

MTZ-69033 MS

05 MAY 24 PM 1:24

05 JUL 14 PM 2:57



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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Dennis R. Hynes, Trustee of the J & J Family
Trust
13131 Hwy 39
Klamath Falls, OR 97603

State of Oregon, County of Klamath
Recorded 05/24/05 1:24 P m
Vol M05 Pg 37854-55
Linda Smith, County Clerk
Fee \$ 26.00 # of Pgs 2

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

Dennis R. Hynes, Trustee of the J & J Family
Trust
13131 Hwy 39
Klamath Falls, OR 97603

State of Oregon, County of Klamath
Recorded 07/14/05 2:57 P m
Vol M05 Pg 53992-94
Linda Smith, County Clerk
Fee \$ 31.00 # of Pgs 3

Escrow No. MT69033-MS

****this deed is being re-recorded to correct the legal description attached hereto and made a part hereof as Exhibit "A"**

STATUTORY WARRANTY DEED

Trudi Evans, Grantor(s) hereby convey and warrant to **Dennis R. Hynes, Trustee of the J & J Family Trust**, 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:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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.**

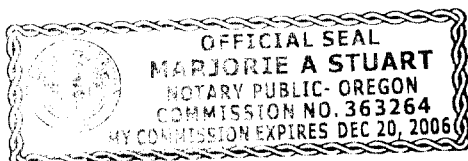
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

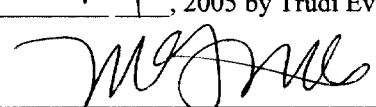
Dated this 19 day of May, 2005.


Trudi Evans

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on 5/19, 2005 by Trudi Evans.




(Notary Public for Oregon)

My commission expires 12/20/06

*3/10/05
am*

37855

53993

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in Sections 20, 21, 28, and 29, all in Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, 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 Northwesternly along said Northeasterly right of way line to the West line of the SE1/4 SE1/4 of said Section 20; thence Northerly along the West line of the SE1/4 SE1/4 of said Section 20 to the centerline of the U.S.B.R. No. 5 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 SW1/4 SW1/4 of said Section 21; thence Southerly along the East line of the SW1/4 SW1/4 of said Section 21 and the East line of the W1/2 NW1/4 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 NW1/4 of said Section 28; thence Westerly along the South line of the said NW1/4 to the Southwest corner of the NW1/4 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, Township 40 South, Range 10 East, Willamette Meridian, running thence Northerly and Easterly to the NE1/4 SW1/4 of said Section 21.

EXCEPTING THEREFROM all that portion of the W 1/2 NW 1/4 of said Section 28 lying Easterly of the centerline of the USBR 5-H Drain; AND EXCEPTING THEREFROM all that portion of the W 1/2 NW 1/4 of said Section 28 lying Southwesterly of the Northerly line of State Hwy No. 39 (Klamath Falls – Malin Highway).

AND EXCEPTING THEREFROM all that portion of the SW 1/4 SW 1/4 of Section 21 lying Northeasterly and Easterly of the USBR 5-H Drain.

AND EXCEPTING THEREFROM any portion thereof in the SW 1/4 SW 1/4 of Section 21 lying within the boundaries of the USBR No. 5 Drain.

AND EXCEPTING THEREFROM any portions of the above described property lying within the boundaries of State Hwy 39, Wong Road, Chin Road and Buesing Road.

RESERVING THEREFROM an easement for ingress, egress and utilities over, under and across a strip of land 30 feet in width running from Wong Road on the West boundary of the property herein conveyed to the Northeasterly boundary of the property herein conveyed said easement to be South of, adjacent to, and parallel with the USBR No. 5 Drain. Said easement is for the benefit of the Grantor's remaining property and any subdivision thereof. Maintenance of said easement will be shared equally by all users. If any user causes excessive damage, that user will be responsible for curing that damage. Said easement is to be kept open at all times.

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land situated in Sections 20, 21, 28, and 29, all in Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, 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 SE1/4 SE1/4 of said Section 20; thence Northerly along the West line of the SE1/4 SE1/4 of said Section 20 to the centerline of the U.S.B.R. No. 5 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 SW1/4 SW1/4 of said Section 21; thence Southerly along the East line of the SW1/4 SW1/4 of said Section 21 and the East line of the W1/2 NW1/4 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 NW1/4 of said Section 28; thence Westerly along the South line of the said NW1/4 to the Southwest corner of the NW1/4 of said Section 28; thence Northerly along the West line of the NW1/4 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, Township 40 South, Range 10 East, Willamette Meridian, running thence Northerly and Easterly to the NE1/4 SW1/4 of said Section 21.

EXCEPTING THEREFROM all that portion of the W ½ NW ¼ of said Section 28 lying Easterly of the centerline of the USBR 5-H Drain; AND EXCEPTING THEREFROM all that portion of the W ½ NW ¼ of said Section 28 lying Southwesterly of the Northerly line of State Hwy No. 39 (Klamath Falls – Malin Highway).

AND EXCEPTING THEREFROM all that portion of the SW ¼ SW ¼ of Section 21 lying Northeasterly and Easterly of the USBR 5-H Drain.

AND EXCEPTING THEREFROM any portion thereof in the SW ¼ SW ¼ of Section 21 lying within the boundaries of the USBR No. 5 Drain.

AND EXCEPTING THEREFROM any portions of the above described property lying within the boundaries of State Hwy 39, Wong Road, Chin Road and Buesing Road.

RESERVING THEREFROM an easement for ingress, egress and utilities over, under and across a strip of land 30 feet in width running from Wong Road on the West boundary of the property herein conveyed to the Northeasterly boundary of the property herein conveyed said easement to be South of, adjacent to, and parallel with the USBR No. 5 Drain. Said easement is for the benefit of the Grantor's remaining property and any subdivision thereof. Maintenance of said easement will be shared equally by all users. If any user causes excessive damage, that user will be responsible for curing that damage. Said easement is to be kept open at all times.