

2006-021178

Klamath County, Oregon



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10/23/2006 09:04:44 AM

Fee: \$31.00

RECORDING REQUESTED BY:  
JAMES A. SWAN & BERNADETTE SWAN  
33622 ROW RIVER ROAD  
COTTAGE GROVE, OREGON 97424

When Recorded, Mail to:

Same as Above

MAIL TAX STATEMENT TO:

Same as Before

SPACE ABOVE FOR RECORDER'S USE

**TRUST TRANSFER DEED**

Notice: This conveyance is to a trust not pursuant to a sale and is exempt from tax and the undersigned are the declarants and trustees on the effective date of this instrument. The consideration for this transfer is -\$0-.

**WARRANTY DEED**

JAMES A. SWAN and BERNADETTE SWAN hereby grant to THE SWAN FAMILY TRUST, whose Trustees are, at the time of recording, JAMES A. SWAN & BERNADETTE SWAN, whose successors and appointees are also named in that instrument known as the CERTIFIED EXTRACT OF TRUST AGREEMENT of said trust agreement, identified as EXHIBIT "B", attached hereto and made a part hereof, all that real property situated in the County of Klamath, State of Oregon, described as follows:

See Exhibit "A" attached hereto and made a part hereof.

Sept. 20, 2006

X *James A. Swan*  
JAMES A. SWAN

X *Bernadette Swan*  
BERNADETTE SWAN

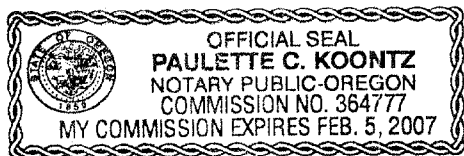
State of Oregon       )  
                                  )ss  
County of Lane       )

On this 20<sup>th</sup> day of September, 2006, before me, the undersigned Notary Public, appeared JAMES A. SWAN and BERNADETTE SWAN, personally known to me or proved to me on the basis of satisfactory evidence to be the persons whose names are subscribed to this instrument and acknowledged that they executed it.

Witness my hand and official Seal.

*Paulette C. Koontz*  
Notary Public

{seal}



My Commission Expires: 2/05/2007

TRUST TRANSFER DEED OF THE SWAN FAMILY TRUST

## EXHIBIT "A"

Lot 14, Block 9, SECOND ADDITION TO WAGON TRAIL ACREAGES NO. 1, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Subject to: The terms and provisions of Wagon Trail Ranch Homeowners Association as set forth in plat dedication. A 25 foot public utility easement as shown on dedicated plat. Subject to reservations and restrictions as contained in the dedication of Plat of Wagon Trail Acreages No. 1, Second Addition, to wit: "NOTE: Mobile Homes are permitted on lots except the following: Lots 1, through 6, 12 through 19, 27 through 39, 44 and 45 in Block 6; Lot 1 in Block 7; Lots 1 and 10 through 15 in Block 8; and Lots 1 through 3, 7 and 8 in Block 9." Reservations and restrictions for Wagon Trail Ranch, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument including the terms and provisions thereof, recorded August 30, 1972 in Volume M72, Page 9766, Microfilm Records of Klamath County, Oregon.

END EXHIBIT "A"

**EXHIBIT "B"**  
**CERTIFIED EXTRACT OF TRUST AGREEMENT**  
**THE SWAN FAMILY TRUST**

1. That **JAMES A. SWAN** and **BERNADETTE SWAN** as settlors and trustees, executed a Declaration of Trust dated Sept. 20, 2006. Said Declaration of Trust is entitled **THE SWAN FAMILY TRUST**.
2. That the current beneficiaries under the terms of said Declaration of Trust are the settlors.
3. That the power and authority of the Trustees with respect to the Trust property includes, by way of illustration, the following:
  - A. To sell, exchange, convey, refinance, lease, repair, abandon, pledge for security, and exercise all the rights powers and privileges which an absolute owner of the same property would have regarding any property which the Trustees choose to receive.
  - B. To open bank accounts, to borrow money with or without security, to receive all dividends, interest and other income and to compromise and settle claims. Any banking institution that establishes accounts in the name of the Trust is advised that there is nothing in the Declaration of Trust that requires any banking institution to exercise any discretion other than required in normal banking procedures. Any and all bank accounts, including checking and savings accounts, established in the name of the Trust by the Trustees shall be subject to withdrawal, and all checks drafts and other obligations of the trust shall be honored by said depositories upon the signature(s) of the Trustee(s).
  - C. To invest and reinvest the trust estate in every kind of property, real, personal, or mixed, and every kind of investment, specifically including, but not by way of limitation, corporate obligations of every kind, stocks, preferred or common, shares in investment trusts, investment companies, mutual funds and mortgage participation.
  - D. To maintain and operate brokerage accounts with brokers.
  - E. To carry insurance, including life insurance on any person, at the expense of the trust of such kinds and in such amounts as the Trustee(s) deem advisable to protect the trust estate against any damage or loss and to protect the trustee(s) against liability with respect to third parties. The insuring companies have no responsibilities other than to pay the claims and proceeds of the policies and are not required to examine the Declaration of Trust at any time.
4. Settlors are empowered to designate trustees and Successor Trustees and have appointed **ALAN SWAN** and **KAREN G. KOCH** to serve as alternate Successor Co-Trustees, and **MICHAEL L. ANLAUF** to serve as second alternate successor co-trustee to serve with either of the above, and **MARK D. ANLAUF** to serve as third alternate successor co-trustee.

The settlors reserve the right to appoint trustees and successor trustees and to remove any trustee(s) from office at any time while alive. Unless otherwise stated in writing by the settlors, the trustees of the Declaration of Trust shall be considered to be those mentioned above.

5. The enumeration of certain powers of the Trustees shall not be interpreted as a limitation of any right of the Trustees not so enumerated, the Trustees being vested with and having all rights, duties, powers and privileges which an absolute owner of the same property would have.

**END OF EXHIBIT "B"**