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MR 56791

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State of Oregon, County of Klamath
Recorded 05/05/2003 11:00 AM m.
Vol M03 Pg 29566-67
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

WARRANTY DEED

ERNST BROTHERS, L.L.C., an Oregon limited liability company, Grantor, for the true and actual consideration of \$138,015.00 does convey unto the **STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION**, Grantee, fee title to the following described property:

A parcel of land lying in the NE¼ NE¼ of Section 19, Township 38 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property designated as Parcel 3 and described in that deed to Ernst Brothers L.L.C., recorded in Book M-00, Page 13950 of Klamath County Record of Deeds; the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Section 19; thence Southerly along the East line of Section 19, a distance of 118.415 meters to the Northerly line of that property described in that deed to Alvin M. Hamlin, Trustee and Merry Anne Hamlin, Trustee, recorded in Book M-96, Page 5936 of Klamath County Record of Deeds; thence Westerly along said Northerly line, a distance of 40.300 meters; thence Northerly on a line parallel with and 40.300 meters Westerly of the East line of Section 19, a distance of 32.433 meters; thence Easterly on a line parallel with and 86 meters Southerly of the North line of Section 19, a distance of 5.800 meters; thence Northerly on a line parallel with and 34.500 meters Westerly of the East line of Section 19, a distance of 86 meters to the North line of Section 19; thence Easterly along the North line of Section 19, 34.500 meters to the point of beginning.

The parcel of land to which this description applies contains 4 274 square meters, more or less.

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

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

Account No.: 432106, 38-09-19AA-100

Property Address: 3817 N. Highway 97
Klamath Falls, OR

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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.

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 9th day of April, 2003.

ERNST BROTHERS, L.L.C., an Oregon limited liability company

Wayne G. Ernst
Member

Member

STATE OF OREGON, County of Klamath

Dated April 9, 2003. Personally appeared the above named Wayne G. Ernst and _____, members of Ernst Brothers, L.L.C., an Oregon limited liability company, who acknowledged the foregoing instrument to be their voluntary act. Before me:

Phyllis J. Mc Casland
Notary Public for Oregon

My Commission expires June 28, 2004

Accepted on behalf of the Oregon Department of Transportation

