

69357

10-08-93A10:44 RCVD

Aspen Title #016401971 m93 Page 26188

WARRANTY DEED - SURVIVORSHIP

KNOW ALL MEN BY THESE PRESENTS, That JACK M. BAKER and LYNDIA M. BAKER, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by BERNARD L. SIMONSEN and RHEA ELLEN SIMONSEN, husband and wife, hereinafter called grantees, hereby grants, bargains, sells and conveys unto the said grantees, not as tenants in common but with the right of survivorship, their assigns and the heirs of the survivor of said grantees, all of the following described real property with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, situated in the County of Klamath, State of Oregon, to-wit:

SEE ATTACHED EXHIBIT "A".

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their assigns and the heirs of such survivor, forever; provided that the grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

And the grantor above named hereby covenants to and with the above named grantees, their heirs and assigns, that grantor is lawfully seized in fee simple of said premises, that same are free from all encumbrances, except those listed on the attached Exhibit "A", 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 \$453,990.00. *BM*

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 7th day of October, 1993.

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.

Jack M. Baker

JACK M. BAKER

Lyndia M. Baker

LYNDIA M. BAKER

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

Personally appeared before me the above named JACK M. BAKER and LYNDIA M. BAKER the 7th day of October, 1993, and acknowledged the foregoing instrument to be their voluntary act and deed.

W. Berland Addington

Notary Public for Oregon

My Commission Expires 3-22-97

GRANTOR'S NAME AND ADDRESS:

Jack M. and Lynda M. Baker
7343 South Sixth Street
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS:

Bernard L. and Rhea Ellen Simonsen
9390 Hwy 140 E
Klamath Falls, OR 97603

AFTER RECORDING RETURN TO:

Grantee
9390 Hwy 140 E
Klamath Falls, OR 97603

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

Bernard L. and Rhea Ellen Simonsen
9390 Hwy 140 E
Klamath Falls, OR 97603

STATE OF OREGON,)
) ss.
COUNTY OF KLAMATH)

I certify that the within
instrument was received for record
on the ___ day of ___, 19___,
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

PARCEL 2:

A tract of land situated in the NE 1/4 SE 1/4 and the SE 1/4 NE 1/4 of Section 7, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8 inch rebar marking the South 1/16 corner common to Section 7 and 8, Township 39 South, Range 10 East of the Willamette Meridian; thence West 299.19 feet; thence along the arc of a curve to the right (radius = 188.70 feet and central angle = 100 degrees 12' 14") 330.02 feet to a point 45 feet Easterly of an existing drain; thence paralleling said drain as follows: along the arc of a curve to the left (radius point bears North 79 degrees 47' 46" West 165.00 feet, with a central angle of 64 degrees 29' 22") 185.72 feet, North 54 degrees 17' 08" West 70.42 feet, along the arc of a curve to the right (radius of 105.00 feet and a central angle of 33 degrees 10' 29") 60.80 feet, North 21 degrees 06' 39" West 31.90 feet, along the arc of a curve to the right (radius of 125.00 feet and a central angle of 21 degrees 50' 41") 47.66 feet North 00 degrees 44' 02" East 528.19 feet; thence leaving said drain along the arc of a curve to the left (radius of 289.41 feet and a central angle of 90 degrees 33' 15") 457.40 feet to a point from which the C=E 1/16 corner of said Section 7 is North 89 degrees 49' 13" West 375.45 feet and South 00 degrees 10' 47" West 30.00 feet; thence South 89 degrees 49' 13" East 134.55 feet; thence North 00 degrees 10' 47" East 614.29 feet to the Southerly right of way line of State Highway No. 140; thence Southeasterly along said right of way line 865 feet, more or less, to a point on the East line of said Section 7; thence along said section line South 00 degrees 22' 28" West 360 feet, more or less, to the East quarter corner of said Section 7; thence South 00 degrees 22' 28" West 1340.07 feet to the point of beginning.

EXCEPT reservations, restrictions, rights-of-way, easements of record and those apparent upon the land.

SUBJECT TO:

1993-94 taxes, a lien not yet payable.

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 may be subject to additional taxes or penalties and interest.

Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.

This property lies within and is subject to the levies and assessments of the Klamath County Drainage District.

EXHIBIT "A"

Page 1 of 3

Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Basin Improvement District.

