

1190903

2008-010883
Klamath County, Oregon



07/31/2008 03:35:43 PM Fee: \$41.00

Recording Requested By:

Drew Hill
P O Box 208
Merrill OR 97633

When Recorded Mail To:

Drew Hill
P O Box 208
Merrill OR 97633

Mail Tax Statements To:

Drew Hill
P O Box 208
Merrill OR 97633

(This Space for Recorder's Use)

WARRANTY DEED

1st 1190903

D.H. Hill Land Co., LLC, an Oregon limited liability company, hereinafter referred to as "Grantor", conveys and warrants unto Drew Hill all that real property situated in Klamath County, State of Oregon and described as:

See Exhibit "A" attached, along with all appurtenant irrigation rights.

Grantor covenants that it is the owner of the above- described property free of all encumbrances except:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
3. Acceptance of the Terms and Conditions of Reclamation Extension Act, including terms and provisions thereof recorded in Volume 43, Pages 36, 98 and 102, Deed Records of Klamath County, Oregon.
4. Irrigation contract for change or alteration recorded December 19, 2002 in Volume M02, Page 74111, Records of Klamath County, Oregon. Said instrument was re-recorded January 14, 2003 in Volume M03, Pages 2209-2214, Records of Klamath County, Oregon.
5. Easement, including the terms and provisions contained therein recorded October 7, 2004 in Volume M04, Page 68162, Official Records of Klamath County, Oregon, in favor of David D. Hill and Sandra A. Hill for ingress and egress on that certain roadway known as Shuck Lane.

The true and actual consideration for this transfer is \$584,100.00. ✓

F41

Warranty Deed -1-

DAVIS, HEARN
SALADOFF & BRIDGES
A Professional Corporation
515 EAST MAIN STREET
ASHLAND, OREGON 97520
(541) 482-3111 FAX (541) 488-4455
www.davishearn.com

Grantor does hereby reserve unto David D. Hill and Sandra A. Hill, husband and wife, owners of that certain adjoining real property described on Exhibit "B" attached, a perpetual and exclusive easement for use of that certain irrigation pump situated on the subject property at the D3A Canal on its east side. This easement will be deemed appurtenant to the real property described on Exhibit "B". The use, maintenance, and replacement of said pump will be shared by the owners of the parcels being served by same, two-thirds by the owner of the parcel described on Exhibit "A" and one-third by the owner of parcel described on Exhibit "B". The cost of power will be shared in the same proportion.

As additional consideration to Grantor, they hereby reserve a Right of First Refusal in favor of all members of the Hill family which includes David D. Hill, Dale R. Hill, Laura L. Brant, Dean F. Hill, and William F. Hill, as well as all of the children of said family members. This right shall remain in effect for 10 years from the date hereof. Before Grantee shall sell the subject property to any third party, Grantee must first notify all holders of this right with a single notice to Dean Hill and David Hill at fax number (541)798-5532 and P O Box 544 in Merrill, OR 97633. If said fax number or post office box shall become unavailable for notification during this period, Grantee shall deliver notice to said recipients at their last-known addresses. If any holders of the Right elect to exercise same, they must notify Grantee in writing no later than 30 days following delivery of said notice. In such event, they shall join with Grantee in selecting an appraiser agreeable to all. The cost of the appraisal will be divided 50/50 between Grantee and all buyers in the transaction. It shall also include all equipment then in use on the subject property. Closing will occur 75 days following issuance of the appraisal and it shall be a cash purchase by any holders of the right willing to purchase. If none of the holders of the Right notify Grantee of their exercise of same as provided above, or if closing fails to occur as provided above due to the buyer's default, this Right shall be considered void and Grantee shall be free to sell the subject property to said third party.

In that certain Warranty Deed recorded in the Official Records of Klamath County, Oregon in Volume M04, Page 58298 on August 31, 2004, an easement was reserved regarding a certain irrigation well situated at the east boundary of the parcel being conveyed in said deed. Said easement is appurtenant to the parcels described on Exhibit "A" and "B" attached. This easement entitles the owners of these parcels to half the water produced from said well. