

KNOW ALL MEN BY THESE PRESENTS, That  
WESTERN STATES EXCHANGES, INC., an Oregon corporation

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by  
LESTER R. STURM

the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, the certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" attached hereto and by this reference incorporated herein.

\*\*in compliance of a 1031 Tax Deferred Exchange

## MOUNTAIN TITLE COMPANY

"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."

\*AND WHICH LIMIT LAWSUITS AGAINST  
FARMING OR FOREST PRACTICES AS  
DEFINED IN O.R.S. 306.010 IN ALL ZONES

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple and the above granted premises, free from all encumbrances except all those of record and those apparent upon the land as of the date of this deed

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 \$ 847,000.00 \*\*see above. However, the actual consideration consists of or includes other property or value given or promised which is the whole/part of the 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 23 day of December, 19 93; 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.

STATE OF OREGON,

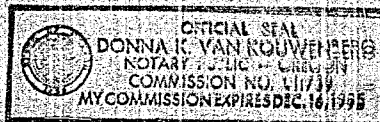
County of \_\_\_\_\_, ss.

Personally appeared the above named \_\_\_\_\_

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

Before me:

Notary Public for Oregon  
My commission expires:



WESTERN STATES EXCHANGES, INC.

X by: A. H. Hitzinger  
S. J. Sullivan

STATE OF OREGON, County of Jackson, ss.

The foregoing instrument was acknowledged before me this December 23 19 93, by A. Hitzinger, Vice president, and by S. J. Sullivan, Secretary of Western States Exchanges

a Oregon corporation, on behalf of the corporation

Notary Public for Oregon  
My commission expires: \_\_\_\_\_ (SEAL)

WESTERN STATES EXCHANGES, INC.

300 West Main St  
Medford, OR 97501

LESTER R. STURM

300 Hardin Lane  
Petaluma, CA 94952

Not recording return of:  
Korea Koveness  
15600 So. Poe Valley Rd.  
Klamath Falls, OR 97603

LESTER R. STURM

300 Hardin Lane  
Petaluma, CA 94952

STATE OF OREGON,

County of \_\_\_\_\_, ss.

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

# **EXHIBIT "A"** **LEGAL DESCRIPTION**

## **PARCEL 1**

A tract of land situated in Sections 18 and 19, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence South 89 degrees 56' 02" East 3005.07 feet to the N1/4 corner of said Section 18; thence South 00 degrees 08' 16" West, along the North-South center section line, 4332.68 feet to a point marked with a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence West 450.46 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence North 250.00 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence West 825.00 feet to a 5/8" iron pin with a Tru-Line Surveying plastic cap; thence North 704.00 feet to a 1/2" iron pin; thence North 59 degrees 58' 54" West 831.54 feet to a 1/2" iron pin; thence North 300.00 feet to a 5/8" iron pin; thence South 89 degrees 56' 49" West 700.00 feet to a 5/8" iron pin; thence South 1000.00 feet to a 5/8" iron pin; thence South 89 degrees 56' 49" West 240.32 feet to a point 60.00 feet East of the West line of said Section 18; thence South 00 degrees 01' 04" West, parallel to said Section line 742 feet more or less to the center line of an irrigation canal; thence Southeasterly along said canal centerline, 3180 feet more or less to a point on the South line of the N1/2 NW1/4 of said Section 19; thence Westerly along said line 1165 feet, more or less to the Southerly right of way line of an irrigation ditch; thence along said right of way line North 35 degrees West 1350 feet, more or less and North 84 degrees 30' West 150 feet, more or less, to the West line of said Sections 19; thence North 00 degrees 01' 04" East 209.88 feet to the Northwest corner of said Section 19; thence North 00 degrees 01' 04" East along the West line of said Section 18, 2029.92 feet to a point on the boundary of that tract of land described in Deed Volume 114, page 415, Deed Records of Klamath County, Oregon; thence along said boundary line the following courses and distances, North 44 degrees 38' East 208.27 feet, North 09 degrees 14' West 289.6 feet, North 13 degrees 48' East 233.6 feet, North 06 degrees 38' East 259.2 feet, North 13 degrees 38' West 224.1 feet, North 31 degrees 16' West 184.9 feet, North 07 degrees 51' West 240.2 feet and North 22 degrees 46' West 8.9 feet to a point on the West line of said Section 18; thence North 00 degrees 01' 04" East, along said West line, 1763.37 feet to the point of beginning.

## **PARCEL 2**

Parcel 2 of Minor Land Partition No. 37-90, filed February 28, 1991, being a portion of the NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, and Government Lots 1 through 4 and the SE1/4 SW1/4 of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 1 of Minor Land Partition No. 37-90, filed February 28, 1991, being a portion of the NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, and Government Lots 1 through 4 and the SE1/4 SW1/4 of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPTING THEREFROM a portion of the NW1/4 NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at the SW corner NW1/4 NE1/4; thence North 00 degrees 22' 18" West 31 feet, thence South 89 degrees 50' 18" East 30 feet; thence South 31 feet, more or less, to the South line of the NW1/4 NE1/4; thence Westerly along said South line 30 feet, more or less, to the point of beginning.

