

9622

MTC 22-781

Vol 1789 Page 25200

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That JOSEPH BEAL MILLER JR. aka JOSEPH BEAL MILLER aka SANDY MILLER aka JOE MILLER, JR., hereinafter called the Grantor, for the consideration hereinafter stated to the grantee paid by CATHYRN BARRETT, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the grantee, his heirs, survivors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

Government Lots 3 and 6 of Section 9, Township 36 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon lying Southwesterly of the old Dalles-California Highway aka Modoc Point Highway EXCEPTING THEREFROM that portion conveyed by deed recorded in Deed Volume 140 page 125, Records of Klamath County, Oregon, as follows:

Beginning at the Northwest corner of said Lot 3, which point is also on the West line of the Old Dalles-California Highway right of way; thence South along the West line of said Lot 3, 313 feet; thence due East 163 feet to a point in the West line of said highway right of way; thence in a Northwesterly direction along the West line of said right of way to the point of beginning, all being in Section 9, Township 36 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

To have and to hold the above described and granted premises unto the said grantee, his heirs and assigns forever.

Grantor hereby covenants to and with grantee and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except those assumed by grantees, 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 \$1.00 and other consideration which is the whole consideration thereof. 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.

This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses.

WARRANTY DEED

1989 DEC 29 PM 2 36

Enk B, Page 3

17355

MTC NO: 18755-L

EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1

Lots 3, 4 and 5 and the SW1/4 NE1/4 and Lot 2, EXCEPTING THEREFROM that portion lying Westerly of the Easterly boundary of the dike on the Easterly boundary of the channel running Northerly and Southerly through said SW1/4 NE1/4 and Lot 2 of Section 8; and Lot 1 of Section 17, Township 36 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2

The W1/2 NE1/4 SE1/4 and the SE1/4 NE1/4 of Section 8, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon.

PARCEL 3

The E1/2 NE1/4 SE1/4 of Section 8 and Government Lot 20 in Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon.

PARCEL 4

Lots 4 and 5 Section 16, S1/2 of Lot 29, S1/2 S1/2 N1/2 of Lot 29, and S1/2 S1/2 N1/2 S1/2 N1/2 of Lot 29 Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon.

PARCEL 5: Deleted

PARCEL 6

Lot 21, Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon.

PARCEL 7

Lots 4, 5, 11, 12, 13 and 14 in Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon, less the following described portion of said Lot 4, to wit:

Commencing at the Northeast corner of said Lot 4 and running thence South along the Easterly line thereof a distance of 320 feet to a point; thence Westerly parallel with the North line of said Lot 1320 feet to the West line of said lot; thence Northerly 320 feet to the Northwest corner of said lot; thence East along the Northerly line of said lot to the point of beginning.

17356

MTC NO: 18755-L

LEGAL DESCRIPTION
continued

PARCEL 8

The W1/2 of Lot 18, Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon, EXCEPT that portion lying East of State Highway No. 427.

PARCEL 9

Lot 28, the N1/2 N1/2 of Lot 29; the N1/2 N1/2 S1/2 N1/2 of Lot 29 and the N1/2 S1/2 N1/2 S1/2 N1/2 of Lot 29 in Section 9, Township 36 South, Range 7 East the Willamette Meridian, Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Co. the 29th day
of Aug. A.D. 19 91 at 4:22 o'clock P M.. and duly recorded in Vol. M91
of Deeds on Page 17354
Evelyn Biehn - County Clerk
By Caroline M. Biehn

FEE \$38.00

End C, Page 2

DESCRIPTION

3040

PARCEL ONE

A piece or parcel of land situate in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point on the Northerly boundary of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian from which the Northwest corner of said Section 5 bears North 33°55'20" West 812.95 feet and North 0°21'20" West 644.5 feet distant; thence North 89°48'00" East 887.5 feet along the said Northerly boundary to the Northeast corner of the said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 0°27'20" West along the Easterly boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1307.15 feet to a point; thence North 33°55'20" West 1571.45 feet, more or less, to the point of beginning.

PARCEL TWO

A piece or parcel of land situate in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point on the Easterly boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, from which the stone monument marking the South quarter section corner of said Section 5 bears South 1°18'55" West 723.9 feet distance; thence North 33°55'20" West 693.35 feet to a point on the Northerly boundary of the said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence North 89°01'40" East along the said Northerly boundary 400.35 feet to the Northeast corner of the said SE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 1°18'55" West along the Easterly boundary of the said SE $\frac{1}{4}$ SW $\frac{1}{4}$ 582.3 feet, more or less, to the point of beginning.

