

2007-005766

Klamath County, Oregon



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03/28/2007 10:26:26 AM

Fee: \$56.00

CASE NUMBER:

Form FSA CA 1951-4

(September 26, 2005)

Recording Requested By

The United States of America,

Acting Through Farm Service Agency

WHEN RECORDED MAIL TO:

Name Stewart Title of California Inc.

Street 2605 S Miller Street Suite 101

Address Santa Maria CA 93455

City &

State _____

Space Above This Line For Recorder's Use

Position 5

UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

FULL RECONVEYANCE

WHEREAS, the undersigned, Farm Loan Chief of the Farm Service Agency for the State of California (7 USC 1989, 42 USC 1980, 42 USC 2942; 7 CFR 1900.2) is now Trustee under the Deed(s) of Trust executed by JOHN M. MOSBY and MARILYN J. MOSBY

to United States of America, acting through the Farmers Home Administration, USDA
for the State of California, and his/her/its successors in office, Trustee, dated and recorded in the Official Records of Klamath County, Oregon ~~County, California~~, as follows:

Date of Instrument	Date Recorded	Volume or Book	Page or File No. and/or Document No.
June 1, 1996	09/20/96	M96	29794

WHEREAS, the undersigned has been duly and legally requested to reconvey the estate now held by Trustee under said Deed(s) of Trust in and to the real property hereinafter described;

See Attached Legal Description

NOW THEREFORE the undersigned does hereby reconvey, but without warranty, to the person or persons legally entitled thereto, the estate of Trustee in all of the lands described in said Deed(s) of Trust, reference being hereby made to said Deed(s) of Trust and the record thereof for a particular description of said real property.

DATED: 01/08/2007

Where "Farmers Home Administration," "FmHA," "Rural Development Administration," or "RDA" may appear, the term "United States of America" is substituted.

BY: 

NELS R. CHRISTENSEN, Farm Loan Chief
Farm Service Agency, successor in interest to the
Farmers Home Administration, State of
California, United States Department of
Agriculture

STATE OF CALIFORNIA

COUNTY OF Yolo

On 01/08/2007 before me Vicki L. Lowe
(Date) (Name, Title - Notary Public)
personally appeared Nels R. Christensen
(Name(s) of Signer(s))

☒ personally known to me - OR

☐ proved to me the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged
to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that
by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which
the person(s) acted, executed the instrument.
Witness my hand and official seal.

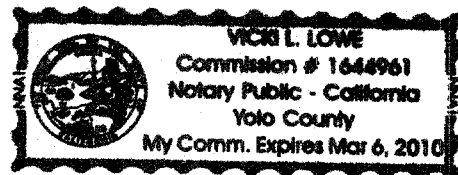
Vicki L. Lowe
Signature of Notary

VICKI L. LOWE

CAPACITY CLAIMED BY SIGNER

☐ INDIVIDUAL(s)
☐ CORPORATE
OFFICER(s) _____
☐ PARTNER(s)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(s)
☐ SUBSCRIBING WITNESS
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
Name of person(s) or entity(ies):
FARM SERVICE AGENCY



Schedule A — Continued

The land referred to in this policy is situated in the State of Oregon, County of Klamath and is described as follows:

Township 31 South, Range 8 East of the Willamette Meridian

- Section 5: SW $\frac{1}{4}$
 Section 7: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 1 and 2, But Excepting from said Lots 1 and 2 the portion thereof lying West of a line parallel to and 50 feet Easterly from the located center line of the Southern Pacific Company right of way.
 Section 15: SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 17: N $\frac{1}{2}$, SW $\frac{1}{4}$
 Section 20: All
 Section 21: S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
 Section 28: W $\frac{1}{2}$
 Section 29: All
 Section 30: E $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
 Section 31: E $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ of Lot 1, E $\frac{1}{2}$ E $\frac{1}{2}$ of Lot 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
 Section 32: All
 Section 33: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, S $\frac{1}{2}$
 Section 34: S $\frac{1}{2}$ N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Township 32 South, Range 8 East of the Willamette Meridian

- Section 4: Lots 3 and 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$
 Section 5: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, those portions of Lots 3 and 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ which lies Southerly and Easterly from the center line or thread of Williamson River; W $\frac{1}{2}$ SE $\frac{1}{4}$
 Section 6: Lots 1 and 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, Lot 3, Lot 4 (But Excepting from said Lot 4 a parcel 417.42 feet by 208.71 feet described as Parcel 2 in Deed Book 331, page 173), S $\frac{1}{2}$ NW $\frac{1}{4}$, Lots 6 and 7, that part of the E $\frac{1}{2}$ SE $\frac{1}{4}$ lying Southerly and Easterly of the center line or thread of Williamson River.
 Section 8: SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$

DESCRIPTION

PARCEL 1

The North half of the Northwest quarter, the Southeast quarter of the Northwest quarter and the West half of the West half of the Southwest quarter of the Northeast quarter of Section 8, Township 40 South, Range 3 East of the Willamette Meridian, Jackson County, Oregon.

