

2006-020326

Klamath County, Oregon



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10/10/2006 12:35:05 PM

Fee: \$46.00

15⁺-558254

STATUTORY WARRANTY DEED

JANE MATHIS BARNES AND FRANKLIN L. BARNES, JR., AS CO-TRUSTEES OF THE JANE AND FRANKLIN BARNES FAMILY TRUST dated September 22, 1994, as amended and restated on October 5, 1999, with an address of P.O. Box 1570, Julian CA 92036 ("Grantor"), convey and warrant to THE NATURE CONSERVANCY, a District of Columbia non-profit corporation, whose address is 4245 N. Fairfax Drive, Arlington, VA 22203, ("Grantee"), the following described real property free of liens and encumbrances, except as specifically set forth herein:

See the attached **EXHIBIT A**, which is incorporated herein by this reference.

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

See the attached **EXHIBIT B**, which is incorporated herein by this reference.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is \$7,250,000.00.

DATED this 9th day of October, 2006.

Jane Mathis Barnes
JANE MATHIS BARNES, Trustee
Franklin L. Barnes
FRANKLIN L. BARNES, Trustee

Send Tax Statements to

(After recorded Return TO:

The Nature Conservancy

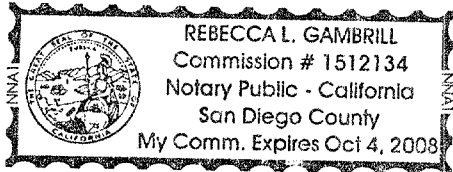
4245 N. Fairfax Dr.

Arlington, VA 22203

46-F

STATE OF CALIFORNIA }
COUNTY OF SAN DIEGO } ss.

The foregoing instrument was acknowledged before me on October 9, 2006, by JANE MATHIS BARNES AND FRANKLIN L. BARNES, JR., AS CO-TRUSTEES OF THE JANE AND FRANKLIN BARNES FAMILY TRUST, on behalf of said Trust.



Rebecca L. Gambrell
Notary Public for CALIFORNIA
My Commission Expires: 10/4/08

AFTER RECORDING, RETURN TO:
The Nature Conservancy
Legal Department
1917 First Avenue
Seattle, WA 98101

SEND TAX STATEMENTS TO:
The Nature Conservancy
821 SE 14th Avenue
Portland, OR 97214

EXHIBIT "A"

TRACT 1:

Parcels 1, 2, and 3 of Land Partition 71-06, situated in Sections 29, 30, 31, and 32, Township 34 South, Range 7½ East, W.M., and in the North ½ of Section 5 and the North ½ of Section 6, Township 35 South, Range 7½ East, W.M., Klamath County, Oregon.

AND

TRACT 2:

The E ½ SE ¼, the SE ¼ NE ¼ and the E ½ SW ¼ SE ¼ of Section 24, Township 34 South, Range 6 East, W.M., State of Oregon, County of Klamath.

AND

TRACT 3:

That portion of land lying between the range line of Ranges 6 and 7½ East and the center line of the 4 Mile Canal, being more fully described as follows: Starting from the section corner common to Sections 19, 30, 24 and 25, Township 34 South, Ranges 6 and 7½ East of the Willamette Meridian; thence Northerly North 0°32' East a distance of 3874.8 feet; thence Easterly North 90° East a distance of 98.0 feet, more or less, to the center line of the 4 Mile Canal; thence Southerly along the said center-line of the 4 Mile Canal, as the same is now located and constructed, South 0°03' West a distance of 4084.8 feet; thence Westerly North 88°57' West a distance of 134.5 feet, more or less, to a point on the section line between Sections 25 and 30; thence Northerly North 0°32' East, a distance 207.6 feet, more or less, to the point of beginning.

AND

TRACT 4:

That portion of the property lying North of the South boundary of the 7 Mile Ranch as the same is now located and deeded to a line 8 feet of the North edge of the East-West Canal along the South side of the 7 Mile Ranch, more fully described as follows: Starting from the section corner common to Sections 19, 30, 24 and 25, Township 34 South, Ranges 6 and 7½ East of the Willamette Meridian; thence South 0°32' West a distance of 394.1 feet to the point of beginning; thence Easterly South 89°50' East a distance 10,160.7 feet; thence Northerly North 0°00' East to a point in line with a line 8.0 feet North and parallel with the North edge of the East-West Canal on the 7 Mile Ranch, as the same is now located and constructed; thence Westerly, along the said parallel line North 88°57' West a distance of 10,162.4 feet, more or less, to a point on the section line between Sections 25 and 30; thence Southerly South 0°32' West a distance of 186.5 feet to the point of beginning.

