

MTC 71619-TM

RETURN TO: Brandsness, Brandsness & Rudd, P.C. 411 Pine Street Klamath Falls, OR 97601	MAIL TAX STATEMENTS: James and Trudi Evans 17649 Highway 39 Klamath Falls, OR 97603
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**M05-65784**

Klamath County, Oregon

10/04/2005 02:28:55 PM

Pages 4 Fee: \$36.00

**-SPECIAL WARRANTY DEED-**

Sam A. Henzel and Thurston K. Henzel, Grantors, convey and specially warrant to James Evans and Trudi D. Evans, Grantees, the following described real property situated in Klamath County, Oregon, free of encumbrances created or suffered by the Grantors except as specifically set forth herein:


See Exhibit "1" attached hereto and by this reference incorporated herein.

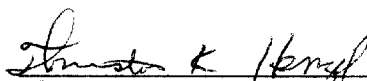
SUBJECT TO AND EXCEPTING: Reservations and restrictions of record, rights of way and easements of record and those apparent on the land, taxes, liens and assessments of record.

The true and actual consideration for this conveyance is assumption of debt and obligations, and such further rights and obligations set forth by court decree or judgment described in the Land Sale Contract.

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.

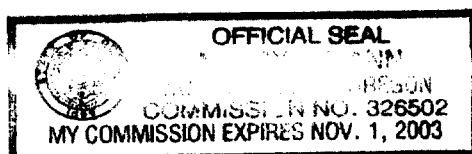
Dated: March 20, 2004.

  
Sam A. Henzel

  
Thurston K. Henzel

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

2 Personally appeared before me this 20<sup>th</sup> day of March, 2004, the above-named Sam A. Henzel and Thurston K. Henzel and acknowledged the foregoing instrument to be their voluntary act and deed.




  
Notary Public for Oregon  
My Commission expires: 11-1-03

EXHIBIT "1"

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 NW $\frac{1}{4}$ 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.

EXHIBIT "1"

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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. D.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.

EXHIBIT " 1 "

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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 $\frac{1}{2}$  of Section 21, T40S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at a point from which the E $\frac{1}{2}$  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.