

04 OCT 25 PM 3:18



mtc-66954 KR

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State of Oregon, County of Klamath  
Recorded 10/25/04 3:18 p m  
Vol M04 Pg 72782-83  
Linda Smith, County Clerk  
Fee \$ 26.00 # of Pgs 2

After recording return to:  
THE SURVIVOR'S TRUST CREATED UNDER  
THE DONALD R. STEWART AND THELMA  
M. STEWART FAMILY TRUST DATED MAY  
6, 1994

1067 Bristol Avenue  
Stockton, CA 95203

Until a change is requested all  
tax statements shall be sent to  
The following address:

THE SURVIVOR'S TRUST CREATED UNDER  
THE DONALD R. STEWART AND THELMA  
M. STEWART FAMILY TRUST DATED MAY  
6, 1994

1067 Bristol Avenue  
Stockton, CA 95203

Escrow No. MT66954-KR

### STATUTORY WARRANTY DEED

**Donald C. Kirkpatrick, Trustee of the Donald C. Kirkpatrick Trust U.T.A.D. March 11, 1999**, Grantor(s) hereby convey and warrant to **Thelma M. Stewart, Trustee of the SURVIVOR'S TRUST CREATED UNDER THE DONALD R. STEWART AND THELMA M. STEWART FAMILY TRUST DATED MAY 6, 1994, as to an undivided one-half (1/2) interest, and McDONALD DEVELOPMENT CO., INC., a California Corporation, as to an undivided one-half (1/2) interest, all as tenants in common**, Grantee(s) the following described real property in the County of **KLAMATH** and State of Oregon, free of encumbrances except as specifically set forth herein:

#### LEGAL DESCRIPTION

##### PARCEL 1:

All that portion of the NW1/4 of the SE1/4 of Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at a point in the Southeasterly line of the right-of-way of the State Highway a distance of 1198.8 feet Northeasterly from its intersection with the West line of the said subdivisions; thence South 225.2 feet; thence East 169.8 feet; thence North 263.5 feet, more or less to the Southeasterly line of the State Highway right-of-way; thence South 76° 48' West along the said line of the State Highway 174.0 feet to the place of beginning.

##### PARCEL 2:

The North 15 acres of the SW1/4 SE1/4 and all that portion of the NW1/4 SE1/4 lying South of the South right-of-way line of the Green Springs Highway, (State Highway No. 66, sometimes known as the Ashland- Klamath Falls Highway), and all of the E1/2 SE1/4 lying South of the Green Springs Highway (State Highway No. 66) and West of the County Road and The Dalles-California Highway (U.S. Highway 97); all in Section 7, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; EXCEPT any portion thereof lying East of the right of way of U.S. Highway 97; AND EXCEPTING THEREFROM Parcel 1 first above described.

Tax Account No: 3909-00700-01700-000  
Tax Account No: 3909-00700-01800-000  
Tax Account No: 3909-00700-01800-000

Key No: 535175  
Key No: 535184  
Key No: 584460

260 am

72783

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

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 22<sup>nd</sup> day of October, 2004

Donald C. Kirkpatrick, Trustee of the Donald C. Kirkpatrick Trust U.T.A.D. March 11, 1999

BY: Donald C. Kirkpatrick  
Donald C. Kirkpatrick, Trustee

State of Oregon  
County of Klamath

This instrument was acknowledged before me on Oct. 22, 2004 by Donald C. Kirkpatrick, Trustee of the Donald C. Kirkpatrick Trust U.T.A.D. March 11, 1999.



Kristi L. Redd  
(Notary Public for Oregon)  
My commission expires 11/16/2007