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Vol M05 Page 45557

State of Oregon, County of Klamath

Recorded 06/17/05 11.00 a m

Vol M05 Pg 45557-62

Linda Smith, County Clerk

Fee \$ 46.00 # of Pgs 6



(Reserved for Recording Purposes)

BARGAIN AND SALE DEED

ODVA Account Number	Tax Account Number
	R98815, R99583, R99084, M53685, R99663, R806159, R787492, R774647, AND R774638

IN CONSIDERATION of fulfillment of that certain Contract of Sale dated May 15, 1989, in the Face Value of \$225,000 and recorded on May 17, 1989, in Book M89, Page 8539, in Klamath County, the STATE OF OREGON, by and through the Director of Veterans' Affairs, Grantor, does hereby grant, bargain, sell, and convey unto Sam A. Henzel and Thurston K. Henzel, Grantee, all of the Grantor's right, title and interest to the following-described real property at Route 1, Box 631C, Klamath Falls, Oregon 97601 in Klamath County, State of Oregon, to wit:

SEE ATTACHED EXHIBIT "A"

AFTER RECORDING RETURN TO:

Trudi Evans
P.O. Box 928
Merrill, OR 97633

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

THURSTON K HENZEL
20201 HIGHWAY 97 S
KLAMATH FALLS OR 97603-9595

2113-W (9/02)
ds/ds0525deed

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Excepting and reserving to itself, its successors, and assigns all minerals, as defined in ORS 273.775 (*including, but not limited to, soil, clay, stone, sand, and gravel*), and all geothermal resources, as defined in ORS 522.005 together with the right to make such use of the surface as may be reasonably necessary for exploring for, mining, extracting, storing, drilling for, and removing such minerals, materials, and geothermal resources. In the event the premises by a surface rights' owner would be damaged by one or more of the activities described above, then such owner may be entitled to compensation from the Grantor's lessee to the extent of the diminution in value of the real property, based on the actual use by the surface rights' owner at the time the Grantor's lessee conducts any of the above activities.

AND FURTHER SUBJECT TO:

1. Any taxes for 2005-2006 when due or payable.
2. Any Right of Redemption as provided by law.
3. Right of Way, including the terms and provisions thereof, to California Oregon Power Company, dated August 20, 1929, recorded August 27, 1929, in Volume 87 on page 620, Deed Records of Klamath County, Oregon.
4. Agreement between the United States of America and Mary Galarneau and M. P. Galarneau, her husband, Contractor, dated June 18, 1937, recorded June 26, 1937, in Volume 110 page 368, Deed Records of Klamath County, Oregon.
5. Road Easements as disclosed by Estoppel Deed from Lone Tree Ranch to Fred G. Hess and Edith M. Hess, husband and wife, dated January 14, 1986, recorded January 21, 1986, in Volume M-86 on page 997, Deed Records of Klamath County, Oregon.
6. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. Taxes for the year 1986-87 and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest are due and payable when said reason for the deferment no longer exists.
7. Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
8. Liens and assessments of Klamath Project and Upper Van Brimmer Drainage District and Van Brimmer Ditch Company and regulations, contracts, easements, water and irrigation rights in connection therewith.
9. Rights of the Federal Government, the State of Oregon, and the general public in any portion of the herein described premises lying below the high water line of Lost River.
10. Rights of the public in any portion of the herein described premises lying within the limits of any road or highway.
11. Waiver of Riparian Rights, including the terms and provisions thereof, by and between A. F. Bunnell and United States of America, dated August 8, 1905, recorded September 16, 1905, in Volume 18 page 356, Deed Records of Klamath County, Oregon.
12. Right of Way for transmission line, including the terms and provisions thereof, granted to the California Oregon Power Company dated August 20, 1929, recorded August 27, 1929, in Volume 87 page 620, Deed Records of Klamath County, Oregon.
13. Easement for transmission line, including the terms and provisions thereof, given by S. W. Chin et al., to Pacific Power & Light Company, a corporation, dated May 6, 1965, recorded July 13, 1966, Volume M-66 page 7112, Deed Records of Klamath County, Oregon.
14. Grant of Interest in Well, including the terms and provisions thereof, given by Fred Hess to Paul Hess and John Hess, dated March 4, 1976, recorded April 9, 1976, in Volume M-76 on page 5075, Deed Records of Klamath County, Oregon.

45559

15. Right of Way Easement, including the terms and provisions thereof, executed by Fred G. Hess and Edith M. Hess, husband and wife, as grantors, to Pacific Power & Light Company, a corporation, as grantees, dated July 31, 1979, recorded August 3, 1979, in Volume M-79 on page 18595, Deed Records of Klamath County, Oregon.

"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 State of Oregon, acting by and through the Director of Veterans' Affairs (Grantor), has caused these presents to be executed June 6, 2005, at Salem, Oregon. The foregoing recital of consideration is true as I verily believe.

