

MT73388 KR



THIS SPA
2008-006260
Klamath County, Oregon



04/30/2008 09:06:25 AM

Fee: \$26.00

After recording return to:
Dale F. Payne
PO Box 284
Wallace, CA 95254

Until a change is requested all tax statements shall be sent to the following address:

Dale F. Payne
PO Box 284
Wallace, CA 95254

Escrow No. MT73388-KR
Title No. 0073388
SWD-EM

STATUTORY WARRANTY DEED

Barney Burks and Eula B. Burks, Trustees of The Barry H. Burks Irrevocable Trust dated September 30, 1988, and Wayne K. Burks & Kay E. Burks, Trustees of The Wayne K. Burks and Kay E. Burks Living Trust dated February 11, 1993, together as tenants in common, Grantor(s) hereby convey and warrant to Dale F. Payne and Darlene A. Payne, as tenants by the entirety, Grantee(s) the following described real property in the County of KLAMATH and State of Oregon, free of encumbrances except as specifically set forth herein:

LEGAL DESCRIPTION

All of Government Lot 2, Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING THEREFROM that portion conveyed by instrument recorded July 8, 1940 in Volume 130, page 306, Deed Records of Klamath County, Oregon, more particularly described as follows:

A parcel of land lying in the NE1/4 NE1/4 of Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, and being a portion of that tract of land which was conveyed by that certain deed from Sheriff to Klamath County, recorded in Book 76, pages 208-210, Klamath County Record of Deeds; the said parcel being described as follows:

Beginning at a point on the East line of said Section 3, which point is on the Northeasterly right of way line of the Dalles-California Highway, said point being 30.0 feet distant from and measured at right angles to the center line of said highway, at Engineer's Station 45+20.9; said point also being 691.7 feet South of the Northeast corner of said Section 3, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon; thence North 00° 23' East along the Easterly line of said tract, a distance of 362.5 feet; thence North 79° 12' West a distance of 471.5 feet to a point on the Northeasterly right of way line of the Dalles-California Highway; thence Southeasterly along the said Northeasterly right of way line on a 1940.0 foot radius curve right (whose long chord bears South 46° 01' 30" East 616.4 feet) a distance of 629.2 feet; thence South 36° 44' East along said highway right of way line a distance of 28.5 feet to the point of beginning.

AND EXCEPTING THEREFROM those portions thereof described in Deeds to the United States of America recorded November 16, 1908, June 15, 1914, and August 12, 1936 in Volume 24 Page 615, Volume 42 Page 250, and Volume 256 Page 219, respectively.

AND EXCEPTING THEREFROM that portion thereof described in Deed to Klamath County recorded September 3, 1922 in Volume 59 Page 164.

AND EXCEPTING THEREFROM that portion lying within the right of way of the Dalles-California Highway.

26AMT

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR AND GRANTEE.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)).

Dated this 17th day of December, 2007.

Barney Burks and Eula B. Burks, Trustees of The Barry H. Burks Irrevocable Trust dated September 30, 1988.

BY: Barney Burks
Barney Burks, Trustee

BY: Eula Burks
Eula Burks, Trustee

Wayne K. Burks and Kay E. Burks Trustees of The Wayne K. Burks and Kay E. Burks Living Trust dated February 11, 1993

BY: Wayne K. Burks
Wayne K. Burks, Trustee

BY: Kay E. Burks
Kay E. Burks, Trustee

STATE OF CALIFORNIA

ss.

COUNTY OF

On December 17th, 2006 before me, Patrick Fort, Notary Public personally appeared Barney Burks and Eula Burks and Wayne K. Burks and Kay E. Burks personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that They executed the same in their authorized capacity(ies), and that by 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.

Signature Patrick Fort

