

2001 MAR 13 PM 3: 23

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RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Peter M. Bourdet
PO Box 803
Chiliquin, Oregon 97624

)
)

FOR REGULAR TAX NOTICES:
Peter M. Bourdet

mtc S3022-142

Special Warranty Deed

FOR VALUE RECEIVED, THE GRANTOR, THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, whose address is 4245 North Fairfax Drive, Suite 100, Arlington, Virginia 22203, conveys to PETER M. BOURDET, whose address is PO Box 803, Chiliquin, Oregon 97624, GRANTEE, the following described real estate, situated in the County of Klamath, State of Oregon, along with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining (the Property’):

Please see Exhibit A, attached hereto and by this reference incorporated herein.

SUBJECT TO the following:

Please see Exhibit B, attached hereto and by this reference incorporated herein.

To Have and to Hold the same unto the said Grantee and Grantee's successors and assigns forever.

And the Grantor hereby covenants to and with the said Grantee and Grantee's, successors and assigns that said real property is free from encumbrances created or suffered thereon by Grantor and that Grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all person claiming by, through, or under the Grantor.

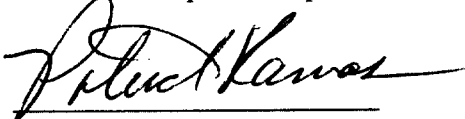
This Deed is given to complete Property Line Adjustment No. PLA 2-01 as approved by Carl Shuck, Planning Director, Klamath County Planning Department and for actual consideration of \$500,000.

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 27th day of February, 2001; if a corporate grantor, it has caused its name to be signed by its officers, duly authorized thereto by order of its board of directors.

GRANTOR:

THE NATURE CONSERVANCY, a District
of Columbia non-profit corporation

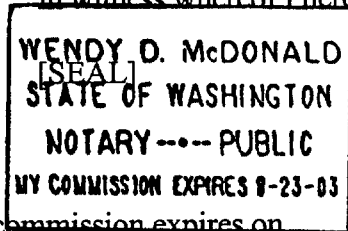
By 
Its Assistant Secretary

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.

STATE OF WASHINGTON)
) ss.
COUNTY OF King)

The foregoing instrument was acknowledged before me this 27 day of February, 2001, by PATRICK RAMOS, as Assistant Secretary of The Nature Conservancy, a District of Columbia non-profit corporation.

In witness whereof I hereunto set my hand and official seal.



~~My commission expires on~~

8/23/23

Wendy D. McDonald
Notary Public for WA
residing in Edmonds

Grantor's Name and Address
The Nature Conservancy
217 Pine Street, Suite 1100
Seattle, Washington 98101

Grantee's Name and Address
After recording return to:
Peter M. Bourdet
PO Box 803
Chiliquin, Oregon 97624

Until a change is requested
all tax statements shall be
sent to the following:
Pete M. Bourdet
See address above

LEGAL DESCRIPTION

All in Township 36 South, Range 7 East, Willamette Meridian, Klamath County, Oregon.

Section 4:

The S $\frac{1}{2}$ of Government Lot 13, EXCEPT that portion lying in Modoc Point Highway (SR 427); the S $\frac{1}{2}$ of Government Lot 14; Government Lots 18, 19, 23, 26 and 31. That portion of Government Lots 22, 27 and 30, described as follows: E $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$; E $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$.

Section 9:

That portion of Government Lot 1, described as follows:

Beginning at the Northwest corner of said Government Lot 1; thence East, along the North line of said Government Lot 1, 233 feet, more or less, to a point from which a tree bears North 25 feet, more or less and West 10 feet; thence Southerly 660 feet to a fence corner on the South line of said Government Lot 1; thence West 233 feet to the Southwest corner of said Government Lot 1; thence North 660 feet to the point of beginning.

Government Lots 2, 7, 8, 9, 10, 15, 16, 17 and 24; Government Lot 18 EXCEPT that portion lying in Modoc Point Highway (SR427); all that portion of Government Lots 3, 6, 11 and 14, and the E $\frac{1}{2}$ of Government Lot 23 lying East of Modoc Point Highway (SR427).

Exhibit "B."

1. 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.

2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Modoc Point Irrigation District.

. The rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.

3. Any improvement located upon the insured property which is described or defined as a Mobile Home under the provisions of Chapters 803 and 820, Oregon Revised Statutes, and is subject to registration as provided therein.

4. An easement created by instrument, subject to the terms and provisions thereof,

Dated: April 6, 1923

Recorded: April 16, 1923

Volume: 61, page 72, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company

For: Electric transmission line

Affects: S1/2 NW1/4, NE1/4 NW1/4, NW1/4 NE1/4 of said Section 9

5. Right of way for pole and wire lines, subject to the terms and provisions thereof, given by Nora Bernice Captain Hawk formerly Nora Bernice Captain and Howard Hawk to The California Oregon Power Company, a California corporation, dated December 5, 1939, recorded January 18, 1940 in Volume 126, page 459, Deed Records of Klamath County, Oregon. Affects: A strip of land 50 feet wide across Government Lot 31 in said Section 4 as said pole line was constructed in 1939.

6. Reservations as contained in Patent from United States of America to Jo Weeks, subject to the terms and provisions thereof;

Recorded: July 28, 1958

Volume: 301, page 365, Deed Records of Klamath County, Oregon

To wit:

"And there is reserved from the lands hereby allotted, a right of way thereof for ditches or canals constructed by the authority of the United States."

Affects: Government Lots 10 and 15 in said Section 9 and other property.

