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WARRANTY DEED—TENANTS BY ENTIRETY

Vol M02 Page 11529



KNOW ALL MEN BY THESE PRESENTS, That SCOTT C. KELLSTROM and JENNAFRED A. KELLSTROM, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by FRED N. WADE and GAIL M. WADE, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

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

See Exhibit B, attached hereto, and by this reference incorporated herein, for the exceptions thereto.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except reservations, restrictions, rights-of-way, easements of record and those apparent upon the land

and that grantor will warrant and forever defend the said 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 \$ 170,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

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 26th day of February, 2002, if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto 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.

SCOTT C. KELLSTROM
JENNAFRED A. KELLSTROM

STATE OF OREGON,

County of Klamath, ss.
February 20, 2002

Personally appeared the above named Scott C. Kellstrom and Jennafred A. Kellstrom

and acknowledged the foregoing instrument to be their voluntary act and deed

STATE OF OREGON, County of) ss.
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Personally appeared and who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

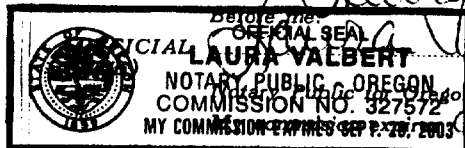
Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

(If executed by a corporation, affix corporate seal)



STATE OF OREGON,

ss.

SCOTT C. KELLSTROM, ET UX
660 Standord
Klamath Falls, OR 97601
GRANTOR'S NAME AND ADDRESS

FRED N. WADE, ET UX

GRANTEE'S NAME AND ADDRESS

After recording return to:

FRED N. WADE, ET UX

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

FRED N. WADE, ET UX

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

State of Oregon, County of Klamath
Recorded 02/26/2002 11:12 a. m.
Vol M02, Pg 11529-31
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

K31

EXHIBIT "A"
DESCRIPTION OF PROPERTY

A tract of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 32, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin with aluminum cap stamped "City of Klamath Falls" (formerly chiseled cross on a stone monument), said pin being N 41° E 1094 feet, more or less, by record from the West 1/4 corner of said Section 32; thence S 52°00'00" E 19.00 feet; thence S 50°08'40" W 28.79 feet; thence S 26°26'30" E 30.84 feet; S 37°51'20" E 42.04 feet; thence S 56°25'09" W 245.88 feet; thence continuing S 56°25'09" W 10 feet, more or less, to the left bank of Link River; thence Northwesterly along said bank 167.24 feet, more or less, to a point that bears S 71°30'00" W from the point of beginning; thence N 71°30'00" E 291 feet, more or less, to the point of beginning.

Reference: City of Klamath Falls Property Line Adjustment 006-94.

EXHIBIT "B"

Subject, however, to the following:

1. Easement and Agreement, including the terms and provisions thereof,
Dated : March 21, 1925
Recorded : April 25, 1925 in Volume 65 page 512, Deed records of Klamath County, Oregon.
From : Fred Heilbronner, et al
To : The California Oregon Power Company, a corporation
For : Pipeline and irrigation
2. Release of Water Rights and Easement for Roadway, including the terms and provisions thereof,
Dated : May 16, 1947
Recorded : May 22, 1947 in Volume 206 page 429, Deed records of Klamath County, Oregon
From : Howard Barnhisel and Maybelle E. Barnhisel husband and wife
To : The California Oregon Power Company, a California corporation
3. Contract, including the terms and provisions thereof,
Dated : March 21, 1953
Recorded : October 15, 1953 in Volume 263 page 401, Deed records of Klamath County, Oregon.
From : Oregon Water Corporation, a corporation
To : Howard Barnhisel and Maybelle E. Barnhisel
4. Grant of Easement, including the terms and provisions thereof,
Dated : April 5, 1995
Recorded : April 24, 1995, in Volume M95 page 10400, Deed records of Klamath County, Oregon.
From : Claude W. Cross and Virginia R. Cross, Trustees of the C. W. Cross and V. R. Cross 1992 Living Trust dated March 11, 1992
To : William M. Ganong and Marie I. Ganong
5. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the Link River and the ownership of the State of Oregon in and to that portion lying below the high water mark thereof.
6. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Link River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.