

6043

BARGAIN AND SALE DEED

Vol. m95 Page 24727

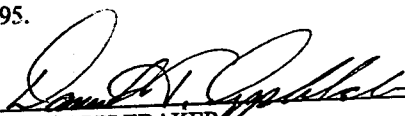
09-13-95A10:37 RCVD

Daniel Applebaker, Grantor, conveys to Bonnie R. Applebaker, Grantee, the following described real property:
9425 Dehlinger, Klamath Falls, Oregon 97603, also described as set forth in Exhibit A, attached hereto and by this reference made a part hereof.

The true consideration is no cash consideration. Conveyance is given per the Decree of Dissolution of Marriage and Judgment for Daniel Applebaker, Petitioner, and Bonnie R. Applebaker, Respondent, Klamath County Circuit Court Case No. 9501060CV.

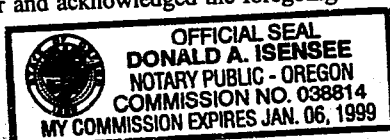
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

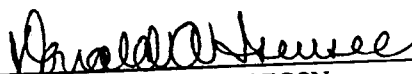
DATED this 22 day of August, 1995.


DANIEL APPLEBAKER

STATE OF OREGON)
) ss.
County of)

On this 22nd day of August, 1995, personally appeared before me the above named Daniel Applebaker and acknowledged the foregoing instrument to be his voluntary act and deed.




NOTARY PUBLIC FOR OREGON
My Commission Expires: Feb 99

GRANTOR

Daniel Applebaker
5721 Delaware Avenue
Klamath Falls, OR 97603

to

GRANTEE

Bonnie R. Applebaker
9425 Dehlinger
Klamath Falls, Oregon 97603

After recording return to:

Michael Ratliff
Attorney at Law
228 N. 7th Street
Klamath Falls, OR 97601

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

Bonnie R. Applebaker
9425 Dehlinger
Klamath Falls, Oregon 97603

450

ADDENDUM TO CONTRACT OF SALE

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LEGAL DESCRIPTION

A tract of land situate in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the most Northwesterly corner of above said tract of real property, which corner lies at the intersection of the Easterly right of way boundary of the Burlington Northern Inc. Railroad and the Easterly right of way boundary of the U.S. G-1 Lateral Irrigation Canal; thence along said irrigation canal right of way boundary North 41 degrees 29' 30" East 383.44 feet, and North 78 degrees 16' East 111.64 feet to a 1/2 inch galvanized iron pipe marking the true point of beginning of this description; thence continuing along above said canal right of way boundary North 35 degrees 58' East 478.25 feet, more or less, to the Southerly right of way boundary of U.S.G. Canal; thence along said boundary South 56 degrees 23' 30" East, 223.80 feet, South 58 degrees 35' East, 366.50 feet and South 86 degrees 24' East, 317.60 feet to a 1/2 inch galvanized iron pipe in alignment with an existing North-South fence line; thence along said fence alignment South 5 degrees 55' 30" West 1098.40 feet and South 0 degrees 48' 30" East, 72.20 feet, more or less, to a point on the North boundary extended of that parcel of real property described and recorded in M70 at page 9529 of Deed Records of Klamath County, Oregon and distant 72.45 feet from the Northeast corner thereof; thence South 83 degrees 01' 45" West along said boundary and boundary extended a distance of 192.05 feet, more or less, to a 1/2 inch galvanized iron pipe which is distant 153.70 feet Easterly from the most Northwesterly corner of aforesaid parcel of real property; thence North 1232.84 feet to the true point of beginning.