ALSO EXCEPTING THEREFROM any portion lying within the W1/2 SW1/4 NE1/4 of Section 12, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 3**

A tract of land situated in Government Lot 4 (SW1/4SW1/4) of Section 7, Township 41 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of said Section 7; thence East along the South line of said Section, 1677.16 feet to the Southeast quarter of Lot 4; thence North along the East line of Lot 4, 132.73 feet; thence West parallel to the South line of said lot, also the West line of said Section; thence South along said West line 132.73 feet to the point of beginning.

**PARCEL 4**

A tract of land situated in Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of the SE1/4 NE1/4 of said Section 31 from which point the Southeast corner of said SE1/4 NE1/4 bears South 89 degrees 28' 07" East 1061.26 feet; thence the following courses and distances:

South 18 degrees 44' 08" East 590.47 feet; South 23 degrees 04' 51" East 385.43 feet; South 20 degrees 08' 02" East 275.85 feet; South 01 degrees 00' East, 153.92 feet to a point on the North line of Lot 7 of said Section 31; thence North 89 degrees 31' 10" West on said North line, 663.22 feet; thence leaving said North line on the following courses and distances:

North 61 degrees 11' 14" West 165.10 feet; North 29 degrees 33' 57" West 284.64 feet; North 40 degrees 30' 09" West, 181.16 feet; North 53 degrees 21' 02" West, 141.88 feet; North 76 degrees 48' 07" West, 611.43; North 07 degrees 51' 21" West 213.86 feet; North 24 degrees 14' 23" West 611.89 feet; North 10 degrees 03' 08" West, 254.20 feet; North 23 degrees 20' 05" West 133.80 feet; North 10 degrees 15' 35" West, 294.26 feet; North 05 degrees 49' 53" East, 286.90 feet; North 14 degrees 52' 21" West, 307.33 feet; North 81 degrees 42' 04" East, 246.78 feet; South 41 degrees 01' 39" East, 209.85 feet; South 57 degrees 28' 17" East 1075.61 feet; South 50 degrees 45' 53" East, 327.70 feet to a point on the West line of said SE1/4 NE1/4; thence South 00 degrees 57' 48" East on said West line, 472.33 feet to the Southwest corner of said SE1/4 NE1/4; thence South 89 degrees 28' 07" East on the South line of said SE1/4 NE1/4, 266.02 feet to the point of beginning. (1988 Pope)

**EXCEPTING THEREFROM:**

Beginning at a point marked R-1 from which the Southeast corner of Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, bears South 28 degrees 56' East 1646 feet distant; thence along water line of proposed reservoir, variation 20 degrees 28' East; North 13 degrees 00' West 275 feet; North 16 degrees 15' West 205 feet; North 34 degrees 15' West 275 feet; North 15 degrees 00' West 480 feet; North 24 degrees 30' West 545 feet; North 41 degrees 30' West 335 feet; North 58 degrees 15' West 490 feet; North 62 degrees 15' West 475 feet; North 56 degrees 30' West 325 feet; South 34 degrees 45' West 185 feet; South 3 degrees 30' East 570 feet; South 25 degrees 30' East 670 feet; South 17 degrees 15' East 420 feet; South 47 degrees 00' East 380 feet; South 88 degrees 00' East 250 feet; South 57 degrees 00' East 50 feet; South 56 degrees 30' East 110 feet; South 43 degrees 45' East 200 feet; South 34 degrees 30' East 243 feet; South 60 degrees 15' East 224 feet; South 46 degrees 30' East 440 feet; North 67 degrees 00' East 140 feet; North 7 degrees 45' East 225 feet to the place of beginning, said property being known as Simms Reservoir, and also known as Pope Reservoir.



## PARCEL 5

Beginning at a point marked R-1 from which the Southeast corner of Section 31, Township 40 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, bears South 28 degrees 56' East 1646 feet distant; thence along water line of proposed reservoir, variation 20 degrees 28' East; North 13 degrees 00' West 275 feet; North 16 degrees 15' West 205 feet; North 34 degrees 15' West 275 feet; North 15 degrees 00' West 480 feet; North 24 degrees 30' West 545 feet; North 41 degrees 30' West 335 feet; North 58 degrees 15' West 490 feet; North 62 degrees 15' West 475 feet; North 56 degrees 30' West 325 feet; South 34 degrees 45' West 185 feet; South 3 degrees 30' East 570 feet; South 25 degrees 30' East 670 feet; South 17 degrees 15' East 420 feet; South 47 degrees 00' East 380 feet; South 88 degrees 00' East 250 feet; South 57 degrees 00' East 50 feet; South 56 degrees 30' East 110 feet; South 43 degrees 45' East 200 feet; South 34 degrees 30' East 243 feet; South 60 degrees 15' East 224 feet; South 46 degrees 30' East 440 feet; North 67 degrees 00' East 140 feet; North 7 degrees 45' East 225 feet to the place of beginning, said property being known as Simms Reservoir, and also known as Pope Reservoir.

