

19820

MTC 38292KR

WARRANTY DEED Vol. m94 Page 17633

HANK ALBERTSON,  
Grantor(s) hereby grant, bargain, sell and convey to: R. A. JOHNSON, JOEL BELL & BERNIE VAN PELT,  
Trustees of I.B.E.W. LOCAL 769 MANAGEMENT PENSION FUND,  
Grantee(s) and grantee's heirs, successors and assigns the following described  
real property, free of encumbrances except as specifically set forth herein in  
the County of KLAMATH and State of Oregon, to wit:

Parcel 2 of Map of Land Partition 26-94 being situate in Sections 22, 23,  
25, 26, 27 and 36, Township 38 South, Range 9 East of the Willamette  
Meridian, Klamath County, Oregon; Section 31, Township 38 South, Range 10  
East of the Willamette Meridian, Klamath County, Oregon; and Section 6,  
Township 39 South, Range 10 East of the Willamette Meridian, Klamath  
County, Oregon.

SEE EXHIBIT "A" FOR EXCEPTIONS WHICH ARE MADE A PART HEREOF BY THIS REFERENCE  
SUBJECT TO: ~~/ all those items of record and those apparent upon the land, if~~  
~~any, as of the date of this deed and those shown below, if any,~~  
and the grantor will warrant and forever defend the said premises and every  
part and parcel thereof against the lawful claims and demands of all persons  
whomsoever, except those claiming under the above described encumbrances.

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 true and actual consideration for this conveyance is pursuant to an IRC  
1031 exchange on behalf of Grantor and/or Grantee.

Until a change is requested, all tax statements shall be sent to Grantee at the  
following address: c/o Ed Nicksic, 3402 N. 36th St., Phoenix, AZ 85018

Dated this 5th day of June, 1996  
X [Signature]

## NOTARY ACKNOWLEDGEMENT

STATE OF Oregon SS. June 5 19 96  
COUNTY OF Klamath

Personally appeared the above named \_\_\_\_\_

HANK ALBERTSON

and acknowledged the foregoing instrument to be HIS voluntary act.



Before me:

Kristi L. Redd

Notary Public for Oregon

My commission expires 11/16/99

(seal)

ESCROW NO. MT38292-KR

Return to:  
IBEW LOCAL 769 MANAGEMENT PENSION FUND  
C/O ED NICKSIC  
3402 N. 36TH STREET  
PHOENIX AZ 85018

96 JUN 13 P2:36

## EXHIBIT "A"

## SUBJECT TO:

1. The premises herein described are within and subject to the statutory power, including the power of assessment, of Enterprise Irrigation District. (E1/2 NE1/4 of Section 27, Township 38 South, Range 9 East of the Willamette Meridian)
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes 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. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: June 2, 1942  
Recorded: August 1, 1942  
Volume: 149, page 48, Deed Records of Klamath County, Oregon  
In favor of: The Pacific Telephone and Telegraph Co.  
For: Poles and anchors  
(Sections 25 and 36, Township 38 South, Range 9 East of the Willamette Meridian)
5. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: June 17, 1942  
Recorded: August 1, 1942  
Volume: 149, page 50, Deed Records of Klamath County, Oregon  
In favor of: The Pacific Telephone and Telegraph Company, a California corporation  
For: roadway and pole line  
(Affects SW1/4SW1/4 of Section 25, S1/2 of Section 26, Township 38 South, Range 9 East of the Willamette Meridian)
6. Reservations of Subsurface rights, subject to the terms and provisions thereof, to the State of Oregon, dated July 20, 1944, recorded July 28, 1944, in Volume 167 page 376, Deed Records of Klamath County, Oregon. (Affects SE1/4NW1/4 and SW1/4SE1/4 of Section 23, Township 38 South, Range 9 East of the Willamette Meridian)
7. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: November 4, 1953  
Recorded November 9, 1953  
Volume: 264, page 28, Deed Records of Klamath County, Oregon  
In favor of: The California Oregon Power Co., a California corporation  
For: 17 1/2 feet wide electric transmission line  
(Across SE1/4 NE1/4 and NE1/4 SE1/4 Section 27, Township 38 South, Range 9 East of the Willamette Meridian)

8. An easement created by instrument, subject to the terms and provisions thereof,

Recorded: September 18, 1961

Volume: 332, page 294, Deed Records of Klamath County, Oregon

In favor of: El Paso Natural Gas Co.

For: Gas line

(Across S1/2 S1/2 SW1/4 Section 26, Township 38 South, Range 9 East of the Willamette Meridian)

9. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 1, 1972

Recorded: October 6, 1972

Volume: M72, page 11414, Microfilm Records of Klamath County, Oregon

In favor of: Pacific Northwest Bell Telephone Co., a corporation

For: 6 feet wide easement for underground communication facilities

(Across NW1/4 NW1/4 Section 25, Township 38 South, Range 9 East of the Willamette Meridian)

10. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 12, 1973

Recorded: October 5, 1973

Volume: M73, page 13497, Microfilm Records of Klamath County, Oregon

In favor of: Southern Oregon Broadcasting Co., an Oregon corporation dba SO Cable TV

For: Transmission lines

(Across NE1/4 Section 27 and NE1/4 Section 35 NW1/4 Section 36, Township 38 South, Range 9 East of the Willamette Meridian)

11. Agreement, subject to the terms and provisions thereof, between City of Klamath Falls, and Basin View Development Co., dated January 2, 1979, recorded January 5, 1979, in Volume M79, page 456, rerecorded January 30, 1979 in Volume M79, page 2453, Deed Records of Klamath County, Oregon, pertaining to the development of said property. As amended by agreement recorded March 7, 1979, in Volume M79, page 5113, Deed Records of Klamath County, Oregon.

12. Agreement for Easement, subject to the terms and provisions thereof;  
Dated: September 7, 1993

Recorded: October 12, 1993

Volume: M93, page 26508, Microfilm Records of Klamath County, Oregon

By and between: Albertson Investments, Ltd. and Northwest Pipeline Corporation

13. Agreement for Easement, subject to the terms and provisions thereof;  
Dated: March 1, 1994

Recorded: March 14, 1994

Volume: M94, page 7696, Microfilm Records of Klamath County, Oregon

By and between: Hong-Yee (Randy) Shih and T&V Corporation

14. Mineral Rights as set forth in the Special Warranty Deed dated June 5, 1996 and recorded on June \_\_, 1996 in Volume M96, page \_\_, Microfilm Records of Klamath County, Oregon between HMR, Inc., as Grantor and Hank Albertson, as Grantee.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Ameri title the 13th day  
of June A.D., 19 96 at 2:36 o'clock P M., and duly recorded in Vol. M96  
of Deeds on Page 17633

FEE \$40.00

By Bernetha G. Letsch, County Clerk  
Candice Mulendore