

54283

MTC 5153

*WARRANTY DEED

Volume Page 27761

KNOW ALL MEN BY THESE PRESENTS, That JAMES S. ZBINDEN and ROBERT L. ZBINDEN

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JAMES R. LANCASTER and JANICE M. LANCASTER, 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 on Exhibit "A" which is 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 See Exhibit "A" which is attached hereto and by this reference made a part hereof.

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 \$ 70,000.00. 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 16 day of August, 1978; 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.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, }
County of Klamath } ss.
August 16, 1978.

Personally appeared the above named James S. Zbinden and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me: Kelly Goodell
(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: 1-9-81

STATE OF OREGON, County of } ss.
1978.

Personally appeared _____ and _____ who, being duly sworn, 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 _____

_____ a corporation, 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:

James S. Zbinden
3609 Highway 39
Klamath Falls, Oregon 97601

GRANTOR'S NAME AND ADDRESS

James and Janice Lancaster

GRANTEE'S NAME AND ADDRESS

After recording return to: James Spindor
James and Janice Lancaster
136 N. 3rd St Suite B
Klamath Falls, Ore 97601

NAME, ADDRESS, ZIP

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

James R. & Janice M. Lancaster
Star Rt. Box 145
Chemult, OR. 97731

NAME, ADDRESS, ZIP

STATE OF OREGON, } ss.
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 _____ on page _____ or as file/reel number _____.

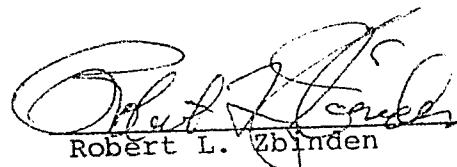
Record of Deeds of said county.

Witness my hand and seal of County affixed.

By _____ Recording Officer
Deputy

SPACE RESERVED
FOR
RECORDER'S USE

27762

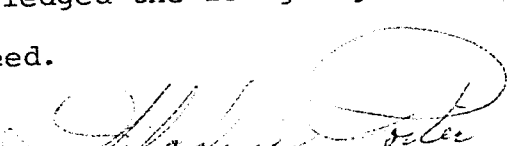

Robert L. Zbinden

STATE OF WASHINGTON)
County of Kittitas) ss.

September 1, 1978.

Personally appeared the abovenamed Robert L. Zbinden
and acknowledged the foregoing instrument to be his voluntary
act and deed.

BEFORE ME:


Notary Public for Washington
My commission expires: 7.6.80

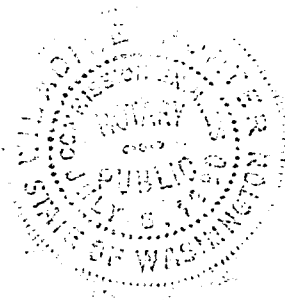


EXHIBIT "A"

PARCEL 1.

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 29 South, Range 7 East of the Willamette Meridian Klamath County, Oregon and Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 6, Township 29 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING from said property that portion thereof described as follows: Beginning at the Southwest corner of said Section 6; thence along the West line of said Section 6 to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6 North 1° 32' 00" East 1,336.69 feet to the true point of beginning of this description; thence along the North line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6 South 87° 14' 00" East 163.0 feet to the Westerly right of way line of U.S. Highway No. 97; thence along the Westerly edge of said right of way South 17° 47' 50" West 597.05 feet; thence continuing along the Westerly edge of said right of way on a spiral curve left 516.33 feet; thence leaving the Westerly edge of said right of way South 55° 47' 50" West 282.54 feet to a point on the Northerly right of way line of Oregon State Highway No. 230; thence along the Northerly edge of said right of way North 85° 51' 10" West 872.40 feet to a point on the Easterly right of way line of the Redmond-Klamath Falls, Bonneville Power Administration transmission line; thence along the Easterly edge of said right of way North 4° 28' 40" East 1,228.83 feet to the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1; thence along said North line South 87° 14' 00" East 1,168.36 feet to the true point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

- (a) That portion conveyed to Klamath County for road purposes by deed recorded May 5, 1931, in Volume 95, page 202, Deed Records of Klamath County, Oregon.
- (b) That portion conveyed to Klamath County for road purposes by deed recorded April 28, 1937, in Volume 109, page 1 Deed Records of Klamath County, Oregon.
- (c) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded May 6, 1946, in Volume 188, page 387, Deed Records of Klamath County, Oregon.
- (d) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded June 18, 1954, in Volume 267, page 408, Deed Records of Klamath County, Oregon.
- (e) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded August 31, 1955, in Volume 277, page 156, Deed Records of Klamath County, Oregon.

PARCEL II

A tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1) of Section 7, Township 29 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the intersection of the North boundary line of Klamath Indian Reservation and the Easterly line of the Dalles-California Highway; thence Southeasterly along the Easterly line of said highway 50 feet; thence Northeasterly parallel with the North line of said Klamath Indian Reservation 200 feet; thence Northwesterly parallel with the Easterly line of said highway 50 feet to the North line of the Klamath Indian Reservation; thence Southwesterly along the said North line 200 feet to the point of beginning. Subject, however, to the following:

1. The rights of the public in and to that portion of the premises herein described lying with the limits of existing roads.
2. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded May 6, 1946, in Volume 188, page 387, Deed Records of Klamath County, Oregon, which provides that no right or easement of right of access to, from or across the Highway other than expressly therein provided for shall attach to the abutting property.
3. Easement for electric power transmission lines and incidentals, 125 feet wide, as conveyed to the United States of America by deed recorded December 12, 1951, in Volume 251, page 493, Deed Records of Klamath County, Oregon.
4. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded June 18, 1954, Volume 267, page 408, Deed Records of Klamath County, which provides that no right or easement of right of access to, from or across the highway other than expressly therein provided for shall attach to the abutting property.
5. Recital in the deed from the United States of America to Delford Lang, recorded June 9, 1958, in Volume 300, page 41, Deed Records of Klamath County, Oregon, and correction deed recorded November 14, 1961, Volume 333, page 637, to wit:
 "Title to the above-described property is conveyed subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way or record."
 (Affects Parcel 2)
6. Right of way for pipelines for conveying natural and artificial gas and other gaseous or liquid hydrocarbons and any products or by-products thereof and all incidentals, 100 feet wide, as conveyed to Pacific Gas transmission Company, by deed recorded March 21, 1960, Volume 319, page 553, Deed Records of Klamath County, Oregon. (Affects the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1).
7. Right of way for telephone lines and all incidentals as conveyed to Beaver State Telephone Company by deed recorded June 30, 1971 in Volume M71, page 6774, Deed Records of Klamath County, Oregon. (Affects Lot 7 of Section 6).

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 23rd day of Nov. A.D., 19 92 at 11:38 o'clock A.M., and duly recorded in Vol. M92 of Deeds on Page 27761.

FEE \$45.00

Evelyn Biehn County Clerk

By Daniel M. Nielsen