TOGETHER WITH: AN AGREEMENT AND EASEMENT subject to the terms and provisions thereof as set forth in document recorded April 29, 1979 in Volume M79, Page 8814 Microfilm Records of Klamath County, Oregon.

RESERVING UNTO THE GRANTORS for the benefit of grantor's and RICK RAWSON and JENNIFER RAWSONS use and enjoyment an equestrian and walking easement for access to Bureau of Land Management lands through the property herein conveyed. Said easement being personal to Grantors and Rick Rawson and Jennifer Rawson and it is not transferable and will remain in existence only as long as Grantors or Rawsons own the adjoining property described on Exhibit "C" attached hereto and incorporated herein. This easement shall allow guests of Grantors or Rawsons to use the easement as long as one of Grantors or Rawsons are with the guests. Grantee may designate a reasonable and feasible route for the easement. Grantors and Rawsons are to leave all gates in the position in which they are found and to ride on roads, trails or whatever reasonable route Grantee designates.

## EXCEPT TO:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of street, roads or highways.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the 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.

3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Malin Irrigation District.

4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Shasta View Irrigation District.

5. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Langell Valley Irrigation District.

6. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: May 19, 1942

Recorded: August 1, 1942

Volume: 149, page 62, Deed Records of Klamath County, Oregon

In favor of: The Pacific Telephone and Telegraph Company, a California corporation

For: Pole and anchor

Affects: W1/2 Section 18, Township 41 South, Range 13 East of the Willamette Meridian

8. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: July 22, 1946

Recorded: September 21, 1946

Volume 196, page 75, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company, a California corporation

For: Transmission and distribution of electricity

Affects: SW1/4 Section 18, Township 41 South, Range 13 East of the Willamette Meridian

7. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: December 21, 1950

Recorded: January 4, 1951

Volume: 244, page 353, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company, a California corporation

For: Transmission and distribution of electricity

Affects: SW1/4 Section 18, Township 41 South, Range 13 East of the Willamette Meridian

8. An easement created by instrument, subject to the terms and provisions thereof,  
Recorded: December 20, 1963

Volume: 350, page 31, Deed Records of Klamath County, Oregon

In favor of: The United States of America

For: Access Road

9. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: December 8, 1965

Recorded: January 1, 1966

Volume: M66, page 111, Microfilm Records of Klamath County, Oregon

In favor of: United States of America

For: Transmission line easement

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

10. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: February 9, 1966

Recorded: March 7, 1966

Volume: M66, page 1880, Microfilm Records of Klamath County, Oregon

In favor of: Portland General Electric Company, an Oregon corporation

For: Electric transmission line

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

11. An easement created by instrument, subject to the terms and provisions thereof,

Dated: August 17, 1966

Recorded: September 8, 1966

Volume: M66, page 8992, Microfilm Records of Klamath County, Oregon

In favor of: Ronald E. Loveness and Mary Lou Loveness, husband and wife

For: Road purposes

12. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 1, 1966

Recorded: September 21, 1966

Volume: M66, page 9375, Microfilm Records of Klamath County, Oregon

In favor of: The United States of America and Portland General Electric Company, an Oregon corporation

For: Access road easement

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

13. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 5, 1967

Recorded: June 5, 1967

Volume: M67, page 5498, Microfilm Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company, a corporation

For: Electric transmission and distribution line

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

14. An easement created by instrument, subject to the terms and provisions thereof,

Dated: June 10, 1968

Recorded: September 6, 1968

Volume: M68, page 8104, Microfilm Records of Klamath County, Oregon

In favor of: The United States of America

For: Access road easement

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the Willamette Meridian

15. An easement created by instrument, subject to the terms and provisions thereof,

Dated: April 6, 1973

Recorded: April 6, 1973

Volume: M73, page 4056, Microfilm Records of Klamath County, Oregon

To: Pacific Power & Light Company, a corporation

For: Right of Way for electric transmission and distribution line

16. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 17, 1973

Recorded: September 26, 1973

Volume: M73, page 13049, Microfilm Records of Klamath County, Oregon

In favor of: Loren E. Loveness and Linda L. Loveness, husband and wife

For: A perpetual easement

17. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 8, 1973

Recorded: March 1, 1975

Volume: M75, page 3218, Microfilm Records of Klamath County, Oregon

In favor of: Loren E. Loveness and Linda L. Loveness, husband and wife

For: Road purposes



18. Right of Way Easement, subject to the terms and provisions thereof,  
Dated: April 19, 1977

Recorded: April 25, 1977

Volume: M77, page 6976, Microfilm Records of Klamath County, Oregon

In favor of: Pacific Power and Light Company

For: Electric Transmission and distribution line

Affects: NW1/4 NW1/4 Section 19, Township 41 South, Range 13 East of the  
Willamette Meridian

