

NN

Vol M01 Page 6783



JOHN O. & WANDA J. HINTZE
12050 CRYSTAL SPRINGS ROAD
KLAMATH FALLS, OREGON 97603
JOHN HINTZE & WANDA HINTZE, TRUSTEES
HINTZE FAMILY TRUST 12/1/00
12050 CRYSTAL SPRINGS ROAD
KLAMATH FALLS, OREGON 97603

STATE OF OREGON,
County of _____ } ss.

I certify that the within instrument was received for recording on _____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.

Witness my hand and seal of County affixed.

SPACE RESERVED FOR RECORDER'S USE

NAME TITLE

By _____, Deputy.

After recording, return to (Name, Address, Zip):
JAMES H. SMITH, ATTORNEY
711 BENNETT AVE.
MEDFORD, OREGON 97504
Until requested otherwise, send all tax statements to (Name, Address, Zip):
JOHN HINTZE
WANDA HINTZE
12050 CRYSTAL SPRINGS ROAD
KLAMATH FALLS, OREGON 97603

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that JOHN O. HINTZE AND WANDA J. HINTZE

hereinafter called grantor, for the consideration hereinafter stated, to grantor paid by ****

hereinafter called grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, 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:

**** JOHN HINTZE AND WANDA HINTZE, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE HINTZE FAMILY TRUST DATED DECEMBER 1, 2000, AND ANY AMENDMENTS THERETO.

SEE ATTACHED EXHIBIT "A"

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to the Grantor at the time Grantor acquired the property. The limitations contained herein expressly do not relieve Grantor of any liability or obligation under this instrument, but merely define the scope, nature and amount of such liability or obligations.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

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

And grantor hereby covenants to and with 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 (if no exceptions, so state): _____

_____, and that grantor will warrant and forever defend the 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 \$ -0-. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the (indicate which) consideration.

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 on DECEMBER 1, 2000; 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.

John O. Hintze
JOHN O. HINTZE

Wanda J. Hintze
WANDA J. HINTZE

STATE OF OREGON, County of KLAMATH) ss.

This instrument was acknowledged before me on DECEMBER 1, 2000,

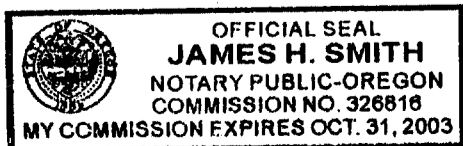
by JOHN O. HINTZE AND WANDA J. HINTZE

This instrument was acknowledged before me on _____,

by _____,

as _____,

of _____.



James H. Smith
Notary Public for Oregon JAMES H. SMITH
My commission expires 10/31/2003

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EXHIBIT "A"

PARCEL 1: (12050 Crystal Springs Road)

Parcel 1 of the Land Partition 8-99, being a portion of Parcels 2 and 3 of "Minor Land Partition 28-83" situated in the W ½ of Section 27 and the E ½ E ½ of Section 28, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

GENERAL EXCEPTIONS:

1. a. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
b. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. a. Easements, liens, encumbrances, interests or claims thereof which are not shown by the public records.
b. Any facts, right, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
4. a. Unpatented mining claims.
b. Reservations or exceptions in patents or in Acts authorizing the issuance thereof.
c. Water rights, claims or title to water: whether or not the matters excepted under (a), (b) or (c) are shown by public records.
5. Any lien or right to a lien, for services, labor of material heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIAL EXCEPTIONS

6. 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.
7. Financing Statements or Federal Tax Liens, if any filed with the Secretary of State.
8. 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 low water mark of the Nuss Lake, 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.
9. 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 Nuss Lake 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 low water line of the Nuss Lake.
 - d) The right, title and interest of the State of Oregon in and to any portion lying below the low water line of Nuss Lake.
 10. The rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
 11. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.
 12. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.
 13. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Basin Improvement District.
- Subject to the terms and provisions of that certain instrument recorded July 24, 1970 in Volume M70 at page 6187 as "Notice to persons intending to Plat Lands within the Klamath Basin Improvement District".