EXCEPTING THEREFROM THE FOLLOWING:

The East half of the Southwest quarter of the Northeast quarter and The East half of the West half of the Southwest quarter of the Northeast quarter of Section 8, Township 40 South, Range 3 East, Willamette Meridian, Jackson County, Oregon.

PARCEL II

EXCEPTING THEREFROM THE FOLLOWING:

Tract A: The East half of the Southwest quarter, the West half of the Southeast quarter, and the Southeast quarter of the Southeast quarter of Section 21; the West half of the West half of Section 22; the West half of the West half of Section 27; and the East half of the Southeast quarter of Section 28; all in Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon.

ALSO, beginning at a point on the East line of Section 28, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon, which point is South 141.5 feet from the Northeast corner of said Section 28; thence North 141.5 feet to said Northeast corner; thence West 61.0 feet; thence Southeasterly in a straight line 154.0 feet, more or less, to the true point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

TRACT B: The North half; the Southwest quarter; and the West half of the Southeast quarter of Section 28, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at a point on the East line of Section 28, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon, which point is South 141.5 feet from the Northeast corner of said Section 28; thence North 141.5 feet to said Northeast corner; thence East 61.0 feet; thence Southeasterly in a straight line 154.0 feet, more or less to the true point of beginning.

ALSO, the Northeast quarter of the Northwest quarter of Section 33, Township 40 South, Range 4 East of the Willamette Meridian, Jackson County, Oregon.

DESCRIPTION (continued)

PARCEL III

The following described parcels in Township 40 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon:

TRACT A: The North half of the North half; the Southeast quarter of the Northeast quarter; the Southwest quarter of the Northwest quarter; the West half of the Southwest quarter; and the Southeast quarter of Section 1.

TRACT B: All of Section 2.

EXCEPTING THEREFROM the following: Beginning at a point which bears South $24^{\circ} 48' 40''$ East a distance of 1897.15 feet from the North quarter corner of said Section 2; thence South $48^{\circ} 02' 20''$ East a distance of 552.55 feet; thence on a curve to the right, having a radius of 430.0 feet a distance of 323.98 feet; thence South $04^{\circ} 52' 10''$ East a distance of 210.75 feet; thence on a curve to the left, having a radius of 220.0 feet, a distance of 162.85 feet; thence South $42^{\circ} 43' 04''$ West a distance of 60.0 feet; (continued)

PARCEL III/TRACT B (continued)

thence North $38^{\circ} 10' 26''$ West a distance of 189.6 feet; thence South $89^{\circ} 13' 34''$ West a distance of 275.5 feet; thence North $40^{\circ} 41' 11''$ West a distance of 575.90 feet; thence North $01^{\circ} 09' 34''$ East a distance of 465.67 feet; thence North $89^{\circ} 10' 25''$ East a distance of 160.60 feet to the true point of beginning.

TRACT C: The West half of the Northeast quarter of Section 3.

TRACT D: The North half of the Northeast quarter of Section 11.

TRACT E: The North half of the Northwest quarter; the Northwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter; and the East half of the Southwest quarter of Section 12.

TRACT F: The Northwest quarter; and the Northwest quarter of the Northeast quarter lying West of Immigrant Creek, of Section 13.

TRACT G: The Southeast quarter of the Northeast quarter of Section 14.

DESCRIPTION (continued)

PARCEL IV

The following described parcels in Township 40 South, Range 3 East of the Willamette Meridian, Jackson County, Oregon:

TRACT A: The West half of the Northwest quarter of Section 6.

TRACT B: The Southwest quarter of the Northwest quarter, and all of the Southwest quarter of Section 8.

TRACT C: The Northeast quarter of the Northwest quarter; and the Southeast quarter of the Northeast quarter of Section 17.

TRACT D: The North half of the Northeast quarter; the Southwest quarter of the Northeast quarter; and the Northwest quarter of the Southeast quarter of Section 20.

PARCEL V

The following described parcels in Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon:

TRACT A: Beginning at the Southeast corner of Section 34, Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence North along the line between Sections 34 and 35, said Township and Range, a distance of 14.00 chains to the center of Emigrant Creek; thence North $64^{\circ} 00' 00''$ West along the center of said Creek a distance of 8.00 chains; thence North $68^{\circ} 00' 00''$ West along the center of said Creek, a distance of 1.60 chains; thence South $50^{\circ} 00' 00''$ West 7.50 chains; thence South $40^{\circ} 00' 00''$ West, 4.86 chains; thence South $89^{\circ} 00' 00''$ West, 3.72 chains; (continued)

ATTACHMENT TO
REAL ESTATE MORTGAGE FOR OREGON
(Renewed, Extended and Modified)
[John M. Mosby, June 1, 1996]

Borrower executed two mortgages entitled "Real Estate Mortgage for Oregon" dated November 7, 1978 (the "1978 Mortgages"), to secure two promissory notes dated November 7, 1978 and any renewals and extensions thereof, which 1978 Mortgages are now of record in the office of the County Clerk, Klamath County, Oregon, in volume M78 of Mortgages on Page 25012, and in the Office of the County Clerk, Jackson County, Oregon, 78-25427. It is the purpose and intent of this Mortgage that, among other things, this instrument shall renew and extend the 1978 Mortgages. Therefore, for the consideration as discussed elsewhere within this instrument, Borrower hereby renews and extends the 1978 Mortgages.

