

MTC 33472-KR

WARRANTY DEED  
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BILL HARRIS and ROSALYN HARRIS, husband and wife, Grantors convey and warrant to RICHARD J. CABRAL, Grantee, the following described real property located in Klamath County, State of Oregon, free of all encumbrances, except as specifically set forth herein:

Parcel I: In township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon:

Section 3: The W 1/2 NW 1/4 SW 1/4, and that portion of the NW 1/4 lying Southerly of Sprague River Highway.

Section 4: That part of the N 1/2 SW 1/4 lying Easterly and Southerly of the center thread of Sprague River, the S 1/2 SW 1/4, the N 1/2 SE 1/4, the SE 1/4 SE 1/4 and the N 1/2 SW 1/4 SE 1/4.

Parcel II: That portion of the SW 1/4 NE 1/4 and S 1/2 NW 1/4 lying Southerly and Easterly of the center thread of Sprague River, of Section 4, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

## SUBJECT TO:

1. Reservations, restrictions, rights of way, easements of record and those apparent on the land;
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 for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Sprague River.
5. Reservations as contained in Deed recorded November 1, 1940 in Volume 133, page 75, Deed Records of Klamath County, Oregon, to wit: "Together with all water rights, and rights in ditches, canals and laterals and rights of way therefore, appurtenant to said premises or used in connection therewith, including (but not limited to) the following: 8 cubic feet per second of the waters of Sprague River as per Certificate of Water Rights dated May 2, 1927, and October 25, 1929 and recorded in Book 1 of Water Right Certificates, page 500 and Book 2 of Water Right Certificates, page 172, Records of Klamath County, Oregon."
6. Reservations as contained in Deed recorded November 1, 1940,

in Volume 133, page 75, Deed Records of Klamath County, Oregon, to wit: "Subject to a certain agreement entered into between Louis Pankey and United States of America relative to irrigation and drainage ditches which agreement is found of record in Book 64, page 218, Deed Records of Klamath County, Oregon."

7. Restrictions and easements including the terms and provisions thereof, as contained in Land Status Report recorded October 31, 1958 in Volume 305, page 547, Deed Records of Klamath County, Oregon.

8. A right of way created by instrument, including the terms and provisions thereof, dated December 31, 1954, recorded January 21, 1955 in Volume 271, page 621, Deed Records of Klamath County, Oregon in favor of The California Oregon Power Company for transmission and distribution of electricity, affects: W 1/2 NW 1/4 SW 1/4 of Sec. 3; The NE 1/4 SE 1/4 of Sec. 4, all in Township 36, South, Range 10 East of the Willamette Meridian.

9. Reservations as contained in Deed recorded September 9, 1958 in Volume 303, page 296, Deed Records of Klamath County, Oregon, to wit: "Subject to the reservations of all subsurface rights, except water, to the heirs of Offie Checkaskenne, their heirs and assigns under the terms approved by the Secretary of the Interior, March 25, 1946, pursuant to said Act."

10. Subject to an unrecorded Contract, including the terms and provisions thereof, dated February 8, 1966, wherein Gienger Enterprises, Inc. is vendor and Howard E. Palmer is Vendee.

Supplemental Agreement, including the terms and provisions thereof, dated February 16, 1973, amended the above referred to Contract insofar as the payment terms. (Affects Parcel 2).

11. Subject to an unrecorded agreement, including the terms and provisions thereof, dated November 22, 1967, wherein Gienger Enterprises, Inc., is vendor and Rodney Allen and Pauline H. Allen, husband and wife are Vendees. (Affects Parcel 1 and other property).

The purchasers interest has been conveyed to United States National Bank of Oregon, Trustee, by Deed recorded August 7, 1975 in Volume M75, page 9253, and as disclosed by Decree of Dissolution, Circuit Court File No. 73-512E. (Affects Parcel 1 and other property).

12. Unrecorded Real Estate Contract, including the terms and provisions thereof, and such other exceptions as may appear necessary upon the recording thereof, dated June 18, 1973 between Howard E. Palmer, Vendor and Gilbert V. Willhite and Norman J. Willhite, Vendee as disclosed by the following assignment:

The Vendees interest in said Real Estate Contract was assigned by instrument dated December 16, 1975, recorded December 17, 1975, in Volume M74, page 15850, Microfilm Records of Klamath County, Oregon, to LeRoy A. Gienger and Pauline H. Gienger, husband and wife. (Affects Lot 2 and 3, being Easterly of the Sprague River; that portion of the SW 1/4 NE 1/4 and S 1/2 NW 1/4 lying Southerly and Easterly of the Sprague River, situated in Sec. 4, Township 36 S., Range 10 E. W.M.)

The interest of LeRoy A. Gienger and Pauline H. Gienger has been conveyed to United States National Bank of Oregon, as Trustee under Trust Agreement between Pauline H. Allen and Rodney F. Allen, as

Trustors and the United States National Bank of Oregon, as Trustee, dated June 30, 1975, by Deed recorded May 5, 1976, in Volume M76, page 6720, Microfilm Records of Klamath County, Oregon, which Trustee has subsequently conveyed its interest by Deed recorded May 5, 1976 in Volume M76, page 6721, Microfilm Records of Klamath County, Oregon, to Patrick Fenelon III and Phyllis Y. Fenelon, husband and wife. (Affects that portion of the SW 1/4 NE 1/4 and S 1/2 NW 1/4 lying Southerly and Easterly of the center thread of Sprague River, of Section 4, T. 36, S., Range 10 E. W. M.) (Affects Parcel 2 and other property).

13. Real Estate Contract, including the terms and provisions thereof, dated June 17, 1974, recorded July 30, 1974, in Volume M74, page 9266, Microfilm Records of Klamath County, Oregon, between Rodney F. Allen and Pauline H. Allen, Vendor and Thomas Patrick Fenelon III and Phyllis Y. Fenelon, husband and wife, Vendees. (Affects NW 1/4 and W 1/2 NW 1/4 SW 1/4 of Sec. 3, and that part of SW 1/4 lying Easterly of the center thread of the Sprague River, the N 1/2 SE 1/4, the SE 1/4 SE 1/4 and the N 1/2 SW 1/4 SE 1/4 of Section 4, T. 36, S., Range 10. E. W. M.)

Modification of said Contract was recorded on April 14, 1975 in Volume M75, page 3988, Microfilm Records of Klamath County, Oregon.

The Vendors interest has been conveyed to United States National Bank of Oregon, Trustee, by Deed recorded August 7, 1975, in Volume M75, page 9253, Microfilm Records of Klamath County, Oregon, executed by Rodney F. Allen and Pauline H. Gienger, formerly Pauline H. Allen. (Affects NW 1/4 and W 1/2 NW 1/4 SW 1/4 of Section 3; That part of the SW 1/4 lying Easterly of the center thread of the Sprague River, and the N 1/2 SE 1/4, the SE 1/4 SE 1/4 and the N 1/2 SW 1/4 SE 1/4 of Sec. 4, T. 36 S., Range 10 E. W. M.) (Parcel 1)

14. Terms and provisions of that certain Trust as disclosed by Deed recorded August 7, 1975 in Volume M75, page 9253, Microfilm Records of Klamath County, Oregon. Affects the NW 1/4 and the W 1/2 NW 1/4 SW 1/4 of Sec. 3; That part of the SW 1/4 lying Easterly of the center thread of the Sprague River; and the N 1/2 SE 1/4, the SE 1/4 SE 1/4 and the N 1/2 SW 1/4 SE 1/4 of Sec. 4, T. 36 S., Range 10 E. W. M.) (Parcel 1)

15. Mortgage, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein. Dated: April 19, 1976, recorded: May 5, 1976, Volume M76, page 6722, Microfilm records of Klamath County, Oregon, Amount: \$118,166.41. Mortgagor: Thomas Patrick Fenelon, III and Phyllis Y. Fenelon, husband and wife, Mortgagee: United States National Bank of Oregon, as Trustee, under the terms of the Trust between Pauline H. Allen and Rodney F. Allen, as Trustors, to United States National Bank of Oregon, as Trustee, dated June 30, 1975 (Affects that portion of the SW 1/4 NE 1/4 and S 1/2 NW 1/4 lying Southerly and Easterly of the center thread of Sprague River, of Section 4, Township 36 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon). (Parcel 2)

16. Real Estate Contract, including the terms and provisions thereof, dated April 23, 1976, recorded May 5, 1976, in Volume M76, page 6724, Microfilm Records of Klamath County, Oregon, between Thomas Patrick Fenelon, III and Phyllis Y. Fenelon, husband and wife, Vendor and Bill Harris and Rosalyn Harris, husband and wife, Vendee. (Affects Parcels 1 and 2).

17. An agreement affecting a portion of the herein described

property was recorded May 5, 1976 in Volume M76, page 6714, Microfilm Records of Klamath County, Oregon.

Grantee does not agree to assume and pay any of the the aforementioned Contracts, Agreements and Mortgages.

The true and actual consideration paid for this conveyance is \$425,000.00.

WITNESS Grantors' hands this 4th day of May, 1981.

Bill Harris  
BILL HARRIS

Rosalyn Harris  
ROSALYN HARRIS

STATE OF OREGON )  
 ) ss.  
County of Klamath )

Personally appeared BILL HARRIS and ROSALYN HARRIS, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

Susan Kay Way  
Susan Kay Way  
Notary Public for Oregon  
My commission expires 6/4/88

NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

Unless a change is requested  
all future tax statements shall  
be sent to:

SEND TAX STATEMENTS TO:  
21910 Sprague River Rd.  
Chiloquin, OR 97624  
SAME - NO CHANGE

AFTER RECORDING RETURN TO:

LYNNE RICHARDSON CABRAL  
D.G. & JEAN RICHARDSON  
21910 Sprague River Rd.  
Chiloquin, OR 97624

STATE OF OREGON, ss.  
County of Klamath

Filed for record at request of:

Mountain Title Co  
on this 23rd day of Sept A.D., 19 94  
at 10:27 o'clock A M. and duly recorded  
in Vol. M94 of Deeds Page 29960

Evelyn Biehn County Clerk

By Queline M. Henderson  
Deputy.

Fee. \$45.00

WARRANTY DEED, PAGE FOUR.