

59924

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, that FLYNN BROTHERS, A CO-PARTNERSHIP CONSISTING OF CORNELIUS J. FLYNN, JOSEPH E. FLYNN AND DENIS J. FLYNN, ALSO KNOWN AS DENNIS J. FLYNN, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto D. JACK FLYNN and BRED A L. FLYNN, Husband and Wife, 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:

That real property more particularly described in Exhibit A attached hereto and by this reference incorporated herein.

TAX INFORMATION:

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.

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: Dissolution of Partnership.

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 13th day of April, 1993.

FLYNN BROTHERS

By: Cornelius J. FlynnBy: Joseph E. FlynnBy: Denis J. Flynn

STATE OF OREGON, County of Lake.) ss.

This instrument was acknowledged before me on April 13, 1993, by CORNELIUS J. FLYNN, JOSEPH E. FLYNN and DENIS J. FLYNN.

Annal Gray
Notary Public for Oregon
My Commission Expires 7-15-93

AFTER RECORDING RETURN TO:

James C. Lynch, Attorney at Law
P.O. Box 351
Lakeview, OR 97630

UNTIL A CHANGE IS REQUESTED, SEND ALL TAX STATEMENTS TO:

D. Jack & Breda L. Flynn
P.O. Box 27
Plush, OR 97637

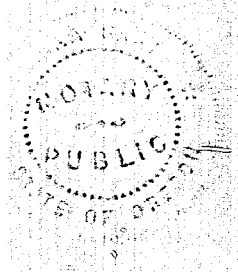


EXHIBIT "A"
(Klamath County, Oregon)
(D. Jack & Breda L. Flynn)

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

Township 36 South, Range 12 East of the Willamette Meridian
Section 36: E $\frac{1}{2}$ SW $\frac{1}{4}$ EXCEPTING THEREFROM the southerly 1825.00 feet thereof.

Parcel I of Partition Plat #25-91, Klamath County Records, described as follows:

Township 36 South, Range 12 East of the Willamette Meridian
Section 26: S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Section 35: S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$.
Section 36: W $\frac{1}{2}$ NW $\frac{1}{4}$

ALSO, beginning at the northeast corner of the SW $\frac{1}{4}$ of Section 35, thence S 0°14'54" E along the east line of said SW $\frac{1}{4}$ a distance of 1322.26 feet to the southeast corner of the N $\frac{1}{2}$ of said SW $\frac{1}{4}$, thence N 89°10'47" W along the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 2591.39 feet to the southwest corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$, thence S 0°20'53" W along the west line of said Section 35 a distance of 1311.70 feet to the southwest corner of said Section 35, thence westerly along the south line of Section 34 a distance of 1320 feet, more or less, to the southwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 34, thence Northerly along the west line of E $\frac{1}{2}$ E $\frac{1}{2}$ of said Section 34 a distance of 1363.68 feet, thence S 86°25'43" E along an existing fence a distance of 469.67 feet, thence N 6°31'39" E along an existing fence a distance of 263.53 feet, thence S 86°02'49" E along an existing fence a distance of 397.07 feet, thence N 8°28'22" E along an existing fence a distance of 687.88 feet, thence N 81°59'17" E along an existing fence a distance of 819.97 feet, thence N 18°28'49" E along an existing fence a distance of 1401.72 feet, thence N 74°24'42" E along an existing fence a distance of 835.67 feet to the north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, thence S 89°24'09" E along said north line of the S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 833.62 feet to the northeast corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$, thence S 0°14'54" E along the east line of said S $\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 1311.48 feet to the point of beginning.

TOGETHER WITH that certain well known as the Dice Crane Well located North 4°14' West 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to take the water therefrom pursuant to law and further TOGETHER WITH the right to use an area surrounding such well in a radius of 20 feet of the center of said well for the purpose of maintenance and operation thereof. TOGETHER WITH the right to transport water through pipes and the channel of a certain creek heretofore unknown, but presently named Brown Creek by the U.S. Forest Service, which runs in a Northerly direction from said irrigation well, water right heretofore referred to being Permit No. G-3969, TOGETHER WITH a right of way for access over the existing roadway 16 feet in width from a junction with the Yellow Jacket and Mineral Springs Road located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 37 South, Range 12 East of the Willamette Meridian and running in a Southerly and Easterly direction to said well located North 4 degrees 14' West, 3315.3 feet from the SW corner of Section 2, Township 37 South, Range 12 East of the Willamette Meridian, together with the right to maintain, operate and repair the existing power line running generally Easterly from said Yellow Jacket and Mineral Springs Road to said well for the purpose of supplying electric energy thereto.

