

GRANTOR NAME AND ADDRESS Joe C. and Mildred L. Fotheringham
P.O. Box 148, Merrill, OR 97633
 GRANTEE NAME AND ADDRESS Walter W. Fotheringham
P.O. Box 551, Merrill, OR 97633
 AFTER RECORDING RETURN TO Neal G. Buchanan
435 Oak Ave., Klamath Falls, OR 97601
 SEND TAX STATEMENTS TO Walter W. Fotheringham
P.O. Box 551, Merrill, Oregon 97633

BARGAIN AND SALE DEED - STATUTORY FORM

SEP 25 P3:47
 Joe C. Fotheringham and Mildred L. Fotheringham, Husband and Wife, Grantors, convey to Walter W. Fotheringham, Grantee, the following described real property situated in Klamath County, Oregon, to-wit:

PARCEL 1:

The North Half of the Northeast Quarter of the Northwest Quarter of Section 9, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

The Southeast Quarter of the Southwest Quarter of Section 4, Township 41 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM that portion of said tract lying Northeasterly of a line described as follows: Commencing at the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 4, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence Westerly along the 1/16 Section line, 660 feet, more or less, to the point of beginning of said described line; thence Southeasterly 933 feet, more or less, to a point on the 1/16 Section line 660 feet South of the northeast corner of the Southeast Quarter of the Southwest Quarter of Section 4, Township 41 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, terminating said line.

TOGETHER WITH an easement for ingress and egress appurtenant to Parcels 1 and 2, together with the right of grantees to grant the use of said easement to others, more specifically described as follows: The West 30 feet of the West Half of the Southwest Quarter of Section 33, Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, as described in deed recorded in Volume 252 page 218, Records of Klamath County, Oregon, also over the now existing gravel surface roadway commencing at the northwest corner of Section 4, Township 41 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, bearing in a southeasterly direction through the West Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of said Section 4 to the point where said gravel surface roadway enters Parcel 2.

PARCEL 3:

The following described real property in Section 10, Township 41 South, Range 10 E.W.M., Klamath County, Oregon: Beginning at a point 1000 feet East of the quarter corner of Section 9; thence North parallel to the North-South center section line of Section 10, 250 feet; thence East parallel to the East-West center section line to the West line of the SE 1/4 NW 1/4; thence North along the West line of the SE 1/4 NW 1/4 600 feet; thence East parallel to the East-West center section line to the East line of the SE 1/4 NW 1/4; thence South along the East line of the SE 1/4 NW 1/4

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850 feet to the Southeast corner; thence West along the center section line to the point of beginning.

PARCEL 4:

The West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 4, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

GRANTING ALSO, the right to use the non-exclusive road easement as described in Volume M-67 page 1711 of the Deed Records of Klamath County, Oregon, for purposes of ingress and egress to the above described tract, said easement being more fully described as follows: The West 30 feet of the West Half of the Southwest Quarter of Section 33, Township 40 South, Range 10 East of the Willamette Meridian, as described in deed recorded in Volume 252 page 218, Records of Klamath County, Oregon, also over the now existing gravel surface roadway bearing in a southeasterly direction through the West Half of the Northwest Quarter, the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 4, Township 41 South, Range 10 East of the Willamette Meridian, to a point 150 feet South of the north boundary of the Northeast Quarter of the Southwest Quarter of said Section 4.

In addition to the above easement, there is also granted the right to use and maintain a roadway not to exceed 30 feet in width joining the now existing roadway as described above at a point on the east boundary of the Northwest Quarter of the Southwest Quarter of said Section 4, 150 feet South of the northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 4

PARCEL 5:

A tract of land situate in the NW 1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a point on the West line of said Section 3, said point being S. 00° 47' 55" W. a distance of 2070.00 feet from the Northwest corner of said Section 3; thence S. 89° 12' 05" E a distance of 410.32 feet; thence N. 01° 48' 20" E. a distance of 642.86 feet to a 5/8 inch iron rod; thence S. 88° 44' 25" E. a distance of 683.51 feet to a 5/8 inch iron rod at the beginning of a 63.66 foot radius curve concave to the North, the long chord of said curve bears S. 70° 41' 31" E. 71.10 feet; thence along the arc of said curve a distance of 75.43 feet to a point of tangency with the following course; thence N. 75° 21' 44" E. a distance of 143.71 feet; thence S. 78° 31' 46" E. a distance of 22.08 feet; thence S. 00° 32' 44" W. a distance of 1214.80 feet to the Southeast corner of the SW 1/4 of the NW 1/4 of said Section 3; thence N. 89° 41' 31" W. a distance of 1338.17 feet to the W 1/4 corner of said Section 3; thence N. 00° 47' 55" E. a distance of 577.39 feet to the point of beginning, containing 31.0 acres, more or less.

