

NS

Vol M00 Page 46949 

Thomas H. Rabe

200 DEC 27 AM 11:22

STATE OF OREGON, } ss.  
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  
\_\_\_\_\_ and/or as fee/file/instru-  
ment/microfilm/reception No. \_\_\_\_\_,  
Records of said County.Witness my hand and seal of County  
affixed.

NAME

TITLE

By \_\_\_\_\_, Deputy.

SPACE RESERVED  
FOR  
RECORDER'S USE

MTC 92858

Grantor's Name and Address

Marlene Albrecht, James H. Rabe,  
and Daniel P. Rabe

Grantee's Name and Address

After recording, return to (Name, Address, Zip):

Sarah K. Rinehart, Attorney at Law  
117 Commercial Street NE, Suite 300  
Salem, Oregon 97301

Until requested otherwise, send all tax statements to (Name, Address, Zip):

No change

## BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that \_\_\_\_\_ Thomas H. Rabe

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Marlene Albrecht, James H. Rabe and Daniel P. Rabe, each as to an undivided 1/3 interest, as \*, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Klamath County, State of Oregon, described as follows, to-wit:

\* Tenants in Common

See Exhibits "A" and "B" attached hereto and by reference incorporated herein.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. <sup>Ⓢ</sup> However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate which) consideration. <sup>Ⓢ</sup> (The sentence between the symbols <sup>Ⓢ</sup>, if not applicable, should be deleted. See ORS 93.030.)

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

IN WITNESS WHEREOF, the grantor has executed this instrument this 27 day of December 2000, <sup>18</sup>; 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.

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.

Thomas H. Rabe

STATE OF OREGON, County of Marion ) ss.This instrument was acknowledged before me on December, 2000, <sup>18</sup>,  
by Thomas H. Rabe

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_\_\_,

by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_



Notary Public for Oregon

My commission expires Aug 1, 2003

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

The N1/2 of NE1/4 of NW1/4 of Section 17, Township 24 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, EXCEPT a strip of land not exceeding 60 feet in width commencing at the West line of the meadow at its intersection with the South quarter line of the Northwest quarter of said Section 17 and running thence Northeasterly by the most practical route to the North line of said Section 17, it being the intention that said strip of land last above mentioned shall be the easement of right of way for a log railroad constructed over and upon that part of the Northwest quarter of said Section 17 which lies West of the Deschutes River and East of the tract described as follows:

Commencing at the Northwest corner of Section 17, in Township 24 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, and running thence East 1,320 feet; thence South 875 feet; thence South 28 degrees 26' West 811 feet; thence South 28 degrees 49' West 373 feet; thence South 44 degrees 18' West 640 feet; thence South 39 degrees 31' West 316 feet to the quarter corner of the West line of said Section 17; thence North 0 degrees 49' West along the West line of said Section 17, 2,640 feet, more or less, to the point of beginning.

**PARCEL 2:**

Lot 6 in Block 1 of ROBERTS RIVER ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

1. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Walker Range Timber Fire Patrol.  
(Affects Parcel 1)

2. Rights of the public and of governmental bodies in and to that portion of the premises described herein, now or at any time lying below the high water mark of the Little Deschutes River, including any ownership rights which may be claimed by the State of Oregon, in and to any portion of the premises now or at any time lying below the ordinary high water mark thereof.  
(Affects Parcel 1)

3 Any adverse claim based upon the assertion that:

A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Little Deschutes River or has been formed by accretion to any such portion.

B) Some portion of said property has been created by deposit of artificial fill.

And Excepting:

C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Little Deschutes River.

D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Little Deschutes River.  
(Affects Parcel 2)

4. Reservations as contained in plat dedication, to wit:

"The 16 foot easement centered on the back and side lines as shown on the within plat for public utilities. There is to be no access from State Highway 97 to abutting lots."  
(Affects Parcel 2)

5 Easements as dedicated or delineated on the recorded plat.  
For: Power  
Affects: a Southeasterly portion of Parcel 2

6 Setback line as delineated on the face of the plat of Roberts' River Acres.

7 Top of bank as delineated on the face of the plat of Roberts' River Acres.

8 Easements as dedicated or delineated on the recorded plat.  
For: Fishing  
Affects: Affects a strip of land 20' wide in a Northwesterly portion of Parcel 2

9. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, imposed by instrument, subject to the terms and provisions thereof,  
Recorded: November 2, 1996  
Volume: M66, page 11487, Microfilm Records of Klamath County, Oregon  
Recorded: May 22, 1972  
Volume: M72, page 5442, Microfilm Records of Klamath County, Oregon  
(Affects Parcel 2)

10. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: September 6, 1988  
Recorded: February 9, 1989  
Volume: M89, page 2584, Microfilm Records of Klamath County, Oregon  
In favor of: Midstate Electric Cooperative, Inc., a Cooperative corporation  
For: Electric transmission line  
(Affects Parcel 2)

State of Oregon, County of Klamath  
Recorded 12/29/00, at 11:22a m.  
In Vol. M00 Page 46919  
Linda Smith,  
County Clerk Fee \$ 3.00