PARCEL THREE

Lots 11, 14, 19, 22 of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, EXCEPTING THEREFROM the following described tract: Beginning at the Northwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, from which the stone monument marking the West quarter-section corner of said Section 5 bears South 89°40'20" West 1318.20 feet distance and the stone monument marking the center quarter-section corner of said Section 5 bears North 89°40'20" East 1318.15 feet distant; thence North 0°27'20" East along the West boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ 10.65 feet to a point; thence South 33°55'20" East 1588.80 feet to a point on the Southerly boundary of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$; thence South 89°01'40" West along the Southerly boundary of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ 901.70 feet to the Southwest corner; thence North 0°37'50" East along the Westerly boundary of the said NE $\frac{1}{4}$ SW $\frac{1}{4}$ 1322.95 feet, more or less to the point of beginning.

PARCEL FOUR

Lots 25, 26, 31, 32 in Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, Township 36 South, Range 7 East of the Willamette Meridian, EXCEPTING THEREFROM the following described tract: Beginning at a stone marking the quarter-section corner common to Sections 5 and 8, said Township and Range; thence North 1°18'55" East along the North-South centerline of said Section 5, 723.9 feet to an iron pin; thence South 1°09'50" East 1768.3 feet to deep water; thence West 52.55 feet to a point on the North-South centerline of said Section 8; thence North along the North-South centerline of said Section 8; 1044.2 feet, more or less, to the point of beginning.

(CONTINUED)

Exhib D, Page 1

PARCEL FIVE

3041

Government Lots 3, 4, 5, and 6, Section 5, Township 36 South, Range 7 East of the Willamette Meridian, SAVING AND EXCEPTING a strip of land 30 feet in width lying parallel with and immediately adjacent to the line marking the Northerly boundary of Lots 3 and 4 of the said Section 5, and extending Westerly from the the line marking the Easterly boundary of the said Lot 3 to the line marking the Westerly boundary of the said Lot 4 of the said Section 5, ALSO SAVING AND EXCEPTING Beginning at a point from which the Northwest corner of said Section 5 bears North 0°17' West 672.1 feet distance; thence South 33°41' 2/3' East 778.2 feet; thence South 89°52' West 428.5 feet; thence North 0°17' West 648.5 feet, more or less, to the point of beginning. ALSO SAVING AND EXCEPTING Beginning at a point on the Westerly boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, from which the North-west corner of said Section 5 bears North 0°21'20" West 644.5 feet distant; thence South 33°55'20" East 812.95 feet to a point on the Southerly boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°48'00" West along the said Southerly boundary 21.05 feet to the Southeast corner of that parcel of land conveyed by Deed dated August 29, 1955 and recorded on page 88, Volume 277, Deed Records of Klamath County; thence North 33°46 $\frac{1}{2}$ ' West along the Easterly boundary of said parcel of land 778.2 feet to a point on the Westerly boundary of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 0°21'20" West 27.55 feet, more or less, to the point of beginning.

SUBJECT TO:

1. 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; and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. Regulations, including levies, liens, assessments, rights of way and easements of Modoc Point Irrigation.
3. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Modoc Point Irrigation District.
4. Reservations and restrictions contained in the Deed recorded April 7, 1948 in Volume 219, page 47, Klamath County Deed Records.
(Affects Parcel 1)
5. Agreement, including the terms and provisions thereof, recorded July 28, 1948 in Volume 223, page 245, Klamath County Deed Records.
6. Reservations including the terms and conditions thereof, as contained in Deed recorded March 28, 1957 in Volume 290, page 495, Klamath County Deed Records, to wit:
"all subsurface rights, except water are hereby reserved, in trust, for the heirs of Andrew White, deceased Klamath allottee No. 1308."
(Affects a portion of Parcel 3 - Lots 19 and 22)
7. Reservations, including the terms and conditions thereof, as contained in Deed recorded March 28, 1957 in Volume 290, page 497, Klamath County Deed Records, to wit:
"all subsurface rights, except water are hereby reserved in trust for the heirs of Florence Otol, deceased Klamath allottee No. 1225."
(Affects a portion of Parcel 3 - Lots 11 and 14)
8. Reservations, including the terms and conditions thereof, as contained in Deed recorded June 9, 1958 in Volume 300, page 33, Klamath County Deed Records, to wit:
"all subsurface rights, except water, are hereby reserved, in trust for the heirs of Dick White, deceased Klamath Allottee No. 1310."
(Affects Parcel 2 - Lot 27)

Enk D. Page 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 5th day of _____ July _____ A.D. 19 95 at 2:33 o'clock P.M., and duly recorded in Vol. M95 of _____ Mortgages _____ on Page 17427.

Bernetha C. Letsch County Clerk

FEE \$65.00 RETURN: Hamilton
22 Laurel St
Medford, Or 97501

By *[Signature]*