

83117

OREGON
DEPARTMENT OF
VETERANS' AFFAIRS

06-21-94P01:51 RCVD

Vol. m94 Page 19418MTC 32707-HF
SPECIAL WARRANTY DEED

Account Number C08736 88416	County Tax Account Number R587877
--------------------------------	--------------------------------------

The STATE OF OREGON, by and through the Director of the Oregon Department of Veterans' Affairs, grantor, conveys and specially warrants unto Robert Ernst, Linda Ernst, and Douglas I. Ernst, grantee(s), the following described real property free of encumbrances created or suffered by the grantor on or before March 23, 1987, except as specifically set forth herein situated at 5881 Old Midland Road, Klamath Falls, Oregon 97603 in Klamath County, State of Oregon, to wit:

All of the SW1/4 of Section 36, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the following described pieces or parcels of land, to wit: 49 acres off the North side of the said SW1/4 which said 49 acres are cut off from the said SW1/4 by a line running parallel to the South line of the said SW1/4; 3 acres from the above described SW1/4. Said 3 acres being a part of the SE1/4 of the SW1/4 of Section 36, Township 39 South, Range 9 East of the Willamette Meridian, lying Southeasterly of the United States Government right of way canal which runs across the Southeasterly corner of said premises; and that portion deeded to the United States of America for a 40 foot wide lateral off the West boundary conveyed by deed recorded May 4, 1910 in Book 28 at page 634, Deed Records of Klamath County, Oregon.

Excepting and reserving to itself, its successors, and assigns all minerals, as defined in ORS 273.775, (EXCEPT soil, clay, stone, sand, and gravel), and all geothermal resources, as defined in ORS 522.005 together with the right to make such use of the surface as may be reasonably necessary for, exploring for, mining, extracting, storing, drilling for, and removing such minerals, materials, and geothermal resources. In the event the premises by a surface rights' owner would be damaged by one or more of the activities described above, then such owner shall be entitled to compensation from the State's lessee to the extent of the diminution in value of the real property, based on the actual use by the surface rights' owner at the time the State's lessee conducts any of the above activities.

SUBJECT TO:

1. Any taxes for 1994-95 when due or payable.
2. Any Right of Redemption as Provided by Law.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Project and Klamath Irrigation District.
4. Subject to a Warranty Deed, including the terms and provisions thereof, from William Green to the United States, recorded May 4, 1911, in Book 28 at page 634, Deed Records of Klamath County, Oregon, for all of that portion of the West half of the SW1/4, Section 36, Township 39 South, Range 9 East of the Willamette Meridian, included in a strip of land 40 feet wide 20 feet on each side of the center line of the E-1-1 Lateral, South Branch distribution system, Klamath Project, Oregon-California.
5. An easement created by instrument, including the terms and provisions thereof, dated August 11, 1958, recorded August 20, 1958, in Volume 302, page 329, in favor of California Oregon Power Company.

The true and actual consideration for this conveyance is \$86,000.

AFTER RECORDING RETURN TO:

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

Mountain Title Company
222 South 6th Street
Klamath Falls, OR 97601

Robert D. Ernst
5881 Old Midland Road
Klamath Falls, OR 97603

SPECIAL WARRANTY DEED (Continued)

Account Number C08736 88416	County Tax Account Number R587877
--------------------------------	--------------------------------------

SUBJECT TO: (Continued)

6. A Warranty Clearance Easement, created by instrument, including the terms and provisions thereof, dated May 8, 1964, recorded June 12, 1964 in Volume 353, page 458, in favor of the United States of America.
7. Subject to a right of way for the USBR 1-B 1-A Drain.

TO HAVE AND TO HOLD said real property unto said grantee(s), their heirs and assigns forever.

"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 TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930."

IN WITNESS WHEREOF, the Director of the Oregon Department of Veterans' Affairs has caused these presents to be executed this June 17, 1994. The foregoing recital of consideration is true as I verily believe.

Director of Oregon Department of Veterans' Affairs

By Curt R. Schnepf
Curt R. Schnepf
Manager, Accounts Services

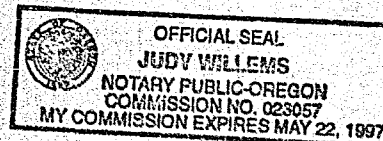
STATE OF OREGON)

County of Marion) ss.

On June 17, 1994

this instrument was acknowledged before me by the above-named Curt R. Schnepf, who personally appeared, and, being first duly sworn, did say that he is duly authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me: Judy Williams
Notary Public For Oregon



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co the 21st day
of June A.D., 19 94 at 1:51 o'clock P M., and duly recorded in Vol. M94
of Deeds on Page 19418

FEE \$35.00

Evelyn Biehn - County Clerk

By Caroline M. Henderson