

**WARRANTY DEED**

**PRISCILLA L. HORN; CHERYLL P. HARRIS; and RUEBEN V. HORN, JR.**, Grantor, for the true and actual consideration of \$ 1,000.00 does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

**Parcel 1 - Fee**

A parcel of land lying in Lot 2, Block 1, HOMELAND TRACTS, Klamath County, Oregon and being a portion of that property described in that deed to Priscilla L. Horn, Cheryll P. Harris and Rueben V. Horn Jr., recorded in Book M-99, Page 37461 of the Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Southwesterly side of the center line of the relocated Klamath Falls-Lakeview Highway which center line is described as follows:

Beginning at Engineer's center line Station 3+690.012, said station being the West quarter corner of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; thence South 89° 54' 16" East 109.899 meters; thence on a spiral curve right (the long chord of which bears South 87° 11' 51" East 152.264 meters) 152.400 meters; thence on a 537.520 meter radius curve right (the long chord of which bears South 68° 01' 57" East 255.515 meters) 257.984 meters; thence on a spiral curve right (the long chord of which bears South 48° 52' 03" East 152.264 meters) 152.400 meters; thence South 46° 09' 38" East 21.304 meters to Engineer's center line Station 4+600.

The widths in meters of the strip of land above referred to are as follows:

| Station to | Station | Width on Southwesterly Side of Center Line |
|------------|---------|--|
| 4+305      | 4+316   | 13 in a straight line to 20                |

Bearings are based upon County Survey No. 5862, filed February 1, 1996, Klamath County, Oregon.

The parcel of land to which this description applies contains 16 square meters, more or less.

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
RN: 355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Account No.: 508221, 3909-01CB-100

Property Address: 6150 S. 6th Street  
Klamath Falls, OR 97603

TOGETHER WITH all abutter's rights of access between the Klamath Falls-Lakeview Highway and Grantor's remaining real property.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for a work area for construction purposes over and across the following described property:

**Parcel 2 - Temporary Easement for Work Area (3 years or duration of project)**

A parcel of land lying in Lot 2, Block 1, HOMELAND TRACTS, Klamath County, Oregon and being a portion of that property described in that deed to Priscilla L. Horn, Cheryll P. Harris and Rueben V. Horn Jr., recorded in Book M-99, Page 37461 of the Klamath County Record of Deeds; the said parcel being the South 20 meters of the East 10 meters of said property.

The parcel of land to which this description applies contains 200 square meters, more or less.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of all the above-described property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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

**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.**

58537

ODOT  
FILE 6921-002  
10B-15-23

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this Nov. 1 day of 1, 2001.

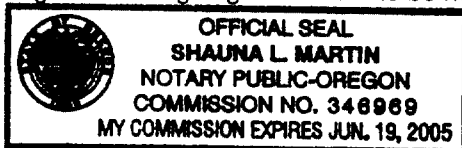
Priscilla L. Horn  
Priscilla L. Horn

Cheryll P. Harris  
Cheryll P. Harris

Rueben V. Horn, Jr.  
Rueben V. Horn, Jr.

STATE OF OREGON, County of Klamath

Dated October 31, 2001. Personally appeared the above named Priscilla L. Horn, who acknowledged the foregoing instrument to be her voluntary act. Before me:

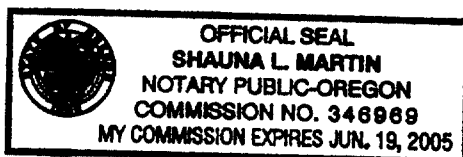


Shauna L. Martin  
Notary Public for Oregon

My Commission expires Jun 19, 2005

STATE OF OREGON, County of Klamath

Dated October 31, 2001. Personally appeared the above named Cheryll P. Harris, who acknowledged the foregoing instrument to be her voluntary act. Before me:

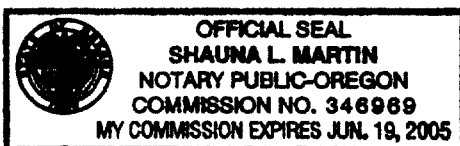


Shauna L. Martin  
Notary Public for Oregon

My Commission expires Jun 19, 2005

STATE OF OREGON, County of Klamath

Dated November 1, 2001. Personally appeared the above named Rueben V. Horn, Jr. who acknowledged the foregoing instrument to be her voluntary act. Before me:



Shauna L. Martin  
Notary Public for Oregon

My Commission expires Jun 19, 2005

Accepted on behalf of the Oregon Department of Transportation

Cliff Hawk CLIFF HAWK  
ODOT Reg 4 R/W Supervisor

State of Oregon, County of Klamath  
Recorded 11/15/01 11:05 m.  
In Vol. M01, Page 58535  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3