This Mortgage, among other things, renews, extends and modifies but does not replace the 1978 Mortgages. The terms of the 1978 Mortgages remain in effect and force, except as modified by this Mortgage. The parties expressly disavow any intention to create a novation.

Whenever "Farmers Home Administration", "FmHA", "Rural Development Administration", or "RDA" may appear herein, the term "United States of America" is substituted.

Paragraph No. (22):

The Notes that are secured by this Mortgage are non-program loans, and Borrowers understand and agree that they have waived and are not entitled to any debt servicing rights or preservation rights provided for under Subpart S, Part 1951, Title 7 of the Code of Federal Regulations, or under any other FmHA regulation.

This Mortgage and the Notes that are secured by this Mortgage are subject to the terms of a Settlement Agreement between the Borrowers and the United States of America entered into in Case No. CIV-S-95-1879, United States District Court, Sacramento Division, Eastern District of California. In the event this Mortgage or the secured Notes conflict with the terms of the Settlement Agreement, the Settlement Agreement shall control.

PARCEL V/TRACT A (continued)

thence South 16° 00' 00" West, 2.87 chains; thence South 20° 00' 00" West, 3.45 chains; thence South, 2.60 chains to the South line of said Section 34; thence East along said South line, a distance of 23.19 chains to the true point of beginning.

TRACT B: The Southwest quarter of Section 35, in Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon.

EXCEPTING THEREFROM, the following: Beginning at a 3/4 inch by 18 inch iron bolt on the existing Northwestern right of way line of the Greensprings Highway as now located, said bolt bears 1244.60 feet East and 875.40 feet South of the quarter corner common to Sections 34 and 35, Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon, for the true point of beginning; thence along said right of way line South 42° 54' 30" West, 125.64 feet; thence North 52° 51' 30" West, 200.0 feet to a bolt; thence North 37° 08' 30" East, 125.0 feet to a 3/4 inch by 18 inch bolt; thence South 52° 51' 30" East, 212.62 feet to the true point of beginning.

TRACT C: The Southwest quarter of the Southeast quarter of Section 35.

TRACT D: All that portion of the Southeast quarter of the Southeast quarter of Section 35, and the South half of the North half, and the South half of Section 36, Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon, lying and being Southerly of a line generally described as follows: Beginning at the point where the new Ashland-Klamath Falls Road (as of 1920) intersects the West line of the Southeast quarter of the Southeast quarter of said Section 35; thence following the center line of said road, Easterly to a point where said road intersects the gulch known as "Soda Gulch", said point being about 10 rods South of the center of said Section 36; thence in a Northeasterly direction following the meanderings of said Gulch, to where said Gulch intersects the East line of said Section 36, and which point is 2100.0 feet South, more or less, from the Northeast corner of said Section 36. EXCEPTING THEREFROM, a living spring on the Southerly side of said Ashland-Klamath Falls Road, between Stations 283+61.2 and 280+99.5, and in the North half of the Southwest quarter of said Section 36, together with a strip of land 100.0 feet in width extending South from said road to a point 10.0 feet South of the said living spring, the West side of said strip being about 300.0 feet long and the East side being about 525 feet long.

ALSO EXCEPTING THEREFROM land conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 224, page 159, Deed Records of Jackson County, Oregon.

ALSO EXCEPTING THEREFROM, the following: A parcel of land conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 197, page 287, Deed Records of Jackson County, Oregon, and more particularly described as follows: Beginning at a point on the Northerly right of way line of the Green Springs Highway, said point being 30 feet distance from (when measured at right angles to) the centerline of said Highway at Engineer's Station 234+40.0, said point being 985.6 feet West and 917.4 feet North of the South quarter corner of Section 36, Township 39 South, Range 2 East of the Willamette Meridian, Jackson County, Oregon; thence North 61° 58' 00" West, 230.0 feet; thence North 20° 51' 00" East, 205.6 feet; thence South 80° 00' 00" East, 100.0 feet; thence South 22° 24' 00" East, 262.4 feet to the Northerly right of way line of the above mentioned highway; thence following the said Northerly right of way line on a 234.6 foot radius curve to the left (the long chord of which bears South 59° 37' 00" West) 80.0 feet to the true point of beginning.