TOGETHER WITH the following described real property in Klamath County, Oregon:

A tract of land situated in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, more particularly described as follows: Beginning at the Southwest corner of the NW1/4 SE1/4 of said Section 5; thence North along the center line of Section 5 to the Southerly right of way of the G Canal as now located; thence Northwesterly along the Southerly line of the G Canal to a point that is South 56 degrees 23' 30" East 223.80 feet; South 58 degrees 35' East 366.50 feet, and South 86 degrees 24' East 317.60 feet from its intersection with the Southeasterly right of way line of the G-1 Lateral; thence South 5 degrees 55' 30" West 1098.40 feet; thence South 0 degrees 48' 30" East 72.20 feet to the true point of beginning; thence South 83 degrees 01' 45" West 60.45 feet; thence South 0 degrees 48' 30" East 923.30 feet to the South line of Section 5; thence East along said South line 60.45 feet; thence North 923 feet, more or less, to the point of beginning.

SUBJECT TO a 30 foot access easement over the East 30 feet as set forth in Agreement recorded October 27, 1975 in Book M75 at page 13399, Microfilm Records.

EXCEPTING THEREFROM that portion lying within the Dehlinger Lane right of way.

ALSO EXCEPTING THEREFROM:

A parcel of land, containing 12.07 acres, more or less, situated in the Southwest one-quarter of Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in Klamath County, Oregon, being more particularly described as follows:

Beginning at a 1/2 inch iron pipe from which the Southwest corner of Section 5 bears South 00 degrees 48' 30" East 930.62 feet and West 1505.30 feet; thence South 83 degrees 01' 45" West 931.70 feet to a 1/2 inch iron pipe; thence North 556.39 feet to a 1/2 inch rebar; thence North 83 degrees 01' 45" East 980.72 feet to a 1/2 inch rebar; thence South 5 degrees 55' 30" West 482.72 feet to 1/2 inch rebar; thence South 00 degrees 48' 30" East 82.18 feet to the point of beginning.

EXHIBIT "A"
1 of 3

ADDENDUM TO CONTRACT OF SALE

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ENCUMBRANCES

1. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Lane. If the land become 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. An easement created by instrument, subject to the terms and provisions thereof, Dated December 28, 1964, Recorded December 31, 1964, Volume 358, page 417, Deed Records of Klamath County, Oregon, in favor of Harvey E. Wise and Vivian Sheets Wise for an easement for purpose of carrying and conducting irrigation water.
4. An easement and Agreement created by instrument, subject to the terms and provisions thereof, dated July 12, 1972, Recorded June 2, 1977, Volume M77, page 9631, Microfilm Records of Klamath County, Oregon, and dated January 6, 1979, Recorded January 25, 1979, Volume M79, page 2159, Microfilm Records of Klamath County, Oregon, in favor of Charles K. Collins and Shirley G. Collins, for a 20 foot easement and a 30 foot easement for road purposes.
5. Memorandum of Easement, subject to the terms and provisions thereof, dated February 21, 1987 and recorded April 10, 1987 in Volume M87, page 6024, Microfilm Records of Klamath County, Oregon, between John A. and Jo Ann Davinson and William F. and Katharine M. Anderson, for a 15 foot wide easement.
6. An easement created by instrument, subject to the terms and provisions thereof, recorded May 7, 1987, Volume M87, page 7865, Microfilm Records of Klamath County, Oregon, in favor of William F. Anderson and Katharine M. Anderson, for a 15 foot wide easement for irrigation mainline.

EXHIBIT "A"
Page 2 of 3

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ADDENDUM TO CONTRACT OF SALE

Excepting and reserving to itself, its successors, and assign, all minerals, as defined in ORS 273.755(1), and all geothermal resources, as defined in ORS 273.775(2), together with the right to make such use of the surface as may be reasonably necessary for prospecting for, exploring for, mining, extracting, reinjecting, storing, drilling for and removing such minerals and geothermal resources; provided, however, that the rights hereby reserved to use the surface for any of the above activities shall be subordinate to that use of the surface of the premises deeded herein, or any part thereof, being made by the owner thereof on the date the State of Oregon leases its reserved mineral or geothermal resources; in the event such use of 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 surface rights of owner's interest.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Michael Ratliff the 13th day
of September A.D., 19 95 at 10:37 o'clock A M., and duly recorded in Vol. M95
of Deeds on Page 24727

Bernetha G. Letsch, County Clerk

FEE \$45.00

By

Annette Mueller

EXHIBIT A
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