

7673

10-16-95P03:48 RCVD

600508  
Vol. m95 Page 28156  
**ORIGINAL**After recording return to:Dept Transportation  
417 Transportation Bldg  
Salem OR 97310

ATC # 04042374

Send tax statements to:above  
  
**WARRANTY DEED**

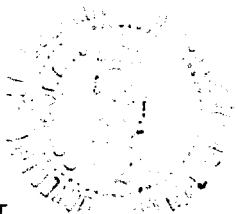
THE GRANTOR, **WEYERHAEUSER COMPANY**, a Washington corporation, for valuable consideration, receipt of which is hereby acknowledged, conveys and warrants to **STATE OF OREGON, Department of Transportation**, GRANTEE, the real estate, situated in **Klamath County, Oregon**, described on the attached Exhibit A.

The true and actual consideration for this transfer is One Hundred Fifteen Thousand Dollars (\$115,000.00).

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.

The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations which, in farm or forest zones, may not authorize the construction or siting of a residence. 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 existence of fire protection for structures.

Dated the 20th day of September, 1995.

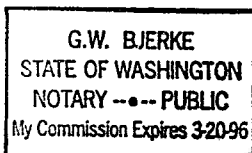
**WEYERHAEUSER COMPANY**  
J. Whittig


Acquisitions and Valuation Manager, Timberlands

Redmon M. Redmon  
Assistant Secretary

STATE OF WASHINGTON       )  
  ) ss.  
COUNTY OF KING           )

Personally appeared before me, the undersigned authority in and for said county and state, on this 20th day of September, 1995, within my jurisdiction, the within named J. Whittig and P. M. Redmon, who acknowledged that they are Acquisitions and Valuation Manager, Timberlands and Assistant Secretary of **WEYERHAEUSER COMPANY**, a Washington corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



  
Notary Public  
My appointment expires: March 20, 1996

**IN KLAMATH COUNTY, OREGON****TOWNSHIP 36 SOUTH, RANGE 13 EAST, W.M.****SECTION 17:**

**W $\frac{1}{2}$ SW $\frac{1}{4}$ , LESS AND EXCEPT** therefrom the former railroad right of way of the Oregon, California & Eastern Railway Company

For the same consideration Grantor hereby conveys and quitclaims to Grantee all Grantor's access rights under that certain Road Easement, dated July 1, 1991, recorded in Volume M91, Page 12779, Records of Klamath County, Oregon, and that certain Road Easement, dated October 29, 1991 recorded in Volume M91, Page 23528, Records of Klamath County, Oregon

**RESERVATION:** Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns, forever, all geothermal steam and heat and all metals, ores and minerals of any nature whatsoever in or upon said land including, but not limited to, coal, lignite, peat, oil and gas, including coal seam gas, but not including rock, sand and gravel, and other road building/maintenance materials, together with the right to enter upon said land for the purpose of exploring the same for such geothermal resources, metals, ores and minerals, and drilling, opening, developing and working mines and wells thereon and taking out and removing therefrom, including by surface mining methods, all such geothermal resources, metals, ores and minerals, and to occupy and make use of so much of the surface of said land as may be reasonably necessary for said purposes; provided, that Grantee and Grantee's heirs, representatives, successors and assigns, shall be paid just and reasonable compensation for any injury or damage to the surface of said land, to the crops or to the improvements thereon caused by the exercise of any rights herein reserved; provided, further, that the exercise of such rights by Grantor shall not be postponed or delayed pending reasonable efforts to agree upon or have determined such just and reasonable compensation.

**SUBJECT TO:**

- (1) Rights reserved in federal patents or state deeds, mineral or fossil rights reservations, building or use restrictions general to the area, existing easements not inconsistent with Grantee's intended use, and building or zoning regulations or provisions shall not be deemed encumbrances or defects.

(2) Ancestral rights, if any, of descendants of aboriginal inhabitants to occupy, use and possess any portion of the premises, as reserved by treaties, understandings, practice, statutes, or judicial decisions; for food gathering, shelter, religious ceremonies, social and economic gatherings, battlefields and burial sites.

(3) All matters of public record, to any easement or right of way for any public or private roads or utilities heretofore existing on said lands.

(4) Reservations and restrictions contained in that certain deed recorded August 10, 1959 in Volume 314, Page 658, Records of Klamath County, Oregon

(5) Document: Permit  
Date: November 8, 1993  
Grantee: Klamath County Public Works  
Expires: December 31, 1998

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 16th day  
of October A.D., 19 95 at 3:48 o'clock P. M., and duly recorded in Vol. M95,  
of Deeds on Page 28156

FEE \$25.00

Bernetha G. Letsch, County Clerk  
By Ruth M. Mullendore