

31882

WARRANTY DEED

Vol. 1997 Page 2398

KNOW ALL MEN BY THESE PRESENTS, That Lawrence Lee Marsh, Karla M. Marsh, husband and wife, and Ruth H. Ike

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Vincent Briggs and Barbara A. Barry, not as tenants in common but with right of survivorship, that is, that the fee shall vest in the survivor of the grantee hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit: The following described real property in Klamath County, Oregon, all in Township 34 South, Range 7 East of the Willamette Meridian:

**PARCEL 1:**

Section 11: The SE $\frac{1}{4}$ SW $\frac{1}{4}$  EXCEPTING a tract of land more particularly described as follows: Beginning at Northwest corner of said South east 1/4 of Southwest  $\frac{1}{4}$ ; thence East 640 feet; thence South 800 feet; thence West 640 feet; thence North 800 feet to the point of beginning.

ALSO the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the W $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  EXCEPT THEREFROM the East 394 feet.

Section 14: The N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , the N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , the N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , the N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , the N $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , EXCEPT THEREFROM the East 394 feet, (for continuation of this legal description see reverse side of this deed)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as noted of record as of the date of this deed and those apparent upon the land, if any, as of the date of this deed;

and that

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.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 152,612.50....

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which) (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 31 day of March, 19 81; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of Klamath  
March 31, 19 81.

Personally appeared the above named

Lawrence Lee Marsh

and acknowledged the foregoing instrument to be his

(OFFICIAL SEAL)

Before me:

Donna K. Mateson  
NOTARY PUBLIC-OREGON  
My commission expires 12/1/84

My commission expires

Lawrence Lee Marsh  
Lawrence Lee Marsh

Attorney-in-fact:

Ruth H. Ike

Ruth H. Ike

by: Lawrence Lee Marsh

Lawrence Lee Marsh, attorney-in-fact for Ruth H. Ike

Attorney-in-fact:

Karla M. Marsh

Karla M. Marsh

by: Lawrence Lee Marsh

Lawrence Lee Marsh, attorney-in-fact for Karla M. Marsh

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 19

at o'clock M., and recorded in book/reel/volume No. on

page or as document/fee/file/instrument/microfilm No.

Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By Deputy

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

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

NAME, ADDRESS, ZIP

and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  EXCEPT THEREFROM the East 394 feet.

**PARCEL 2:**

**Section 11:** The SW $\frac{1}{4}$ SW $\frac{1}{4}$  EXCEPTING THEREFROM the North 134.75 feet, ALSO EXCEPTING a strip of land 60 feet in width, measured at right angles to and along the West line of Section 11, Township 34 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows:

Beginning at a point on the West line of said Section 11, said point being Southerly 800.00 feet from the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 11; thence Southerly to the South line of said Section 11.

**Section 14:** The NW $\frac{1}{4}$ NW $\frac{1}{4}$  EXCEPTING THEREFROM a portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14, Township 34 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows:

Beginning at the Northwest corner of said Section 14; thence along the West line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 14, to the Southwest corner thereof; thence Easterly along the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 14, 660.00 feet; thence Northwesterly to a point on the North line of said Section 14, said point being 60 feet Easterly of the point of beginning; thence Westerly to the point of beginning.

Subject to easements and rights of way of record and those apparent upon the land and subject to easements for ingress and egress recorded at M-79 Page 6167 and Page 6168 Official Klamath County Records and more particularly described as:

**EXHIBIT A**

An easement 60 feet in width, measured at right angles for purposes of ingress and egress of which the centerline is more particularly described as follows:

Beginning at a point on the South line of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14 and the centerline of an existing road, from which the Southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 14 bears South 89° 59' 40" East 626.00 feet; thence from said point of beginning North-easterly along the centerline of an existing road, the following six bearings and distances: North 18° 16' 56" East 31.94 feet, North 26° 36' 26" East 66.98 feet, North 45° 16' 11" East 133.72 feet, North 52° 35' 15" East 257.59 feet, North 38° 56' 57" East 65.21 feet, South 89° 54' 02" East 246.55 feet to a point on the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 14, from which the Southeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 14, bears South 00° 10' 16" West 391.19 feet.

**EXHIBIT B**

An easement for purposes of ingress and egress lying 30 feet Northerly measured at right angles and adjacent to the following described line:

Beginning at a point on the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, from which the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 14, bears South 00° 10' 16" West 391.19 feet; thence from said point of beginning South 89° 54' 02" East 1300.46 feet; thence South 89° 54' 30" East 1980.06 feet to a point on the East line of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 14.

TOGETHER WITH:

**EXHIBIT C**

An easement for purposes of ingress and egress lying 30 feet Southerly, measured at right angles, and adjacent to the following described line:

Beginning at a point on the West line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, from which the Southwest corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 14 bears South 00° 10' 16" West 391.19 feet; thence from said point of beginning South 89° 54' 02" East 1097.61 feet to a point.

**EXHIBIT D**

An easement for purposes of ingress and egress lying 30 feet (for continuation of this deed see attached Exhibit "A")

Southerly, measured at right angles, and adjacent to the following described line:

Beginning at a point, from which the Southwest corner of the NE1/4NW1/4 of Section 14 bears the following two bearings and distances:

North 89° 54' 02" West 1097.61 feet, South 00° 10' 16" West 391.19 feet; thence from said point of beginning South 89° 54' 02" East 202.85 feet; thence South 89° 54' 30" East 902.78 feet to a point.

#### EXHIBIT E

An easement for purposes of ingress and egress lying 30 feet Southerly, measured at right angles, and adjacent to the following described line:

Beginning at a point, from which the Southwest corner of the NE1/4NW1/4 of Section 14 bears the following three bearings and distances:

North 89° 54' 30" West 902.78 feet, North 89° 54' 02" West 1300.46 feet, South 00° 10' 16" West 391.19 feet; thence from said point of beginning South 89° 54' 30" East 1077.27 feet to a point on the East line of the W1/2NE1/4NE1/4 of said Section 14.

Subject, however, to the following:

1. Rights of the public in and to any portion of said premises lying within the limits of roads and highways.
2. Reservations as set forth in Land Status Report recorded December 22, 1958 in Book 308 at page 129, to-wit: "The above described property is subject 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; and there is hereby reserved any and all roads, trails, telephone lines, etc., actually constructed by the United States. (Affects part of property in Section 11)"
3. Reservations and restrictions, including the terms and provisions thereof, as set forth in approved Indian Deed from Marion Nelson to Weyerhaeuser Timber Company, recorded May 15, 1963 in Book 345 at page 293, Deed Records, to-wit: "There is reserved from the lands hereby granted (1) Right of way to the Southern Pacific Railway Company for a railroad approved by the First Assistant Secretary to the Interior on February 4, 1914. (2) Right of Way to Bonneville Power Administration for electric transmission lines for a period not exceeding 50 years from September 14, 1951. This conveyance is subject to any existing easements for public roads and highways, for public utilities and for railroads and pipelines and for any other easements or rights of way of record. All subsurface rights except water, are hereby reserved, in trust, by the grantor pursuant to the provisions of the Act of August 13, 1954 (68 Stat. 720)" (Affects Section 14, Township 34 South, Range 7 East of the Willamette Meridian)
4. Rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of Larson Creek and the ownership of the State of Oregon in that portion lying below the high water mark thereof.
5. An easement created by instrument, including the terms and provisions thereof,

Dated : October 16, 1951  
 Recorded : February 13, 1952 Book: 252 Page: 471  
 In favor of : United States of America  
 For : Electric power transmission line over part SW1/4SE1/4SW1/4 Section 11 and NW1/4NE1/4NW1/4 Section 14

(Affects Parcel 2)

FORM No. 159—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

## STATE OF OREGON,

County of KlamathOn this the 31 day of MarchLawrence Lee Marsh, 19 81 personally appearedwho, being duly sworn (or affirmed), did say that he is the attorney in fact forRuth H. Ikeand that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

(Official Seal)

Before me:

*Donna K. Matecon*  
 DONNA K. MATECON  
 NOTARY PUBLIC OREGON  
 My Commission Expires: 12/1/84  
 (Title of Officer)

FORM No. 159—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

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County of KlamathOn this the 31 day of MarchLawrence Lee Marsh, 19 81 personally appearedwho, being duly sworn (or affirmed), did say that he is the attorney in fact forKarla M. Marshand that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

(Official Seal)

Before me:

*Donna K. Matecon*  
 DONNA K. MATECON  
 NOTARY PUBLIC OREGON  
 My Commission Expires: 12/1/84  
 (Title of Officer)

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title & Escrow the 27th day  
 of January A.D. 19 97 at 3:35 o'clock P M., and duly recorded in Vol. M97  
 of Deeds on Page 2398

FEE \$45.00

Bernetha G. Letsch, County Clerk  
 by Kathleen Rosa