

'02 FEB 1 AM 11:28

GRANTOR'S NAME & ADDRESS

Ernst Brother, L.L.C.
P.O. Box 637
Gilchrist, OR 97737

STATE OF OREGON,

)
) ss

GRANTEE'S NAME & ADDRESS

David E. Staub, et al
P.O. Box 671
Lakeview, OR 97630

AFTER RECORDING, RETURN TO:

James C. Lynch, Attorney at Law
P.O. Box 351
Lakeview, OR 97630

State of Oregon, County of Klamath
Recorded 02/01/2002 11:28 a. m.
Vol M02, Pg 6345-48
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

MAIL TAX STATEMENTS TO:

David E. Staub, et al
P.O. Box 671
Lakeview, OR 97630

Name Title

By: _____, Deputy

SPECIAL WARRANTY DEED

ERNST BROTHERS, L.L.C., an Oregon limited liability company, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto DAVID E. STAUB, as to an undivided one-fifth interest, BRAD W. STAUB, as to an undivided one-fifth interest, KATHY OATES and JOE OATES, JR., wife and husband, as to an undivided one-fifth interest, RICK MICHAEL HOPKINS, as to an undivided one-fifth interest, and BOB CHARLES HAYNES, as to an undivided one-fifth interest, as tenants in common, 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 the County of Klamath, State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

TAX INFORMATION: Code 055; Map No. R-2708021CB-02700-000; Key No. R168614
Code 055; Map No. R-2708021CB-02600-000; Key No. R168507

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

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$60,000.00.

PAGE 1 – SPECIAL WARRANTY DEED

In construing this deed, 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, limited liability companies and individuals.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

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.

IN WITNESS WHEREOF, the grantor has executed this instrument this 30 day of January, 2002.

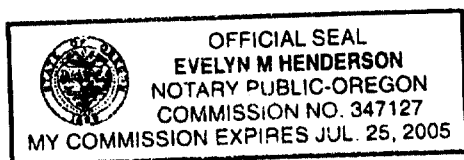
ERNST BROTHERS, L.L.C.

By: Wayne G. Ernst
Wayne G. Ernst, Manager and Member

By: William Ernst
William Ernst, Manager and Member

By: John Ernst
John Ernst, Manager and Member

By: Jan Houck
Jan Houck, Manager and Member



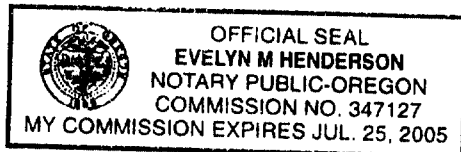
STATE OF OREGON, County of Deschutes ss.

This instrument was acknowledged before me on Jan. 30, 2002, by Wayne G. Ernst, Manager and Member of Ernst Brother, L.L.C..

Angela M. Henderson
Notary Public for Oregon
My Commission Expires: 7-25-05

STATE OF OREGON, County of Deschutes) ss.

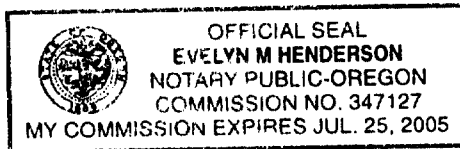
This instrument was acknowledged before me on Jan 30, 2002, by William Ernst, Manager and Member of Ernst Brother, L.L.C.



Evelyn M. Henderson
Notary Public for Oregon
My Commission Expires: 7-25-05

STATE OF OREGON, County of Deschutes) ss.

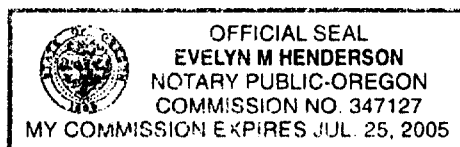
This instrument was acknowledged before me on Jan 30, 2002, 2002, by John Ernst, Manager and Member of Ernst Brother, L.L.C..



Evelyn M. Henderson
Notary Public for Oregon
My Commission Expires: 7-25-05

STATE OF OREGON, County of Deschutes) ss.

This instrument was acknowledged before me on Jan 30, 2002, by Jan Houck, Manager and Member of Ernst Brother, L.L.C..



Evelyn M. Henderson
Notary Public for Oregon
My Commission Expires: 7-25-05

EXHIBIT "A"**Parcel 1:**

Lots 5 and 6, Block 1, CHEMULT, in the County of Klamath, State of Oregon, TOGETHER WITH a non-exclusive perpetual easement over and across Lot 4, Block 1, for the following purposes: Access to said Lots 5 and 6 from U.S. Highway 97 and parking of vehicles.

Parcel 2:

The Northerly 40 feet of Lots 8 and 9, Block 1, CHEMULT, and Lot 10, Block 1, CHEMULT, in the County of Klamath, State of Oregon.

SUBJECT TO all easements, reservations, restrictions and rights of way of record or apparent on the ground, including but not limited to the following:

1. Conditions, restrictions, and/or setbacks, as shown on the recorded plat of Chemult.
2. An easement created by instrument, including the terms and provisions thereof, dated May 12, 1983, in favor of Telephone Utilities of Eastern Oregon, Inc., an Oregon Corporation, for underground telephone facilities, recorded September 13, 1983, in Book M-83 at Page 15593 in the Klamath County Deed Records.
3. An easement and agreement for water, including the terms and provisions thereof, dated April 11, 1984, between Rutherford John Burkett and Mary Ann Burkett, and Ethel Jessup, recorded April 23, 1984 in Book M-84 at Page 6651 in the Klamath County Deed Records.
4. An easement agreement, including the terms and provisions thereof, dated August 5, 1991, between John and Mary Burkett and Crescent Oil Co., Inc., for sewage disposal system, recorded August 6, 1991 in Book M-91 at Page 15342 in the Klamath County Deed Records.
5. An easement created by instrument, including the terms and provisions thereof, dated July 26, 1991, for a utility easement, recorded August 6, 1991, in Book M-91 at Page 15344 in the Klamath County Deed Records.
6. An easement created by instrument, including the terms and provisions thereof, dated February 13, 2001, in favor of State of Oregon, by and through its Department of Transportation, for Permanent Slope Easement, recorded February 22, 2001, in Book M-01 at Page 7013 in the Klamath County Deed Records.

Scriveners Correction of the above Permanent Slope Easement was recorded March 19, 2001, in Book M-01 at Page 10788 in the Klamath County Deed Records.

Tax Information: **Code 055; Map No. R-2708021CB-02700-000; Key No. R168614**
 Code 055; Map No. R-2708021CB-02600-000; Key No. R168507