

## AFFIANT'S DEED

THIS INDENTURE made this 18 day of October, 2000, by and between MICHAEL JAMES FITZGERALD, the affiant named in the duly filed affidavit concerning the small estate of TERESA KAY DERBY-FITZGERALD, deceased, hereinafter called the Grantor, hereby grants to life tenant and remaindermen as herein set forth:

Witnesseth:

Grantor grants all the below-described property to MICHAEL J. FITZGERALD for his natural life. At the death of MICHAEL J. FITZGERALD, Grantor grants the remainder of the below-described real property to TREEVA McCABE, as to an undivided 1/2 interest, and TREEVA McCABE, TRUSTEE OF THE TERESA KAY DERBY-FITZGERALD TESTAMENTARY TRUST, as to an undivided 1/2 interest, to have and to hold the same and their heirs, successors in-interest and assigns forever. During such life tenancy, MICHAEL JAMES FITZGERALD shall be responsible for expenses associated with the residence, such as hazard and liability insurance, repairs, taxes and utilities. If Michael James Fitzgerald allows the property to become subject to liens or otherwise fails to so maintain the real property and life tenant responsibilities, then the interest of Michael James Fitzgerald therein shall terminate and the property shall vest in TREEVA McCABE, as to an undivided 1/2 interest, and THE TRUSTEE OF THE TERESA KAY DERBY-FITZGERALD TESTAMENTARY TRUST, as to an undivided 1/2 interest.

For purposes herein, references to THE TERESA KAY DERBY-FITZGERALD TESTAMENTARY TRUST are to that certain trust, the terms of which are contained in the will of TERESA KAY DERBY-FITZGERALD, dated November 11, 1999, such will having been filed in the Circuit Court of the State of Oregon, County of Klamath, Case No. 0001407 CV.

The real property is described as follows:

In the County of Klamath, State of Oregon:

Lot 3, Block 8, STEWART ADDITION to the City of Klamath Falls, according to the official plat thereof on file in the Office of the County Clerk, Klamath County, Oregon.

Tax Lot R-3909-007CB-03500-000.

The true and actual consideration paid for this transfer, stated in terms of dollars, is according to the will of Teresa Kay Derby-Fitzgerald.

Send Tax Statements to:

Michael James Fitzgerald  
4647 Douglas Avenue  
Klamath Falls OR 97601

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

Affiant's Deed  
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Richard Fairclo  
Attorney at Law  
280 Main Street  
Klamath Falls OR 97601

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.

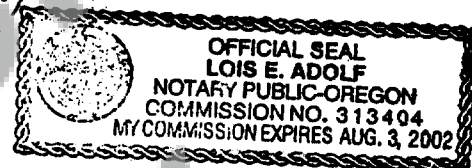
IN WITNESS WHEREOF, The Grantor has executed this instrument; if Grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

x *[Signature]*

STATE OF OREGON            ]  
  ] ss.  
County of Klamath         ]

The foregoing instrument was acknowledged before me this 18 day of October, 2000, by MICHAEL JAMES FITZGERALD, Affiant.

*[Signature]*  
Notary Public for Oregon  
My Commission expires:



State of Oregon, County of Klamath  
Recorded 10/18/00, at 11:49 a.m.  
In Vol. M00 Page 38006  
**Linda Smith,**  
County Clerk    Fee \$ 26.00