

MTC 36717 KR

Vol. 1795 Page 30688

## WARRANTY DEED

JAMES M. ROOT and VALERIE K. ROOT, husband and wife ("Grantors"), hereby convey and warrant to AMBROSE W. McAULIFFE and SUSAN J. McAULIFFE, husband and wife ("Grantees"), the following described real property located in Klamath County, Oregon (the "Property"):

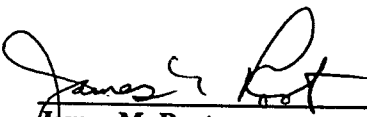
Lot 6 in Block 1 of Rainbow Park on the Williamson, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

The Property is free of all encumbrances, except as set forth in attached *Exhibit A*, which is incorporated herein by this reference.

The true and actual consideration for this conveyance is other real property conveyed as part of a like-kind exchange pursuant to Section 1031 of the Internal Revenue Code of 1986.

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.

DATED: November 9, 1995.

  
James M. Root  
Valerie K. Root

After recording return to:

(For Recorder's Use Only)

Anthony J. Giacomini  
706 Main Street  
Klamath Falls, Oregon 97601

Until a change is requested, all  
tax statements should be mailed to:

Ambrose W. McAuliffe and  
Susan McAuliffe  
c/o James M. Root  
P.O. Box 129  
Medford, Oregon 97501

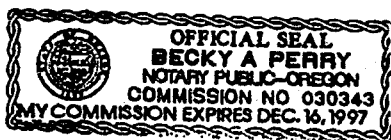
Acknowledgment:

STATE OF OREGON

County of Jackson

) ss

This instrument was acknowledged before me on this 9<sup>th</sup> day of November, 1995, by  
James M. Root and Valerie K. Root.



Becky A. Perry  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 12-16-97

EXHIBIT A

## ENCUMBRANCES

1. 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 Williamson 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.
2. 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.
3. Covenants, conditions and restrictions as shown on recorded plat, as follows:  

"Said plat being subject to the following restrictions: (1) A building setback line and a future public utilities easement as shown on the annexed plat; (2) Any easements or rights of way of record and any further restrictions as shown in the recorded protective covenants."
4. Set back provisions as delineated on the recorded plat, being 20 feet from the front line.
5. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, subject to the terms and provisions thereof, recorded September 11, 1964 in Volume 356, page 116, Deed Records of Klamath County, Oregon.
6. Regulations, including levies, liens, assessments, rights of way, and easements of Rainbow Park-Pine Ridge Special Road District.
7. Trust Deed, subject to the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advance as may be provided therein;
 

Dated	:	July 15, 1993
Recorded	:	July 20, 1993
Volume	:	M93, page 17578, Microfilm Records of Klamath County, Oregon
Amount	:	\$83,200.00
Grantor	:	James M. Root and Valerie K. Root
Trustee	:	Mountain Title Company of Klamath County
Beneficiary	:	Western Bank, an Oregon Banking Corporation

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 30688.

FEE \$40.00

Bernetha G. Letsch, County Clerk  
 By Annette Mueller