7. Reservations and restrictions in Land Status Report in Volume 304, page 231, and in Volume 304, page 236, Deed Records of Klamath County, Oregon, as follows:

"Right of way to Klamath County Court of Dalles-California Highway, approved by F. M. Goodwin, Assistant Secretary, on May 28, 1924, subject to the provisions of the Act of March 3, 1901 (31 Stat. L., 1058-1084) and Departmental Regulations thereunder; and subject also to any prior valid existing right or adverse claim.

The above described property is subject to all other 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, with the rights of the United States to maintain, operate or improve the same for as long as needed or used for or by the United States. (Dept. Instr., January 13, 1916, 44 L. D. 513)."

Affects: Government Lots 10 and 15 in said Section 9 and other property.

8. Rights for transmission line, subject to the terms and provisions thereof, given by United States of America to the heirs of Mary Weeks, an Indian of the Klamath Reservation, recorded October 2, 1958, in Volume 304, page 234, Deed Records of Klamath County, Oregon. (Affects Government Lots 16, 17, 24, E1/2 Government Lot 18 and E1/2 Government Lot 23 in said Section 9.)

9. Reservations as contained in Patent, subject to the terms and provisions thereof, from The United States of America to the heirs of Pitt River Dick, recorded October 2, 1958 in Volume 304, page 246, Deed Records of Klamath County, Oregon, to wit:

"And there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States."
(Affects Government Lots 13, 14, 19, 22, 27, and 30 in said Section 4)

10. Reservations and restrictions as contained in Land Status Report, subject to the terms and provisions thereof;

Recorded: October 2, 1958

Volume: 304, page 248, Deed Records of Klamath County, Oregon

Affects: Government Lots 13, 14, 19, 22, 27 and 30 in said Section 4.

11. Reservations as contained in Patent from The United States of America to Albert Moses, subject to the terms and provisions thereof, recorded October 2, 1958 in Volume 304, page 239, Deed Records of Klamath County, Oregon, to wit:

"And there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States."
Affects: Government Lots 2, 3, 6, and 7 in said Section 9.

12. Reservations as contained in Land Status Report, subject to the terms and provisions thereof;

Recorded: October 2, 1958

Volume: 304, page 241, Deed Records of Klamath County, Oregon

To wit:

"The lands hereby conveyed are subject to a lien prior and superior to all other liens for the amounts of costs and charges due to the United States for and on account of construction, operation and maintenance of the irrigation system or acquisition of water rights, by which said lands have been or are to be reclaimed, and the lien so created is hereby expressly reserved in accordance with the provisions of the Act of March 7, 1928 (45 Stat. 200-210), as supplemented by the Act of July 1, 1932 (47 Stat. 564 and 565).

Right of way to Klamath County Court of Dalles-California Highway, approved by F. M. Goodwin, Assistant Secretary, on May 28, 1924, subject to the provisions of the Act of March 3, 1901 (31 Stat. L., 1058-1084) and Departmental Regulations thereunder; and subject also to any prior valid existing right or adverse claim.

The above described property is subject to all other 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, with the rights of the United States to maintain, operate or improve the same for as long as needed or used for or by the United States.

(Dept. Instr., January 13, 1916, 44 L. D. 513)."

Affects: Government Lots 2, 3, 6, and 7 in said Section 9.

13. Reservations as contained in Patent from The United States of America to Lester Godowa, subject to the terms and provisions thereof;

Recorded: October 7, 1958

Volume: 304, page 402, Deed Records of Klamath County, Oregon

To wit:

"And there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States."

Affects: Government Lot 31 in said Section 4.)

14. Reservations and restrictions contained in Deed from The United States of America, subject to the terms and provisions thereof;

Recorded: November 20, 1958

Volume: 67, page 1725, Deed Records of Klamath County, Oregon

Affects: The W1/2 of Government Lot 18 in said Section 9.

15. All subsurface rights, except water, reserved in deed from the United States of America, subject to the terms and provisions thereof, recorded in Volume M81, page 7090, Microfilm Records of Klamath County, Oregon.

Affects: Government Lots 8 and 9 in said Section 9

16. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 11, 1968

Recorded: October 17, 1968

Volume: M68, page 9323, Microfilm Records of Klamath County, Oregon;

In favor of: Pacific Power & Light Company

For: Electric transmission line

Affects: NW1/4 of said Section 9 (and NE1/4 Section 8)

17. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 30, 1989

Recorded: June 7, 1989

Volume: M89, page 10064, Microfilm Records of Klamath County, Oregon

In favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation

For: Underground telephone facilities

Affects: Along and adjacent to an Easterly-Westerly roadway, as it exists, located along and adjacent to the Northerly boundary of Government Lot 1 in said Section 9.

18. Telephone Right of Way Easement created by instrument, subject to the terms and provisions thereof,

Dated: June 19, 1989

Recorded: September 28, 1989

Volume: M89, page 18263, Microfilm Records of Klamath County, Oregon

In favor of: Telephone Utilities of Eastern Oregon, Inc.

Affects: Government Lots 2 and 3 in said Section 9 and other property.

19. Underground Right of Way Easement, subject to the terms and provisions thereof;

Dated: September 15, 1989

Recorded: December 5, 1989

Volume: M89, page 23481, Microfilm Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company

Affects: E1/2 NW1/4 Section 9

State of Oregon, County of Klamath

Recorded 03/13/01, at 3:23 p.m.

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Linda Smith,

County Clerk Fee\$ 46.00