

2008-010477

Klamath County, Oregon

Recording Requested By:  
Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601



00050208200800104770040046

07/22/2008 02:29:54 PM

Fee: \$36.00

When Recorded Return To:

Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls, OR 97601

Until requested otherwise, send all tax statements:

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

ATE: 65946 MS

## COVER SHEET

*This deed is being re-recorded to correct the legal description*

**DOCUMENT:**      **Warranty Deed**

**GRANTOR:**        **Frank M. Graves**

**GRANTEE:**        **Allen L. Deutscher and Marijke M. Deutscher, husband  
and wife**

#36-14

2008-010244

Klamath County, Oregon

After Recording Return to:

ALLEN L. DEUTSCHER

MARIJKE M. DEUTSCHER

1401 Marvin Rd NE #307-254

Levy, Wa. 98516

Until a change is requested all tax statements

Shall be sent to the following address:

Same as above

This deed is being Re-recorded  
to correct the legal description

WARRANTY DEED

(INDIVIDUAL)

ATE: 65946 MS

FRANK M. GRAVES, herein called grantor, convey(s) to ALLEN L. DEUTSCHER AND MARIJKE M. DEUTSCHER, HUSBAND AND WIFE, herein called grantee, all that real property situated in the County of KLAMATH, State of Oregon, described as:

SEE EXHBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR LEGAL DESCRIPTION

CODE 001 MAP NO. R 3809-034CB-09500-000 KEY NO: R444344

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, and apparent upon the land, contracts and/or liens for irrigation and/or drainage  
See Exhibit "B" attached hereto and made a part hereof.

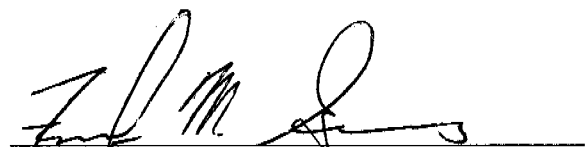
and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$400,000.00. The execution of this Deed directly to the Grantee named herein is done at the direction of LandAmerica 1031 Exchange Service, as part of tax deferred exchange for the benefit of the Grantee named herein.

(here comply with the requirements of ORS 93.930)

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. 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, 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.

Dated July 15, 2008.

  
FRANK M. GRAVES

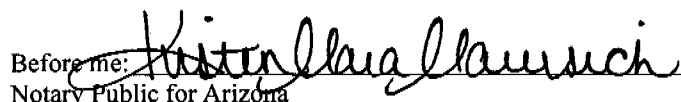
STATE OF ARIZONA, County of Maricopa -) ss.

On 11th of July -, 2008 personally appeared the above named FRANK M. GRAVES and acknowledged the foregoing instrument to be his voluntary act and deed.

This document is filed at the request of:

 **Aspen**  
TITLE & ESCROW, INC.

525 Main Street  
Klamath Falls, OR 97601  
Order No.: 65946MS

Before me:   
Notary Public for Arizona  
My commission expires: July 25th, 2011



#31-A

*Exhibit A*

The following described real property in Klamath County, Oregon:

**\*38**

A tract of land 320 feet wide North and South, in ENTERPRISE TRACTS NO. ~~33~~ 31A and No. 41B, and lying North of the North line of the country road known as the extension of Eberlein Avenue and bounded on the North by the Northerly line of Wantland Avenue of Darrow Addition to the City of Klamath Falls, Oregon extended East to the right of way of the U.S.R.S Canal; also such fragment of Enterprise Tracts No. 30 lying South of the U.S.R.S. canal, as may remain after conveyance heretofore made by Enterprise Land and Investment Company to the U.S.R.S. for right of way, and to Klamath County, Oregon for road purposes. Together with vacated portions of Allandale and Applewood Streets described as parcels 1 & 2 in Volume 70 Page 4511, Klamath County, recorded June 5, 1970, in the SW 1/4 of Section 34, Township 38 South, Range 9 East of the Willamette Meridian ,

EXCEPTING, HOWEVER, those certain parcels heretofore conveyed to the United States of America for right of way of the main canal and "B" Lateral of the United States of America Irrigation System, and to Klamath County, Oregon, for rights of way of roads known as the extension of Eberlein Avenue and Washburn Way.

EXCEPTING ALSO that certain parcel of land deeded by Alfred D. Collier and Ethel F. Collier, husband and wife, to Geo. H. Merryman and Mabel C. Merryman, husband and wife, and George H Merryman, Jr. and Elizabeth F. Merryman, husband and wife, recorded May 2, 1941 in Book 137 at Page 359, Deed Records of Klamath County, Oregon.

EXCEPTING ALSO that certain parcel of land deeded by Alfred D. Collier and Ethel F. Collier, husband and wife, to Klamath County, Oregon, recorded May 11, 1941 in Book 137 at Page 542, Deed Records of Klamath County, Oregon, BUT INCLUDING ALSO the right and privileges reserved in said deed to Alfred D. Collier and Ethel F. Collier, said land being deeded to Klamath County, Oregon, for the use as a county road as therein set forth.

EXCEPT that portion lying East of the centerline of vacated Allandale Street

CODE: 001 MAP: 3809-034CB TL: 09500 KEY: 444344

**Exhibit "B"**

Sellers hereby reserve an existing easement for sewer purposes over, under, across and through a portion of the property described herein for the benefit of seller's adjoining property to the east and also agrees to herein grant the same right and use to the purchasers herein. Said rights are to extend to each parties successors and assigns for the mutual use of said existing easement.

Also, both Sellers and Purchasers are aware of the existing encroachments as shown in survey No. 7548 of the records of the Klamath County Surveyor. Both parties are agreeable to take no action and in no way will any of these encroachments create an ownership by way of adverse possession.