19. The effect, if any, of an easement for ingress and egress and public utility purposes as set forth in deed from Amelia Barney et al dated February 14, 1979, and recorded March 23, 1979 in Volume M79, page 6573, Microfilm Records of Klamath County, Oregon. Said deed was re-recorded April 12, 1979 in Volume M79, page 8033, Microfilm Records of Klamath County, Oregon to eliminate the reservation of easement, however said changes were not properly initialed.

20. Agreement for Joint Use of Water, subject to the terms and provisions thereof;

Dated: March 15, 1979

Recorded: March 23, 1979

Volume: M79, page 6579, Microfilm Records of Klamath County, Oregon

By and Between: R.H. & L. Loveness Lumber Company and Rollin Throne and Leith Throne, husband and wife.

21. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: June 22, 1979

Recorded: June 23, 1979

Volume: M79, page 17423, Microfilm Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company, a corporation

For: Right of way easement 145 feet in width

Affects: Portion of Sections 30 and 31, Township 40 South, Range 13 East of the  
Willamette Meridian, Klamath County, Oregon

22. Subject to the effect of the re-recording of Bargain and Sale Deed dated August 16, 1983, recorded February 24, 1984 in Volume M84, page 2983, executed by Loyal H. Loveness to Mildred H. Loveness, creating 1/4 interest each, to correct legal descriptions of Parcel (a) and Parcel (b).

23. Right of way for an airstrip as disclosed by the Klamath County Assessor's map.

24. Major Land Partition Creation of a Private Road, subject to the terms and provisions thereof;

Dated: October 30, 1989

Recorded: November 2, 1989

Volume: M89, page 21172, Microfilm Records of Klamath County, Oregon

For: 30' wide private road easement

25. An Easement Agreement created by instrument, subject to the terms and provisions thereof;

Dated: December 21, 1989

Recorded: December 22, 1989

Volume: M89, page 24740, Microfilm Records of Klamath County, Oregon

Grantor: Vinton Alan Loveness, Vicki Sue Rogal and Kathy Adair Rogers

Grantee: Loren Loveness and Elsie Loveness, as tenants in common

26. Agreement, subject to the terms and provisions thereof;

Dated: December 7, 1990

Recorded: December 14, 1990

Volume: M90, page 24793, Microfilm Records of Klamath County, Oregon

By and Between: Vinton Alan Loveness, Vicki Sue Rogal and Kathy Adair Rogers, Loren Loveness and Elsie Loveness, husband and wife, Loyal H. Loveness and Ronald E. Loveness, Trustees of the Loyal H. Loveness 1983 Trust and Mildred Loveness 1983 Trust.

27. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 3, 1990

Recorded: December 14, 1990

Volume: M90, page 24781, Microfilm Records of Klamath County, Oregon

For: An easement 30 feet in width for roadway purposes

28. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 6, 1991

Recorded: September 11, 1991

Volume: M91, page 18230, Microfilm Records of Klamath County, Oregon

Grantor: Loren Loveness and Elsie Loveness

Grantee: Loyal Loveness and Mildred H. Loveness

29. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 6, 1991

Recorded: September 11, 1991

Volume: M91, page 18249, Microfilm Records of Klamath County, Oregon

Grantor: Loren Loveness and Elsie Loveness

Grantee: Winifred Mendiboure

For: Irrigation ditch easement

30. The easements set forth in exceptions number 11, 24, 25, 27 and 28 above and recorded September 8, 1966 in Volume M66, page 8992, Microfilm Records of Klamath County, Oregon; instrument recorded November 2, 1989, in Volume M89, Page 21172, Microfilm Records of Klamath County, Oregon; instrument recorded December 22, 1989, in Volume M89, Page 24740, Microfilm Records of Klamath County, Oregon; instrument recorded December 14, 1990, in Volume M90, page 24781, Microfilm Records of Klamath County, Oregon; and instrument recorded September 11, 1991, in Volume M91, page 18230, Microfilm Records of Klamath County, Oregon. These easements are access easements and Grantee shall not place any restriction on these easements in the nature of fences, gates or other activities that would interfere with free passage on the easements.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 28th day  
of Dec. A.D., 19 93 at 9:36 o'clock A M., and duly recorded in Vol. M93  
of Deeds on Page 34785

FEES \$65.00

Evelyn Biehn County Clerk

By Douglas M. Miller