EXCEPTING THEREFROM any portion of the above described parcel conveyed to Tulana Farms by Deed recorded February 20, 1947, in Deed Volume 202 at page 411, Klamath County Deed Records. TOGETHER WITH an easement for a 60 foot roadway for ingress and egress with the right to maintain same along the Westerly line of Sections 6, 7, 18 and 19,

Township 34 South, Range 7½ East of the Willamette Meridian, as shown by easement recorded in Deed Volume 215 at page 11, Klamath County Deed Records and further conveyed by grantee to the vestees herein by documents recorded in Deed Volume 346 at page 73 and Deed Volume 346 at page 74, Klamath County Deed Records.

EXCEPTING from all of the above described parcels, any rights of way for ditches and canals, of the Meadows Drainage District and the United States.

AND

TRACT 5:

A parcel of land situated in Sections 19 and 30, Township 34 South, Range 7½ East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows: Beginning at a point in the centerline of Four Mile Canal from which a 1" iron pipe with a 2" bronze cap (set by M.D. Price in 1931) marking the section corner common to Sections 19, 24, 25 and 30, Township 34 South, Range 6 and 7½ East, bears South 73°24'13" West – 134.35 feet, more or less; thence South 88°59'26" East 61.97 feet, more or less, to a ½" rebar; thence South 4°34'08" East – 80.14 feet to a ½" rebar; thence South 39°58'12" East – 137.90 feet to a ½" rebar; thence South 1°08'24" West – 61.14 feet to a ½" rebar, which point is 8.0 feet North of an East-West Canal; thence Westerly – 155.72 feet, more or less, along a line 8.0 feet North of said East-West Canal and a projection thereof to the centerline of Four Mile Canal; thence Northerly 247.78 feet, more or less, along the centerline of Four Mile Canal to the point of beginning.

EXHIBIT B
Exceptions to Title

1. Liens and assessments of Klamath Project and Meadows Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
 2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 3. Agreement between California-Oregon Power Company, first party and Fort Klamath Meadows Co., second party, dated October 26, 1921, recorded August 14, 1922, in Volume 59 on page 59, Deed Records of Klamath County, Oregon, relative to raising and/or lowering the waters of Upper Klamath Lake.
 4. Easement, including terms and provisions contained therein:
Recording Information: January 10, 1929, in Volume 85 on page 125, records of Klamath County, Oregon
 5. Agreement relative to flowage and seepage and raising and/or lowering the waters of Upper Klamath Lake between Ernest O. Plantz and United States of America, dated October 28, 1935, recorded November 2, 1935 in Volume 105 on page 333, Deed Records of Klamath County, Oregon.
 6. Easement, including terms and provisions contained therein:
Recording Information: September 7, 1937 in Volume 111 on page 565, records of Klamath County, Oregon
 7. Easement, including terms and provisions contained therein:
Recording Information: January 18, 1940 in Volume 126 on page 465, records of Klamath County, Oregon
 8. Reservations and restrictions in deed from Fort Klamath Meadows Company to R. S. Dixon and A. F. McQuiston, recorded April 25, 1944, in Volume 164 on page 281, recorded January 8, 1945 in Volume 172 on page 89 and in Volume 172 on page 93, Deed Records of Klamath County, Oregon, relative to use of seepage or surplus or waste water and the right to enlarge and use all canals and ditches.
 9. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: April 4, 1946 in Deed Volume 187 on page 212, records of Klamath County, Oregon
 10. Reservations and restrictions in deed from A. F. McQuiston et al to Clifford J. Shuck et al, dated November 13, 1947, recorded December 15, 1947, in Volume 215 page 3, Deed Records of Klamath County, Oregon.
 11. Easement, including terms and provisions contained therein:
Recording Information: December 15, 1947 in Volume 215 on page 11, records of Klamath County, Oregon
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12. Reservations and restrictions in deed from Puckett & Scherer, a co-partnership to d'Artenay Brothers, a co-partnership consisting of Francis A. d'Artenay and John P. d'Artenay, dated July 7, 1961, recorded August 2, 1961, in Volume 331 on page 367, Deed Records of Klamath County, Oregon.

13. Easement, including terms and provisions contained therein:
Recording Information: February 18, 1965 in Volume 359 on page 425, records of Klamath County, Oregon

14. Easement, including terms and provisions contained therein:
Recording Information: March 29, 1966 in M-66 on page 2717, records of Klamath County, Oregon
