

MT35875-KR

## SPECIAL WARRANTY DEED

Account Number C07600 87280	County Tax Account Number R250953; R250917; R250864; R250837; R250855
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The STATE OF OREGON, by and through the Director of the Oregon Department of Veterans' Affairs, grantor, conveys and specially warrants unto Max H. Neff and Betty J. Neff, grantee(s), the following described real property free of encumbrances created or suffered by the grantor on or before July 25, 1986, except as specifically set forth herein situated at A19 Highway 97, Chiloquin, Oregon 97624 in Klamath County, State of Oregon, to wit:

A parcel of land situated in Section 33, Township 35 South, Range 7 East of the Willamette Meridian in the County of Klamath, State of Oregon, described as follows: Lots 18, 23, 26 and 31, and all that portion of Lots 17 and 24 lying Westerly of the right of way of The Dalles-California Highway. SAVING AND EXCEPTING therefrom the following: Starting at the East quarter section corner of said Section 33; thence South 0°28'45" West along the East line of said section 1314.0 feet to the Southeast corner of the Northeast Quarter of the Southeast Quarter of said section, being also the Southeast corner of Lot 24 of said section and being also 14.69 feet distant Easterly from (when measured at right angles to) the relocated center line of The Dalles-California Highway at Engineer's Station 1137 + 25.9; thence South 89°54'15" West along the South boundary of said Lot 24 a distance of 65.63 feet to the West right of way line of said highway and the true beginning point of this description; being also 50 feet distant Westerly from (when measured at right angles to) Engineer's Station 1137 + 37.0; thence from said true beginning point South 89°54'15" West 234.00 feet to the Easterly right of way line of the Southern Pacific Railroad; thence North 10°18'23" West along said R.R. line 550 feet, more or less, thence North 89°54'15" East 236.6 feet to the Westerly right of way line of the said highway; thence South 9°32' East along said right of way line 548.0 feet, more or less, to the true point of beginning. ALSO EXCEPTING therefrom any portion thereof lying within the right of way of the Southern Pacific Railroad. SAVE AND EXCEPTING all that portion of Lots 17 and 24 lying Westerly of the right of way of The Dalles-California Highway and Easterly of the Southern Pacific Railroad right-of-way, Less the Northerly 60 feet, situated in Section 33, Township 35 South, Range 7 East of the Willamette Meridian, 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 1995-96 when due or payable.
2. Any Right of Redemption as Provided by Law.

The true and actual consideration for this conveyance is \$95,000.00.

## AFTER RECORDING RETURN TO:

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

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

Max H. Neff  
2307 Watson  
Klamath Falls, OR 97603

## SPECIAL WARRANTY DEED (Continued)

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## SUBJECT TO: (Continued):

3. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Modoc Point Irrigation District.
4. Acreage and use limitations under provisions of United States statutes and regulations thereunder.
5. Right of way for transmission line, including the terms and provisions thereof, given by Edgar H. Dent et al., to The California Oregon Power Company, a California corporation, dated February 8, 1951, recorded February 23, 1951, Vol. 245, page 393, Deed Records of Klamath County, Oregon. Affects Lot 24.
6. Reservations and restrictions contained in deed from United States of America, Department of the Interior, acting by and through the Area Director of the Portland Area Office of the Bureau of Indian Affairs, to Lloyd M. Dent, dated September 11, 1956, recorded April 2, 1957, Vol. 290, page 565, Deed Records of Klamath County, Oregon, as follows: "Title to the above-described property is conveyed subject to any existing easements for public roads and highways, for public utilities and for railroads and pipe lines and for any other easements or rights-of-way of record. The lands hereby conveyed are subject to a lien, prior and superior to all other liens for and on account of construction, operation, and maintenance of the irrigation system or acquisition of water rights by which said lands have been or are to be reclaimed and the lien so created is hereby expressly reserved in accordance with the provisions of the Act of March 7, 1928, (45 Stat. 564 and 565). All subsurface rights, except water, are hereby expressly reserved, in trust, for the heirs of Sam Allen, deceased Klamath Allottee No. 3." Covers Lots 18 and 23.
7. Reservations and restrictions contained in deed from Theresa Isabell May Charles, a divorced woman, to Lloyd M. Dent, dated June 17, 1957, recorded October 9, 1957, Vol. 294, page 615, Deed Records of Klamath County, Oregon as follows: "The lands hereby conveyed are subject to a lien, prior and superior to all other liens for the amount of costs and charges due to the United States for and on account of construction, operation, and maintenance of the irrigation system or acquisition of water rights by which said lands have been or are to be reclaimed and the lien so created is hereby expressly reserved in accordance with the provisions of the Act of March 7, 1928 (45 Stat. 209 + 210), as supplemented by the Act of July 1, 1932 (47 Stat. 564 + 565). Title to the above described property is conveyed subject to any existing easements for public roads and highways, for public utilities and existing easements for public roads and highways, for public utilities and for railroads and pipe lines and for any other easements or rights of way of record. All subsurface rights, except water, are hereby reserved, in trust, to the grantor, pursuant to the provisions of the Act of August 13, 1954 (68 Stat. 720)." Covers Lots 26 and 31.
8. Agreement for repayment of construction costs, including the terms and provisions thereof, executed by Lloyd M. Dent, Landowner, to the Secretary of the Interior, recorded December 9, 1965, Vol. M65, page 4473, Lien Records of Klamath County, Oregon. Affects Lots 18 and 23.
9. Agreement for repayment of construction costs executed by Lloyd M. Dent, Landowner, recorded December 9, 1965, Vol. M65, page 4475, Lien Records of Klamath County, Oregon. Affects Lots 17 and 24.
10. Agreement for repayment of construction costs, including the terms and provisions thereof, executed by Lloyd M. Dent, Landowner, to the Secretary of the Interior, recorded December 9, 1965, Vol. M65, page 4477, Lien Records of Klamath County, Oregon. Affects Lots 26 and 31.

## SPECIAL WARRANTY DEED (Continued)

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## SUBJECT TO: (Continued):

11. NOTE: There is an easement appurtenant to the above described property which should be included in any conveyance of said property. The easement is described as follows:

TOGETHER WITH a perpetual non-exclusive roadway easement twenty feet in width for ingress and egress over and upon a parcel of land situated in Government Lot 17 of Section 33 Township 35 South, Range 7 East of the Willamette Meridian in the County of Klamath, State of Oregon, said easement lying ten feet on either side of the following described center line: Beginning at a point on the Westerly right of way line of U.S. Highway No. 97 from which the East one-quarter corner of said Section 33 bears North 86°30'50" East 293.77 feet; thence leaving said right of way line South 87°19'13" West 64.84 feet; thence South 59°57'03" West 153.94 feet; thence South 77°35'53" West 38.89 feet to the Easterly right of way line of the Southern Pacific Railroad and the terminus of this easement.

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 September 15, 1995. The foregoing recital of consideration is true as I verily believe.

Director of Oregon Department of Veterans' Affairs

By Joyce D. Emerson  
Joyce D. Emerson  
Production Coordinator

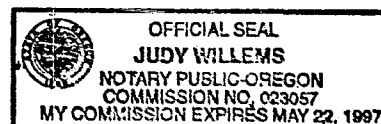
STATE OF OREGON )

County of Marion ) ss.

On September 15, 1995

this instrument was acknowledged before me by the above-named Joyce D. Emerson, who personally appeared, and, being first duly sworn, did say that she 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 Willems  
Notary Public for Oregon



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title Company the 21st day  
of September A.D., 19 95 at 10:49 o'clock A M., and duly recorded in Vol. M95  
of Deeds on Page 25507.

FEE \$40.00

Bernetha G. Letsch, County Clerk  
By Annita Mueller