DIRECTOR OF VETERANS' AFFAIRS - Grantor

By: Val Conley
Val Conley, Administrator, VSD

STATE OF OREGON)
) ss.
County of Marion)

On June 6, 2005,

this instrument was acknowledged before me by the above-named Val Conley, Administrator, VSD, who personally appeared, and, being first duly sworn, did say that she is authorized to sign the foregoing document on behalf of the Oregon Department of Veterans' Affairs by authority of its Director.

Before me:

Diana L. Simpson
Notary Public for Oregon



EXHIBIT "A"

45560

A tract of land situated in the SW $\frac{1}{4}$ of Section 21, T 40 S. R. 10 E.W.M. Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the east 1/4 corner of said Section 21 bears N. 72°53'24" E. 4666.77 feet and the southeast corner of a potato cellar bears N. 14°33'10" W. 22.3 feet; thence S. 49°10'30" W. 132.51 feet to a point from which the southwest corner of said potato cellar bears S. 67°36' W. 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning, containing 0.53 acres, more or less; Together with the right to construct and maintain a water line from the present well house, (from which the east 1/4 corner of said section 21 bears N. 72°42'49" E. 4202.32 feet) to the above described tract to land. The bearings of the above tract of land are based on a solar observation. The above tract of land is subject to all easements of record or apparent: Also subject to a road easement over and across to Fred Hess and Paul Hess. A tract of land situated in Sections 20, 21, 28, and 29, all in T. 40 S., R. 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the point of intersection of the northeasterly right of way line of State Highway No. 39 (Merrill Highway) and the section line common to said section 28 and 29: thence Northwesterly along said Northeasterly right of way line to the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20; thence Northerly along the West line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 20 to the centerline of the U.S.B.R. drain; thence Easterly along said drain to the Section line common to said sections 20 and 21; thence East to the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21; thence Southerly along the East line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section 21 and the east line of the W $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 28 to the southwesterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the south line of the NW $\frac{1}{4}$ of said section 28; thence Westerly along the South line of the said NW $\frac{1}{4}$ to the Southwest corner of the NW $\frac{1}{4}$ of said section 28; thence Northerly along the West line of the NW $\frac{1}{4}$ of said Section 28 to the Point of Beginning. The above described tract of land includes the right of Fred Hess, John Hess and Paul Hess, their heirs or assigns to use and maintain the existing road beginning at the intersection of Highway 39 and the line common to sections 28 and 29, T. 40 S. R. 10 E.W.M., running thence Northerly and Easterly to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21.

SAVING And EXCEPTING, a Tract of land situate in the NW $\frac{1}{4}$ of Section 28, T. 40 S.R. 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the intersection of the East line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 28 with the Northerly right of way line of State Highway No. 39; thence North along said East line 1744 feet more or less to the centerline of an irrigation ditch; thence S. 54°34' W. along said centerline 240 feet more or less; thence leaving said centerline, N. 81°32'41" W., 46.22 feet to the centerline of the U.S. B.R. Drain; thence Southwesterly along the centerline of said drain, the following courses and distances: S. 08°27'19" W. 865 feet; S. 38°35'09" W. 293 feet more or less to said Northerly right of way line of State Highway No. 39; thence S. 46°17'55" E., along said right of way line 762 feet more or less to the point of beginning.

SAVING AND EXCEPTING, All that portion of the NW $\frac{1}{4}$ of Section 28 Township 40 South, Range 10 E.W.M., which lies Southwesterly of the Southwesterly line of the Southern Pacific Railroad right of way.

The following described real property situate in Klamath County, Oregon:

A tract of land situated in Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21; thence Southerly along the West line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 21 to the centerline of the U.S.B.R. drain; thence East to the Westerly bank of Lost River, also being the right bank of said Lost River; thence Northerly and Westerly along the said right bank to the West line of said Section 21; thence Southerly to the point of beginning.

EXCEPTING THEREFROM the following parcels of land:

PARCEL 1: A tract of land situated in the SW $\frac{1}{4}$ of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 72°53'24" E. 4666.77 feet and the Southeast corner of a potato cellar bears N. 14°33'30" W. 22.3 feet; thence S. 49°10'30" W. 132.51 feet to a point from which the Southwest corner of said potato cellar bears S. 67°36' W. 63.3 feet; thence South 189.73 feet to the North line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning.

45562

PARCEL 2: A tract of land situated in the SW $\frac{1}{4}$ of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N. 69°53'25" E. 4178.84 feet and the Southeast corner of a barn bears S. 84°30'30" W. 91.3 feet; thence East 100.0 feet; thence South 212.36 feet to the North line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 to the point of beginning.

PARCEL 3: A tract of land situated in the S $\frac{1}{4}$ of Section 21, T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the E $\frac{1}{4}$ corner of said Section 21 bears N68°00'43"E 4124.07 feet; thence South 105 feet to the Southeast corner of a tract of land described as Parcel 1 in Volume M76-4925, as recorded in the Klamath County deed records; thence East 1692 feet, more or less, to the Westerly line of Lost River; thence Northwesterly, along said Westerly line to a point which bears East of the point of beginning; thence West to the point of beginning, containing 4 acres, more or less.

TOGETHER with the following described mobile home which is firmly affixed to the property:

1975 CONCORD 14' x 60' Serial No. 295450S3226.