

3104

MTL 1396-4739

Vol M03 Page 12358

RETURN TO: Brandsness, Brandsness, Rudd & Bunch, P.C. 411 Pine Street Klamath Falls, OR 97601	MAIL TAX STATEMENTS: South Valley Bank & Trust P. O. Box 5210 Klamath Falls, OR 97601
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State of Oregon, County of Klamath  
Recorded 02/28/2003 11:09a m.  
Vol M03 Pg 12358-59  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

'03 FEB 28 AM 11:09

- WARRANTY DEED -

Ernst Brothers LLC, an Oregon limited liability company, Grantor, conveys and warrants to South Valley Bank & Trust, an Oregon banking corporation, Grantee, the following described real property situate in Klamath County, Oregon, free of encumbrances except as specifically set forth herein:

See Exhibit "A" attached hereto and incorporated herein by reference.

SUBJECT TO AND EXCEPTING:

- (1) Klamath County ad valorem taxes.
- (2) An easement created by instrument, subject to the terms and provisions thereof, dated September 15, 1919, recorded November 19, 1919, in Volume 50, page 615, Deed Records of Klamath County, Oregon, in favor of United States of America.
- (3) An easement created by instrument, subject to the terms and provisions thereof dated August 24, 1925, recorded March 5, 1926, in Volume 69, page 346, Deed Records of Klamath County, Oregon, in favor of Klamath Telephone & Telegraph Co.
- (4) An easement created by instrument, subject to the terms and provisions thereof dated January 4, 1930, recorded January 8, 1930, in Volume 88, page 462, Deed Records of Klamath County, Oregon, in favor of John T. Graham, et al.
- (5) An easement created by instrument, subject to the terms and provisions thereof recorded November 29, 1935, in Volume 105, page 415, Deed Records of Klamath County, Oregon, amended February 2, 1940, recorded in Volume 127, page 44, Deed Records of Klamath County, Oregon, in favor of Graham J. T. et al.

The true and actual consideration for this transfer is restructure of debt.

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.

Dated this 6<sup>th</sup> day of February, 2003.

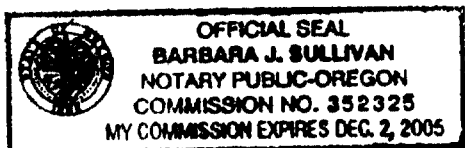
ERNST BROTHERS LLC

By Wayne G. Ernst  
Wayne G. Ernst, Manager

By William L. Ernst  
William L. Ernst, Manager

STATE OF OREGON )  
County of Klamath ) ss.

Personally appeared before me this 6 day of February, 2003, the above-named Wayne G. Ernst and William L. Ernst as Managers of Ernst Brothers LLC, and acknowledged the foregoing instrument to be its voluntary act.



Barbara J. Sullivan  
Notary Public for Oregon  
My Commission expires: 12-2-05

## Tract 1:

A parcel of land situated in Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at an iron rod monument on the Westerly right of way line of Shady Pine Road (originally The Dalles-California Highway), said point being South 05 degrees 01' 49" West, 1,335.29 feet from a brass cap monument at the Northeast corner of said Section 25; thence South 87 degrees 54' 00" West, 374.83 feet to an iron rod monument on the East line of the relocated The Dalles-California Highway No. 97; thence North 02 degrees 06' 00" West, 176.87 feet along said East line to a point, said point being 35 feet distant Easterly from, when measured at right angles to the centerline of said Highway at Station 328+73.4; thence North 87 degrees 54' 00" East, 15.00 feet; thence North 02 degrees 06' 00" West, parallel with and 50 feet distant from the centerline of said relocated highway, a distance of 50.95 feet to the Southwest corner of that property described in Volume M82 at Page 7839, Deed Records of Klamath County, Oregon; thence North 68 degrees 37' 20" East, along the South line of that property described in said Volume M82 at Page 7839, a distance of 223.35 feet, more or less, to the Westerly right of way line of said Shady Pine Road; thence Southeasterly along said Westerly right of way to the point of beginning.

## Tract 2:

A piece or parcel of land situated in the NE1/4 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at an iron pipe on the Easterly right of way line of State Highway No. U.S. 97, as the same is presently located and constructed on the ground; from which the monument marking the meander corner common to Section 25, Township 37 South, Range 8 East of the Willamette Meridian and Section 30, Township 37 South, Range 9 East of the Willamette Meridian bears South 51 degrees 02-3/4' East 628.9 feet distant (said point of beginning being also 50.0 feet distant from when measured at right angles to, Station 329/24.3 of the centerline of said Highway No. 97); thence North 69 degrees 12-1/3' East 230.0 feet, more or less, to the Westerly right of way of the County Road (Old Highway No. 97), which point is 30.0 feet from, when measured at right angles to, the centerline of said County Road, and from which point an iron pipe reference monument bears North 69 degrees 12-1/3' East 10.0 feet distant; thence following the said Westerly right of way line of said County Road in a Northerly and Westerly direction to its intersection with the Easterly right of way line of said State Highway No. U.S. 97; thence Southerly and Easterly along the said Easterly right of way line of said State Highway to the point of beginning. The basis of bearings for the above description being South 1 degree 31' East for the centerline of the said State Highway from the said Station 329/24.3 Southerly.

EXCEPTING THEREFROM any portion lying within the State Highway right of way.