Subject to the terms and provisions of that certain instrument recorded July 24, 1970 in Volume M-70 at page 6187 as "Notice to persons intending to Plat Lands within the Klamath Basin Improvement District."

Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Pine Grove Irrigation District.

Reservations contained in that certain Patent from the United States of America to Jessee T. Arant, recorded in Book 1 at Page 413, Deed Records of Klamath County, Oregon.

Easement, including the terms and provisions thereof:

For: Right of way
Granted to: The California Oregon Power Company, a California Corporation
Recorded: February 24, 1956
Book: 281
Page: 183

Easement, including the terms and provisions thereof:

For: Right of way
Granted to: The California Oregon Power Company, a California Corporation
Recorded: April 3, 1956
Book: 282
Page: 64

Agreement, including the terms and provisions thereof:

Regarding: Easement
Between: Alan L. Cain and Darlene F. Cain
And: Eldwin Sorensen and Rebecca S. Ruddell-Sorensen
Recorded: October 20, 1983
Book: M-83
Page: 18141

Agreement, including the terms and provisions thereof:

Regarding: Easement
Between: Alan L. Cain and Darlene F. Cain
And: Eldwin Sorensen and Rebecca S. Ruddell-Sorensen
Recorded: October 20, 1983
Book: M-83
Page: 18148

Said instrument was re-recorded:

Date: December 13, 1984
Book: M-84
Page: 20816

Letter of Intent, including the terms and provisions thereof, by and between Alan Cain and Darlene Cain, and Eldwin Sorensen and Rebecca S. ruddell-Sorensen, dated October 20, 1983, recorded October 20, 1983 in Book M-83 at Page 18152, Deed Records of Klamath County, Oregon.

EXHIBIT "A"

Page 2 of 3

Covenants and Deed Restrictions, including the terms and provisions thereof:

Recorded: October 20, 1983
Book: M-83
Page: 18154

Agreement, including the terms and provisions thereof:

Regarding: Boundary Line
Between: Hubert C. Vanderhoff and Effie D. Vanderhoff
And: Alan Cain and Darlene F. Cain
Recorded: December 8, 1983
Book: M-83
Page: 20942

Grant of Easement and Joint Use Agreement, including the terms and provisions thereof:

Between: The Federal Land Bank of Spokane, Darlene F. Cain, Vonda E. Rowe
And: Joseph F. Bedard and Barbara L. Bedard, husband and wife
Recorded: September 16, 1985
Book: M-85
Page: 15063

Easement, including the terms and provisions thereof:

For: Electric transmission and distribution line
Granted to: PacifiCorp., a corporation doing business as Pacific Power & Light Company
Recorded: April 9, 1990
Book: M-90
Page: 6456
Fee No.: 13299

Agreement, including the terms and provisions thereof:

Regarding: Boundary line
Between: Kent Gooding and Steven Gooding, Terry D. Sherrill and Janet R. Sherrill, husband and wife, Federal Land Bank
And: Jack M. Baker and Lynda M. Baker and Donald C. Kirkpatrick
Recorded: August 27, 1991
Book: M-91
Page: 17152
Fee No.: 33803

ASSIGNMENT OF EASEMENT

JACK M. BAKER and LYND A M. BAKER (hereinafter referred to as "Baker"), owners of the property described on Exhibits "1" and "2", attached hereto and made a part hereof, hereby assign all their interest in that certain Easement recorded October 20, 1983 in Book M83, Page 18145 of the Deed Records of Klamath County, Oregon, and rerecorded on December 13, 1984, in Book M84, Page 20812 of the Deed Records of Klamath County, Oregon, to BERNARD L. SIMONSEN and RHEA ELLEN SIMONSEN (hereinafter referred to as "Simonsen"). Baker makes no warranty or representation regarding said Easement. Simonsen accepts said Easement without warranty or representation.

DATED: October 7, 1993

Jack M. Baker
JACK M. BAKER

DATED: October 7, 1993

Lynda M. Baker
LYNDA M. BAKER

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title co the 8th day
of Oct. A.D. 19 93 at 10:44 o'clock A.M., and duly recorded in Vol. M93
of Deeds on Page 26188.

FEE \$55.00

Evelyn Biehn County Clerk

By *Douglas M. Mendenhall*