

8897

11-09-95P02:33 RCVD

Vol 1995 Page 30672

WHEN RECORDED MAIL TO:

James M. Root & Valerie K. Root
 P.O. Box 129
 Medford, OR 97501

MAIL TAX STATEMENTS TO:

JAMES M. ROOT and
 VALERIE K. ROOT
 PO Box 129
 MEDFORD, OR 97501

(Don't use this
 space; reserved
 for recording
 label in coun-
 ties where
 used.)

County of _____ ss.

I certify that the within instrument
 was received for record on the _____ day
 of _____, 19____,
 at _____ o'clock _____ M. and recorded
 in book _____ on page _____ or as
 filing fee number _____, Rec-
 ord of Deeds of said County.

Witness my hand and seal of County
 affixed.

By _____ Title _____
 Deputy

MTC 31318XR

WARRANTY DEED

AMBROSE W. MCAULIFFE and SUSAN J. MCAULIFFE, husband and wife,

GRANTOR, conveys and warrants to JAMES M. ROOT and VALERIE K. ROOT, husband and wife,

GRANTEE, the following described real property situate in Klamath County, Oregon, free of encumbrances except as specifically set forth below:

The real property described in attached Exhibit A subject to the exceptions set forth in attached Exhibit B. Each attachment is incorporated herein as though fully set forth hereat.

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.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 667,500.00. However, the actual consideration consists of or includes other property or value given or promised which is [part of the] the whole consideration. First Trust Deed for \$292,500.00 plus interest.

In construing this deed and where the context so requires, the singular includes the plural.

Dated this 9th day of November, 19 95.

Ambrose W. McAuliffe
 Ambrose W. McAuliffe

Susan J. McAuliffe
 Susan J. McAuliffe

STATE OF OREGON, County of KLAMATH) ss. November 9, 19 95
 Personally appeared the above named AMBROSE W. MCAULIFFE and SUSAN J. MCAULIFFE

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

(Official Seal)



Before me:

Kristi L. Redd
 Notary Public for Oregon
 My commission expires 11/16/95

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Giacomini & Knieps

Attorneys at Law
 706 Main Street
 Klamath Falls, Oregon 97601

EXHIBIT "A" **LEGAL DESCRIPTION**

A parcel of land situated in Section 19, Section 30, Township 34 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin on the North line of Government Lot 4 in said Section 19 and on the East right of way line of Highway 427, from which the Northwest corner of said Government Lot 4 bears North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning South 88 degrees 57' 13" East along the North line of said Government Lot 4 327.55 feet to a 5/8" iron pin marking the Northeast corner of said Government Lot 4; thence South 00 degrees 51' 06" East along the East line of said Government Lot 4 1323.49 feet to a 5/8" iron pin marking the Southeast corner of said Government Lot 4; thence South 88 degrees 55' 04" East along the South line of the Southeast one quarter of the Southwest one quarter of said Section 19 344.17 feet to a 5/8" iron pin; thence South 09 degrees 13' East 808.61 feet to a 5/8" iron pin; thence South 88 degrees 53' 51" East 96.35 feet to a 5/8" iron pin on the West right of way line of Highway 62; thence South 11 degrees 38' 44" East along the West right of way line of said Highway 62, 224.45 feet to a 5/8" iron pin marking the West right of way of said Highway 62 and the North right of way of Highway 422; thence North 83 degrees 47' 44" West along the North right of way of said Highway 422, 629.53 feet to a 5/8" iron pin; thence continuing along the right of way of said Highway 422 and along the arc of a 143.24 feet radius curve to the right (Delta = 78 degrees 15' 12", Chord = 180.78 feet) 195.63 feet to a 5/8" iron pin on the East right of way of said Highway 427; thence North 05 degrees 32' 32" West along the East right of way of said Highway 427, 2169.21 feet to the point of beginning. AND BEGINNING at a 5/8" iron pin marking the Southeast corner of the North 1/2 of the Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of said Section 30; thence from said point of beginning North 88 degrees 48' 43" West along the South line of said North 1/2 of Southwest 1/4 of the Southeast 1/4 of the Northwest 1/4 624.35 feet to a 5/8" iron pin on the East right of way of Highway 427; thence North 05 degrees 32' 32" West along the East right of way of said Highway 427, 1142.88 feet to a 5/8" iron pin; thence continuing along the right of way of said Highway 427 and along the arc of a 143.24 feet radius curve to the right (Delta = 101 degrees 44' 48", Chord = 222.24 feet) 254.37 feet to a 5/8" iron pin on the South right of way of Highway 422; thence South 83 degrees 47' 44" East along the South right of way line of said Highway 422, 576.81 feet to a 5/8" iron pin on the West right of way line of Highway 62; thence South 11 degrees 38' 44" East along the West right of way line of said Highway 62, 55.37 feet to a 5/8" iron pin; thence South 00 degrees 23' 16" West along the East line of the West 1/2 of the Northwest 1/4 of Section 30, 1190.17 feet to the point of beginning.

TOGETHER WITH a right of way along the "Klamath Agency Farm Irrigation Canal" varying in width from 40 feet to 20 feet of which the centerline is more particularly described as follows:

Beginning at a point on the North line of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and the centerline of said "Klamath Agency Farm Irrigation Canal," from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence Northerly along the centerline of said "Klamath Agency Farm Irrigation Canal" the following bearings and distances: North 21 degrees 21' West 153.3 feet to a point, from this point Southerly the right of way is 40 feet in width, from this point Northerly the right of way is 20 feet in width; thence continuing along the centerline of said "Klamath Agency Farm Irrigation Canal" North 04 degrees 24' East 600.2 feet, North 03 degrees 37' West 315.5 feet, North 18 degrees 14' West 517.7 feet, North 11 degrees 28' West 264.3 feet, North 24 degrees 26' West 246.1 feet, North 10 degrees 46' East 231.7 feet, North 22 degrees 38' East 432.0 feet, North 04 degrees 40' West 503.9 feet, North 21 degrees 28' East 302.4 feet, North 26 degrees 58' West 306.6 feet, North 05 degrees 20' West 253.2 feet, North 01 degrees 47' West 439.4 feet, Northeasterly along the arc of a 154 feet radius curve to the right (Delta = 55 degrees 42'; Long Chord = North 26 degrees 04' East 143.9 feet) 149.7 feet, North 53 degrees 55' East 351.5 feet, North 58 degrees 55' East 158.1 feet to the head gate at a water reservoir at Agency Spring from which the Northwest corner of said Section 19 bears South 40 degrees 53' West 1129.7 feet more or less.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the North line of government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and on the centerline of an existing irrigation ditch, from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence from said point of beginning Southerly along the centerline of an existing irrigation ditch to a point that is located the following three bearings and distances from the Northwest corner of said Government Lot 4 South 88 degrees 57' 13" East 919.88 feet; South 05 degrees 32' 32" East 668.74 feet, South 60 degrees 36' 37" West 51.3 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 60 degrees 36' 37" East 51.3 feet; North 05 degrees 32' 32" West 668.74 feet; North 88 degrees 57' 13" West 919.88 feet; thence from the said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the West right of way line of Highway 427, said point also being located from the Northwest corner of said Government Lot 4 the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 747 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and on the East right of way line of Highway 427, from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following two bearings and distances: North 05 degrees 32' 32" West 758 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the North right of way line of Highway 422, said point being located from the Northwest corner of said Government Lot 4 the following three bearings and distances: South 88 degrees 57' 13" East 980.28 feet, South 05 degrees 32' 32" East 2285.75 feet, South 83 degrees 47' 44" East 313.5 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and the South right of way line of Highway 422 from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 83 degrees 47' 44" West 409.14 feet, North 05' 32' 32" West 2347.00 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southwesterly along the centerline of an existing irrigation ditch to a point on the Westerly right of way line of Highway 427, said point being located from the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 3596 feet.

ALSO, a parcel of land situated in Section 25, Township 34 South, Range 7 1/2 East of the Willamette Meridian, Klamath County, Oregon, and Section 19, Section 30, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the South line of said Section 25 and the mean high water line of the Wood River, from which the Southeast corner of said Section 25 bears North 89 degrees 46' 47" East 1866.00 feet, more or less, thence from said point of beginning North 89 degrees 46' 47" East along the South line of said Section 25, 1866.00 feet to the Southeast corner of said Section 25; thence South 88 degrees 52' 24" East along the South line of said Section 30, 1288.06 feet to a 5/8 inch iron pin marking the Southeast corner of Government Lot 4, of said Section 30; thence North 00 degrees 21' 09" East along the East line of Government Lot 4 and Government Lot 3 of said Section 30, 2595.23 feet to a 5/8 inch iron pin on the Westerly line of Highway 427; thence North 05 degrees 32' 32" West along the Westerly line of said Highway 427, 3377.02 feet to a 5/8 inch iron pin in the center of a road as said point is described in Deed Volume 358 page 471; thence Westerly along the line described in Deed Volume 358 at page 471 the following bearings and distances: South 60 degrees 36' 37" West 1799.44 feet, South 83 degrees 51' 34" West 869.25 feet, North 85 degrees 16' 31" West 420.66 feet, South 69 degrees 16' 28" West 339.99 feet, South 52 degrees 04' 22" West 307.99 feet, South 28 degrees 50' 12" West 134.01 feet, South 43 degrees 40' 20" West 224.00 feet, South 29 degrees 27' 04" West 201.00 feet, South 04 degrees 07' 38" East 42.10 feet, South 23 degrees 32' 52" East 415.26 feet, more or less, to the mean high water line of the Wood River; thence Southerly along the mean high water line of said Wood River to the point of beginning.

