

'96 NOV -6 A11:49

OREGON
DEPARTMENT OF
VETERANS' AFFAIRSMTC 39629
(Reserved for Recording Purposes)

SPECIAL WARRANTY DEED

Account Number C09670	County Tax Account Number OR96470 and OR96489
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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 Bonnie R. Applebaker, grantee(s), the following-described real property free of encumbrances created or suffered by the grantor on or before October 20, 1987, except as specifically set forth herein situated at 9425 Dehlinger Road, Klamath Falls, Oregon 97603 in Klamath County, State of Oregon, to wit:

A tract of land situated in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the most Northwesterly corner of above said tract of real property, which corner lies at the intersection of the Easterly right of way boundary of the Burlington Northern Inc. Railroad and the Easterly right of way boundary of the U.S. G-1 Lateral irrigation canal; thence along said irrigation canal right of way boundary North 41°29'30" East 383.44 feet, and North 78°16' East 311.64 feet to a 1/2 inch galvanized iron pipe marking the true point of beginning of this description; thence continuing along above said canal right of way boundary North 35°58' East 478.25 feet, more or less, to the Southerly right of way boundary of U.S.G. Canal; thence along said boundary South 56°23'30" East, 223.80 feet, South 58°36' East, 366.50 feet and South 86°24' East, 317.60 feet to a 1/2 inch galvanized iron pipe in alignment with an existing North-South fence line; thence along said fence alignment South 5°55'30" West 1098.40 feet and South

The true and actual consideration for this conveyance is \$90,000.00.

AFTER RECORDING RETURN TO:

ASSOCIATES FINANCIAL SERVICES
3926 SOUTH 6TH STREET
KLAMATH FALLS, OR 97603

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

BONNIE APPLEBAKER
9425 DEHLINGER ROAD
KLAMATH FALLS, OR 97603

SPECIAL WARRANTY DEED (Continued)**35104**Account Number
C09670County Tax Account Number
OR96470 and OR96489**LEGAL DESCRIPTION (continued)**

0°48'30" East, 72.20 feet, more or less, to a point on the North boundary extended of that parcel of real property described and recorded in M70 at Page 9929 of Deed Records of Klamath County, Oregon, and distant 60.45 feet from the Northeast corner thereof; thence South 83°01'45" West along said boundary and boundary extended a distance of 992.05 feet, more or less, to a 1/2 inch galvanized iron pipe which is distant 153.70 feet Easterly from the most Northwesterly corner of aforesaid parcel of real property; thence North 1232.84 feet to the true point of beginning.

TOGETHER WITH the following described real property in Klamath County, Oregon: A tract of land situated in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, more particularly described as follows: Beginning at the Southwest corner of the NW1/4 SE1/4 of said Section 5; thence North along the center line of Section 5 to the Southerly right of way of the G Canal as now located; thence Northwesterly along the Southerly line of the G Canal to a point that is South 56°23'30" East 223.80 feet, South 58°36' East 366.50 feet, and South 86°24' East 317.60 feet from its intersection with the Southeasterly right of way line of the G-1 Lateral; thence South 5°55'30" West 1098.40 feet; thence South 0°48'30" East 72.20 feet to the true point of beginning; thence South 83°01'45" West 60.45 feet; thence South 0°48'30" East 923.30 feet to the South line of Section 5; thence East along said South line 60.45 feet; thence North 923 feet, more or less, to the point of beginning.

SUBJECT TO a 30 foot access easement over the East 30 feet as set forth in Agreement recorded October 27, 1975 in Book M75 at Page 13399, Microfilm Records.

EXCEPTING THEREFROM that portion lying within the Dehlinger Lane right of way.

ALSO EXCEPTING THEREFROM: A parcel of land, containing 12.07 acres, more or less, situated in the Southwest one-quarter of Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in Klamath County, Oregon, being more particularly described as follows: Beginning at a 1/2 inch iron pipe from which the Southwest corner of Section 5 bears South 00°48'30" East 930.62 feet and West 1505.30 feet; thence South 83°01'45" West 931.70 feet to a 1/2 inch iron pipe; thence North 556.39 feet to a 1/2 inch rebar; thence North 83°01'45" East 980.72 feet to a 1/2 inch rebar; thence South 5°55'30" West 482.72 feet to 1/2 inch rebar; thence South 00°48'30" East 82.18 feet to the point of beginning.

Excepting and reserving to itself, its successors and assigns all minerals, as defined in ORS 273.775, 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 1996-97 when due or payable.
2. Any Right of Redemption as Provided by Law.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.

SPECIAL WARRANTY DEED (Continued)

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SUBJECT TO (continued)

4. 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.
5. An easement created by instrument, subject to the terms and provisions thereof, dated December 28, 1964, recorded December 31, 1964, Volume 358 Page 417, Deed Records of Klamath County, Oregon, in favor of Harvey E. Wise and Vivian Sheets Wise for an easement for purpose of carrying and conducting irrigation water.
6. An easement and Agreement created by instrument, subject to the terms and provisions thereof, dated July 12, 1972, recorded June 2, 1977, Volume M77, Page 9631, Microfilm Records of Klamath County, Oregon, and dated January 6, 1979, recorded January 25, 1979, Volume M79, Page 2159, Microfilm Records of Klamath County, Oregon, in favor of Charles K. Collins and Shirley J. Collins, for a 20 foot easement and a 30 foot easement for road purposes.
7. Memorandum of Easement, subject to the terms and provisions thereof, dated February 21, 1987 and recorded April 10, 1987 in Volume M87, Page 6024, Microfilm Records of Klamath County, Oregon, between John A. and Jo Ann Davidson and William F. and Katharine M. Anderson, for a 15 foot wide easement.
8. An easement created by instrument, subject to the terms and provisions thereof, recorded May 7, 1987, Volume M87, Page 7865, Microfilm Records of Klamath County, Oregon, in favor of William F. Anderson and Katharine M. Anderson, for a 15 foot wide easement for irrigation mainline.

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 October 30, 1996. The foregoing recital of consideration is true as I verily believe.

Director of Oregon Department of Veterans' Affairs

By Curt R. Schnepf
Curt R. Schnepf
Manager, Accounts Services

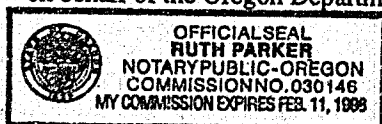
STATE OF OREGON)

County of Marion)

) ss.

On October 30, 1996

this instrument was acknowledged before me by the above-named Curt R. Schnepf, who personally appeared, and, being first duly sworn, did say that he is duly authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.



Before me: Ruth Parker
Notary Public For Oregon

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 6th day
of November A.D., 19 96 at 11:49 o'clock A. M., and duly recorded in Vol. M96
of Deeds on Page 35103

FEE \$40.00

Bernetha G. Letsch, County Clerk

By Kathleen Rasmussen