

After recording, mail to: *RM*
Herbert R. Cary, 2050 Auburn, Klamath Falls, Oregon 97603

Until a change is requested all tax statements shall be sent to the following address:
Herbert R. Cary, 2050 Auburn, Klamath Falls, Oregon 97603

WARRANTY DEED

Herbert R. Cary, Grantor, conveys and warrants to Herbert R. Cary, Trustee of the Herbert R. Cary Revocable Living Trust dated May 17, 2001 and any amendments thereto, Grantee, the following described real property located in Klamath County, Oregon, to-wit:

Lot 10 and the Westerly ½ of Lot 9, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, according to the official plat thereof, on file in the office of the County Clerk of Klamath County, Oregon.

TOGETHER WITH a ½ interest in a certain geothermal well, property of Seller, located on Seller's real property legally described as Lot 7, Block 46, HILLSIDE ADDITION to the City of Klamath Falls, subject to the terms and provisions of a certain Well Use and Easement Agreement of even date.

ALSO TOGETHER WITH a perpetual non-exclusive easement to install and maintain geothermal water lines from the geothermal source located on Seller's Lot 7, and proceeding from the geothermal source thereon located, and proceeding along the most south-easterly property line of Lots 8 and 9 of Block 46, HILLSIDE ADDITION, subject to the terms and provisions of that certain Well Use and Easement Agreement of even date.

SUBJECT TO reservations and restrictions as shown in Deed from Klamath Development Company, a corporation, to J. B. Ferguson, et ux, dated March 7, 1927, recorded March 11, 1927 in Book 70, page 351, Deed Records of Klamath County, Oregon.

ALSO SUBJECT TO restrictive covenant, including the terms and provisions thereof recorded on November 15, 1968 in Volume M68, page 10219, Microfilm Records of Klamath County, Oregon, to wit:

Harold M. Rush for himself, his executors, administrators and assigns, does hereby covenant and agree to and with Marvin E. Reed and Frances M. Reed, their heirs, executors, administrators, and assigns, to refrain from erecting, causing or permitting to be erected on Lots 9 and 10, Block 46, Hillside Addition, or any part thereof, any building or structure which shall rise above a line from the living room window sill of the dwelling located on Lots 7 and 8, Block 46, Hillside Addition and the sidewalk of the Armory located at the corner of Main and Spring Streets, Klamath Falls, Oregon. No trees, shrubs or fences of any kind except those existing on Lots 9 and 10, Block 46, Hillside Addition at the date hereof, shall be permitted to extend vertically to a greater height than five feet above the level of the ground of Lots 9 and 10, Block 46, Hillside Addition as it presently exists.

Prop ID R862819
Map Tax Lot: R-3809-028CA-08301-000
Prop ID: R306010
Map Tax Lot: R-3809-028CA-08400-000

SUBJECT TO RESERVATIONS AND RESTRICTIONS OF RECORD, EASEMENTS AND RIGHTS OF WAY OF RECORD AND THOSE APPARENT ON THE LAND.

There is no true and actual consideration for this conveyance, it is done for purposes of estate planning.

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 PERSONS ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY

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PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS
ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

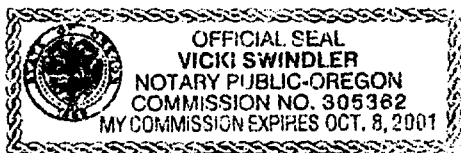
Dated this 17 day of May, 2001.

GRANTOR

Herbert R. Cary
Herbert R. Cary

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above-named Herbert R. Cary and acknowledged the foregoing
instrument to be his voluntary act. Before me this 17 day of May, 2001.



Vicki Swindler
Notary Public for Oregon
My Commission Expires: 10-8-2001

State of Oregon, County of Klamath
Recorded 05/25/01, at 11:04 a. m.
In Vol. M01 Page 24097
Linda Smith,
County Clerk Fee\$ 26⁰⁰