R. Pope, J. Randall Pope and Virginia Lee Pope, individually and as initial trustees for the "RANDALL & VIRGINIA POPE 1982 TRUST UTA 12/2/82" and Joseph G. Thompson, as Grantors, and Farm Credit Bank of Spokane as Grantee, recorded April 26, 1989, in Volume M89, Page 6968, Microfilm Records of Klamath County, Oregon.

SUBJECT TO:

- 1) The premises having been specially assessed as Farm Use Land as disclosed by the assessment roll and the tax roll. If the

1. STATUTORY WARRANTY DEED (northSWD/FCB:REK)

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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 statutory powers, including the power of assessment, of Klamath Basin Improvement District.

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

4) Right of Way, including the terms and provisions thereof, given by Donald M. Smith, et ux, and The California Oregon Power Company, dated June 27, 1957, recorded July 10, 1957 in Volume 293, page 38, Deed Records of Klamath County, Oregon.

This deed is given in performance of that certain contract of sale entered into on April 24, 1989, by FARM CREDIT BANK OF SPOKANE as Seller, and Grantee herein, as Purchaser. The covenants of warranty herein contained shall not apply to any title, interest or encumbrances arising by, through or under any persons holding the purchaser's interest in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

EXECUTED this 24th day of April, 1989.

GRANTOR: FARM CREDIT BANK OF SPOKANE, a corporation

By Ann Hilton
Its SR CREDIT OFFICER

STATE OF OREGON)

County of Klamath)

) ss

April 24th, 1989

Personally appeared Ann Hilton
as Senior Credit Officer of the FARM CREDIT BANK OF SPOKANE,
a corporation, and with authority acknowledged that the foregoing
instrument was executed on behalf of the corporation.

Before me: Margaret Olsen
Notary Public for Oregon
My Commission expires: 9-12-90

PURSUANT TO ORS 93.040: 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.

IRRIGATION EQUIPMENT DESCRIPTION SHEET

Farm Credit Bank/Northcutt Sale

The following described personal property is situate in Klamath County, Oregon:

One Cornell 5B-75-2 pump, Serial No. 33576, with a 75 H.P. General Electric motor, Serial No. HS 351005;
 One Cornell 5WB-75-2 pump with a Marathon 75 H.P. motor, Serial No. 25868;
 One Dragon Filter;
 Two Primary pumps;
 Suction and discharge equipment (valves and pipe);
 860 feet of 10 inch supply pipe;
 880 feet of 8 inch supply pipe;
 5080 feet of 8 inch main line pipe with valve;
 1400 feet of 6 inch main line pipe with valve;
 Six one-quarter mile (32-joints) W-76 inch wheels and movers 4 inch pipe;
 Miscellaneous fittings, valve openers, elbows and plugs.
 Inclusive of electrical panels motor bases and other related fixtures and parts needed to be in complete operating condition.

STATE OF OREGON,
 County of Klamath ss.

Filed for record at request of:

Upon Recording forward to:
 Leslie E & Norma V. Northcutt
 1930 Round Lake Road
 Klamath Falls, OR 97601

Mountain Title Co.
 on this 21st day of Feb. A.D., 19 92
 at 3:28 o'clock p M. and duly recorded
 in Vol. M92 of Deeds Page 3613.
 Evelyn Biehn County Clerk
 By Caroline M. Mullins
 Deputy.

Fee, \$40.00