SUBJECT TO all easements, reservations, restrictions and rights of way of record or apparent on the ground, including but not limited to the following:

1. Rights of the public in streets, roads and highways.
2. Any adverse claim based upon the assertion that said land or any portion thereof is now or at any time has been below high water mark of Brown Creek.
3. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
4. Reservation of all subsurface rights, except water, subject to the terms and provisions thereof, as set forth in Deed from the United States of America dated August 21, 1956 and recorded October 15, 1956 in Volume 287, page 297, Deed Records of Klamath County, Oregon. (Affects SW $\frac{1}{4}$ of Section 26).
5. Reservations contained in Deeds from the United States of America, subject to the terms and provisions thereof, dated August 21, 1956 and recorded October 15, 1956 in Volume 287, page 297, Deed Records of Klamath County, Oregon, and dated April 10, 1959 and recorded April 21, 1959 in Volume 311, page 632, Deed Records of Klamath County, Oregon. (Affects SW $\frac{1}{4}$ of Section 26 and NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34)
6. An easement, subject to the terms and provisions thereof, for road across NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, being 50 feet in width, to The United States of America, dated August 11, 1954 and recorded June 11, 1958 in Miscellaneous Volume 12, page 548, Deed Records of Klamath County, Oregon.
7. An easement, subject to the terms and provisions thereof, for road across W $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, being 100 feet in width, to the United States of America, dated August 11, 1954 and recorded June 11, 1958 in Miscellaneous Volume 12, page 549, Deed Records of Klamath County, Oregon.
8. Reservations contained in Land Status Reports recorded:
 - (a) November 10, 1958 in Volume 306, page 155, Deed Records of Klamath County, Oregon (NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35).
 - (b) November 10, 1958 in Volume 306, page 193, Deed Records of Klamath County, Oregon (E $\frac{1}{4}$ SW $\frac{1}{4}$ and W $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36).
 - (c) November 10, 1958 in Volume 306, page 199, Deed Records of Klamath County, Oregon (W $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26).
 - (d) November 18, 1958 in Volume 306, page 389, Deed Records of Klamath County, Oregon (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34).
 - (e) August 20, 1959 in Volume 315, page 174, Deed Records of Klamath County, Oregon (NW $\frac{1}{4}$ of Section 35).

Reference is made to all documents for particulars.
9. An easement, subject to the terms and provisions thereof, for electric transmission line, being 150 feet in width, from Mike and Jo Deely to United States of America recorded September 27, 1965 in Volume M65, page 2008, Microfilm Records of Klamath County, Oregon. (Across W $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35)
10. An easement, subject to the terms and provisions thereof, for electric transmission line, being 150 feet in width, from Lavina Henry to United States of America recorded October 20, 1965 in Volume M65, page 2980, Microfilm Records of Klamath County, Oregon. (Across S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26 and NW $\frac{1}{4}$ SE $\frac{1}{4}$ and E $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35)
11. An easement, subject to the terms and provisions thereof,

for electric transmission line, being 150 feet in width, from Mike and Jo Deely to Portland General Electric recorded March 4, 1966 in Volume M66, page 1841, Microfilm Records of Klamath County, Oregon. (Across W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35)

12. An easement, subject to the terms and provisions thereof, for electric transmission line, being 150 feet in width, from Mike and Jo Deely and Lavina Henry to Portland General Electric Co., recorded July 22, 1966 in Volume M66, page 7440, Microfilm Records of Klamath County, Oregon. (Across S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, and other property)

13. An easement, subject to the terms and provisions thereof, for road over certain lands or assignable easements owned by the United States in the County of Klamath, State of Oregon and administered by the Forest Service, Department of Agriculture, from Weyerhaeuser Company, a Corporation of the State of Oregon to United States of America, acting by and through the Forest Service, Department of Agriculture, dated August 9, 1977 and recorded September 16, 1977 in Volume M77, page 17365, Microfilm Records of Klamath County, Oregon.

14. An easement, subject to the terms and provisions thereof, for electric transmission and distribution line, being 145 feet in width, from Mike and Jo Deely and Flynn Bros to Pacific Power and Light Company, dated October 4, 1979 and recorded October 18, 1979 in Volume M79, page 24545, Microfilm Records of Klamath County, Oregon. (Affects NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ of Section 35 and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26)

15. An easement, subject to the terms and provisions thereof, for the burying and maintaining underground telephone facilities, from Jo Deely and Flynn Bros., to Telephone Utilities of Eastern Oregon, Inc., dated June 10, 1984, recorded August 3, 1984 in Volume M84, page 13235, Microfilm Records of Klamath County, Oregon. (Affects NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34)

Acknowledgment of Existing Rights of Way, subject to the terms and provisions thereof, recorded June 20, 1985 in Volume M85, page 9365, Microfilm Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ day
of April A.D., 19 91 at 11:53 o'clock A.M., and duly recorded in Vol. M93
of Deeds on Page 7825

FEE \$45.00

Evelyn Biehn County Clerk

By Dorlene Mueland