14. Notice of claim of right to appropriate to waters of a spring in the SW ¼ SE ¼ of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, was recorded January 5, 1896 in Book 1 at Page 68, Record of Water Rights, by L. A. Lewis; Articles of Incorporation of Crystal Springs Irrigation and Power Company recorded February 14, 1898 in Book 1 at page 71, Record of Incorporation, by L.S. Lewis, H.D. Stout and C.C. Lewis, the business of the Company being in particular the development of the waters of Crystal Springs in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Notice of appropriation of waters of 1000 inches of water under six inches pressure from Crystal Springs recorded February 28, 1898 in Book 1 at page 73, Record of Incorporations, by said Crystal Springs Irrigation and Power Company by mesne conveyances this water right now vests in the assureds herein.

15. Agreement, subject to the terms and provisions thereof;
Date: June 23, 1936
Recorded: June 25, 1936
Volume: 106, page 506, Deed Records of Klamath County, Oregon
First Party: L.O. Mills
Second Party: U.E. Reeder
(As to divisions of water of Crystal Spring)
16. Agreement subject to the terms and provisions thereof,
Dated: August 6, 1976
Recorded: August 19, 1976
Volume: M76, page 12945, Microfilm Records of Klamath County, Oregon
First Party: J.K. O'Neill and Peggy O'Neill
Second Party: Elizabeth E. Sharp and Facilities Leasing Corporation
For: Modifying Crystal Springs Agreement
(Affects NW ¼ Section 27, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon)
17. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: August 1, 1984
Volume: M84, page 13085, Microfilm Records of Klamath County, Oregon
In favor of: Peggy A. O'Neill aka Peggy Ann O'Neill
For: 80 foot easement for ingress and egress
18. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: January 19, 1989
Volume: M89, page 1125, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Power and Light Company
For: 10 foot wide right of way easement for underground distribution line.
19. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 30, 1990
Recorded: June 1, 1990
Volume: M90, page 10546, Microfilm Records of Klamath County, Oregon
In favor of: Farrol T. Cummings and Cheryl L. Cummings
For: Non-exclusive easement for the use of Nuss Lake for recreational purposes only
20. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 8, 1993
Recorded: April 27, 1993
Volume: M93, page 8974, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Power & Light Company
For: Underground distribution lines
21. An easement created by instrument, subject to the terms and provisions thereof,
Dated: July 29, 1998
Recorded: December 23, 1998
Volume: M98, page 46947, Microfilm Records of Klamath County, Oregon
In favor of: Pacificorp, an Oregon Corporation
For: Electric power transmission line

NOTE A: Well Ownership Information Form, subject to the terms and provisions thereof;
Recorded: August 28, 1998

Volume: M98, page 31655 and 31656, Microfilm Records of Klamath County, Oregon

NOTE B: Taxes for the fiscal year 2000-2001, paid.

Account No: 3910-000000-03301-000

Key No. 884361

Amount : \$1,882.73

Code No. 162

NOTE C: Per the Klamath County Assessor's Office, the Situs address of the hereinabove described property is 12050 Crystal Springs Road, Klamath Falls, Oregon, 97603.

PARCEL 2: (344, 348, 350 Martin & 2120, 2130, 2134 Stukel)

The E ½ of Lot 51 and all of Lots 52 thru 58, Block 18, INDUSTRIAL ADDITION TO THE CITY OF KLAMATH FALLS, in the County of Klamath, State of Oregon.

CODE 1 MAP 3609-33AB TL 11500

CODE 1 MAP 3809-33AB TL 11600

CODE 1 MAP 3809-33AB TL 11700

CODE 1 MAP 3809-33AB TL 11800

CODE 1 MAP 3809-33AB TL 11900

CODE 1 MAP 3809-33AB TL 12000

CODE 1 MAP 3809-33AB TL 12100

Unofficial
Copy

State of Oregon, County of Klamath

Recorded 02/21/01, at 9:26 a. m.

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Linda Smith.

County Clerk

Fee \$ 36⁰⁰