TOGETHER with an easement for ingress and egress for agricultural-forestry uses across a 30 foot wide strip of land situated in the NW 1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as: Commencing at the Northwest corner of Section 3, T. 41 S., R. 10 E.W.M.; thence S. 89° 31' 44" E. 446.76 feet; thence S. 01° 48' 20" W. 30.00 feet to a 5/8 inch iron rod on the South right of way line of county road #988 (known as I.O.O.F. Cemetery Road) said point being the true point of beginning of this easement; thence S.

01°48'20" W., 1430.00 feet; thence N. 89°31'44" W., 30.00 feet; thence N. 01°48'20" E. 1430.00 feet; thence S. 89°31'44" E., 30.00 feet to the true point of beginning.

SUBJECT TO AND EXCEPTING:

(1) Pumping Agreement, between United States of America and Alonza Storey and Lulu Storey, his wife, dated July 26, 1936, recorded July 13, 1936, in Volume 106 page 570, Deed Records of Klamath County, Oregon; (2) Easement, including the terms and provisions thereof, for road purposes from Walter Storey and Milton Kleppen and Edna Mae Kleppen to Eugene H. Taylor and Winifred V. Taylor, dated December 17, 1946, recorded May 5, 1947, in Volume 206 page 23, Deed records of Klamath County, Oregon; (3) Grant of right of way from Walter Storey, a single man, to The California Oregon Power Company, a California corporation, dated May 15, 1947, recorded May 19, 1948, in Volume 206 page 333, Deed records of Klamath County, Oregon for pole line; (4) Reservations and restrictions in Deed from Lulu Storey, to Ray M. Hicks and Avilda Hicks, husband and wife, dated December 1, 1951, recorded November 15, 1963, in Volume 349 page 294, Deed records of Klamath County, Oregon, as follows: "Reserving to grantor for road purposes a 20 foot easement across the above granted premises along the Easterly side thereof; (8) Reservations, restrictions, easements, rights of way of record and those apparent upon the land.

PARCEL 6:

W 1/2 E 1/2 SE 1/4, S 1/2 NE 1/4, NW 1/4 NE 1/4, SE 1/4 NW 1/4 of Sec. 9, all in Township 41 S., Range 10 East of W.M.

PARCEL 7:

S 1/2 NE 1/4 NW 1/4 of Section 9, Township 41 South, Range 10 East W.M.

PARCEL 8:

E 1/2 NE 1/4 SE 1/4 and E 1/2 SE 1/4 SE 1/4 Section 9, Township 41 South, Range 10 East W. M.

ALL PARCELS ARE SUBJECT TO AND EXCEPTING:

(1) The assessment roll and the tax roll disclose that some or all of the within described premises were specially assessed. Taxes have been deferred. These, plus earned interest are due and payable when the reason for the deferment no longer exists; (2) Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder; (3) Rules, regulations, liens and assessments of Klamath Basin Improvement District, and any unpaid charges or assessments in connection therewith; (4) Rights of the public in and to any portion of said premises lying within the limits of public roads and highways; (5) Reservations, restrictions, easements, rights of way of record and those apparent upon the land.

The true consideration for this conveyance is \$-0-. However the actual consideration consists of or includes other property or value given or promised which is the whole consideration, being a division of the assets of Fotheringham Brothers, a co-partnership, pursuant to agreement for such distribution and division.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING AND 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 this 23rd day of September, 1997.

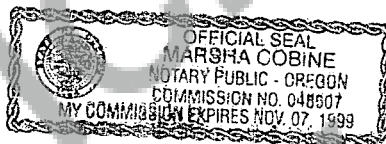
Joe C. Fotheringham
Joe C. Fotheringham

Mildred L. Fotheringham
Mildred L. Fotheringham

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on September 23, 1997
by Joe C. Fotheringham and Mildred L. Fotheringham

Marsha Cobine
NOTARY PUBLIC FOR OREGON



STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Neal Buchanan the 25th day
of Sept. A.D., 19 97 at 3:47 o'clock P. M., and duly recorded in Vol. M97
of Deeds on Page 31433.

FEE \$45.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross