

**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS That BARRY A. PENNY and GARY R. PENNY and  
THOMAS A. PELLENWESSEL with rights of survivorship

hereinafter called the grantor, for the consideration herein set forth, and CARRIE SIMMONS, as tenants by the entirety, heretofore stated, to grantor paid by DONALD SIMMONS, hereinafter called 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 thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

The S1/2 SE 1/4 SE 1/4 of Section 33, Township 35 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

~~TOGETHER WITH an appurtenant easement, dated November 16, 1970 and recorded in Volume M71, page 7371, Microfilm Records of Klamath County, Oregon.~~

**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 to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930."*

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with 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 those of record and those apparent upon the land, if any, 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 \$87,500.00

~~However, the net book value of the company's assets, based on the carrying amount of \$87,500.00 less the estimated liability of \$10,000.00, is \$77,500.00.~~

*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 22nd day of NOVEMBER, 1994; 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 Klamath, ss.  
11/22, 1994

Personally appeared the above named \_\_\_\_\_  
Barbara E. Penny, Gary R. Penny &  
Thomas A. Pellenwessel

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

Before me: Amela J. J. J. J. J.  
Notary Public for Oregon  
My commission expires: 8/16/96



STATE OF OREGON, County of \_\_\_\_\_ ) ss.  
 The foregoing instrument was acknowledged before me this  
 \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_,  
 \_\_\_\_\_, president, and by \_\_\_\_\_,  
 \_\_\_\_\_, secretary of \_\_\_\_\_.

a \_\_\_\_\_ corporation, on behalf of the corporation.

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

Barbara N. Penny, et al  
1925 DAWN CT  
KIAMA TH FALLS OR 97603

Donald Simmons & Carrie Simmons  
P.O. Box 7  
Beatty, OR 97622

GRANTEE'S NAME AND ADDRESS  
**Donald Simmons & Carrie Simmons**  
AFTER RECORDING RETURN TO

P.O. Box 7  
Beatty, OR 97622

Until a change is requested all tax statements shall be sent to the following address:  
**Donald Simmons & Carrie Simmons**

P.O. Box 7  
Beatty, OR 97622

STATE OF OREGON.

County of Klamath  
I certify that the within instrument was  
received for record on the 1st  
day of Dec, 19 94,  
at 1:46 o'clock P.P.M., and recorded  
in book M94 on page 36677 or as  
file/real number 91889,  
Record of Deeds of said county.

Witness my hand and seal of County  
affixed.

Evelyn Biehn, County Clerk  
Recording Officer  
By Shirley Mullins Deputy

Fee \$10.00