TOGETHER WITH: A right of way along the "Klamath Agency Farm Irrigation Canal" varying in width from 40 feet to 20 feet of which the centerline is more particularly described as follows:

Beginning at a point on the North line of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and the centerline of said "Klamath Agency Farm Irrigation Canal," from which the Northwest corner of said Government Lot 4 bears West 483 feet, more or less; thence Northerly along the centerline of said "Klamath Agency Farm Irrigation Canal," the following bearings and distances: North 21 degrees 21' West 153.3 feet to a point; from this point Southerly the right of way is 40 feet in width, from this point Northerly the right of way is 20 feet in width; thence continuing along the centerline of said "Klamath Agency Farm Irrigation Canal" North 04 degrees 24' East 600.2 feet, North 03 degrees 37' West 315.5 feet, North 18 degrees 14' West 517.7 feet, North 11 degrees 28' West 264.3 feet, North 24 degrees 26' West 246.1 feet, North 10 degrees 46' East 231.7 feet, North 22 degrees 38' East 432.0 feet, North 04 degrees 40' West 503.9 feet, North 21 degrees 28' East 302.4 feet, North 26 degrees 58' West 306.6 feet, North 05 degrees 20' West 253.2 feet, North 01' 47" West 439.4 feet, Northeasterly along the arc of a 154 feet radius curve to the right (Delta = 55 degrees 42' Long Chord = North 26 degrees 04' East 143.9 feet) 149.7 feet, North 53 degrees 55' East 351.5 feet, North 58 degrees 55' East 158.1 feet to the head gate at a water reservoir at Agency Spring, from which the Northwest corner of said Section 19 bears South 40 degrees 53' West 1129.7 feet, more or less.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the North line of government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, and on the centerline of an existing irrigation ditch, from which the Northwest corner of said Government Lot 4 bears West 483 feet more or less; thence from said point of beginning Southerly along the centerline of an existing irrigation ditch to a point that is located the following three bearings and distances from the Northwest corner of said Government Lot 4 South 88 degrees 57' 13" East 919.88 feet; South 05 degrees 32' 32" East 668.74 feet, South 60 degrees 36' 37" West 51.3 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and on the East right of way line of Highway 427, from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following two bearings and distances: North 05 degrees 32' 32" West 758 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the North right of way line of Highway 422, said point being located from the Northwest corner of said Government Lot 4 the following three bearings and distances: South 88 degrees 57' 13" East 980.28 feet, South 05 degrees 32' 32" East 2285.75 feet, South 83 degrees 47' 44" East 313.5 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch and the South right of way line of Highway 422 from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 83 degrees 47' 44" West 409.14 feet, North 05' 32' 32" West 2347.00 feet, North 88 degrees 57' 13" West 980.28 feet; thence from said point of beginning Southwesterly along the centerline of an existing irrigation ditch to a point on the Westerly right of way line of Highway 427, said point being located from the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 3596 feet.

AND a twenty foot wide right of way along an existing irrigation ditch of which the centerline is described as follows:

Beginning at a point on the centerline of an existing irrigation ditch from which the Northwest corner of Government Lot 4, Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, bears the following three bearings and distances: North 60 degrees 36' 37" East 51.3 feet; North 05 degrees 32' 32" West 668.74 feet; North 88 degrees 57' 13" West 919.88 feet; thence from the said point of beginning Southeasterly along the centerline of an existing irrigation ditch to a point on the West right of way line of Highway 427, said point also being located from the Northwest corner of said Government Lot 4 the following two bearings and distances: South 88 degrees 57' 13" East 919.88 feet, South 05 degrees 32' 32" East 747 feet.

ALSO, all that portion of the SE1/4 of the SW1/4 of Section 19, Township 34 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, lying Westerly of the Westerly right of way line of Oregon State Highway No. 62.

Exhibit "B"

30677

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. Rights of the public and of governmental bodies in and to that portion of the premises described herein, now or at any time lying below the high water mark of the Wood River, including any ownership rights which may be claimed by the State of Oregon, in and to any portion of the premises now or at any time lying below the ordinary high water mark thereof.
3. Any claim based on any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public to use any waters which may cover the land for fishing or navigation, or to use any portion of the land which is now or may formerly have been covered by water.
4. Reservations and restrictions as contained in Deed of Tribal Property, dated March 3, 1959 and recorded March 5, 1959 in Volume 310, page 324, Deed Records of Klamath County, Oregon. (Reference is made to the document for particulars.) "Title to the above described properties is conveyed subject to any existing easements for public roads and highways, for public utilities, for railroads and pipe lines, and for any other easements or rights of way of record."
5. Rights of way as created by Deed of Tribal Property, dated November 15, 1960 and recorded November 29, 1960 in Volume 325 at page 507, Deed Records of Klamath County, Oregon. (Reference is made to the document for particulars.) "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."
6. Subject to an access road as set forth on Exhibit "A" of instrument dated December 28, 1964 and recorded January 6, 1965 in Volume 358 at page 471, Deed Records of Klamath County, Oregon, to Tulana Farms, an Oregon corporation. (Reference is made to the document for particulars.)

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Mountain Title co the 9th day
of Nov A.D., 19 95 at 2:33 o'clock P M., and duly recorded in Vol. M95
of Deeds on Page 30672.

FEE \$55.00

By Bernetha G. Letsch, County Clerk

Annette Mueller