



After recording return to:  
Barry L. Faganello  
5488 Havencrest Drive  
Klamath Falls, OR 97603

Until a change is requested all tax statements  
shall be sent to the following address:  
Barry L. Faganello  
5488 Havencrest Drive  
Klamath Falls, OR 97603

File No.: 7021-607533 (SAC)  
Date: August 02, 2005

**M05-70893**

Klamath County, Oregon

12/12/2005 02:54:25 PM

Pages 3 Fee: \$31.00

## **STATUTORY WARRANTY DEED**

**Van E. Johnson, as Trustee of the Arlie Mae Johnson Trust, dated September 26, 1992,** Grantor, conveys and warrants to **Barry L. Faganello and Peter J. Mongan, not as tenants in common, but with full rights of survivorship,** Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**This property is free from liens and encumbrances, EXCEPT:**

1. The Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

THIS DEED IS BEING RE-RECORDED TO CORRECT SCRIVENER'S ERROR IN THAT DEED  
BETWEEN PARTIES RECORDED AUGUST 5, 2005 IN M-05 ON PAGE 61308.

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.

315

APN: 887241

Statutory Warranty Deed  
- continued

File No.: 7021-607533 (SAC)  
Date: 08/02/2005

The true consideration for this conveyance is **\$88,500.00**. (Here comply with requirements of ORS 93.030)

Dated this 9<sup>th</sup> day of December, 2005

Van E. Johnson, as Trustee of the Arlie Mae  
Johnson Trust, dated September 26, 1992

Van E. Johnson, Trustee  
Van E. Johnson, Trustee

STATE OF Oregon )  
County of Klamath )ss.  
)

This instrument was acknowledged before me on this 9<sup>th</sup> day of December, 2005  
by as of Van E. Johnson, as Trustee of the Arlie Mae Johnson Trust, dated September 26, 1992, on  
behalf of the .



Sarah Wiseman

Notary Public for Oregon

My commission expires: 10/16/06

**EXHIBIT A**

**LEGAL DESCRIPTION:**

The NE 1/4 of the NE 1/4 of Section 16 in Township 41 South, Range 12 E. W. M., Klamath County, Oregon

EXCLUDING THEREFROM that certain parcel of land heretofore conveyed by Deed, dated September 11, 1939 by J. C. Boyle and Nina C. Boyle, his wife to Benjamin J. Henzel and Richard W. Henzel, co-partnership doing business as Henzel Brothers, and more particularly described as follows, to-wit: Beginning at Northwest corner of the NE 1/4 NE 1/4 of Section 16 Twp. 41 S. R. 12 E. W. M.; thence Easterly along the section line between Sections 9 and 16 in said Township and Range a distance of 514 feet, more or less, to the Westerly line of the Malin Irrigation District High Line Canal; thence in a Southerly and Southeasterly direction along the Westerly line of the said Canal to the one-quarter Section line between the NE 1/4 NE 1/4 and the SE 1/4 NE 1/4 of said Sec. 16; thence in a Westerly direction along said Quarter section line a distance of 702 feet, more or less, to the intersection thereof with the Easterly line of the U. S. R. S. "D" Canal; thence along the Easterly line of said U. S. R. S. "D" Canal in a Northwesterly direction to the point of intersection of the Easterly line of said canal with the quarter section line between the NW 1/4 NE 1/4 and the NE 1/4 NE 1/4 of said Section 16; thence in a Northerly direction along said Quarter section line a distance of 235 feet, more or less, to the place of beginning, all situate in the NE 1/4 NE 1/4 of the Section 16, Twp. 41 S., R. 12 E. W. M. Also excepting therefrom all that portion of the NE 1/4 NE 1/4 of Sec. 16 Twp. 41 S. R. 12 E. W. M. which lies Southwesterly from the Southeasterly boundary of the U. S. "D" Canal right of way.

ALSO excepting therefrom the following described parcel: Beginning at the Southwest corner of Section 10, Township 41 South, Range 12 E.W.M.; thence West 30 feet to a point; thence South 20 feet to a point; thence East 30 feet to a point; thence North 20 feet, more or less, to the point of beginning.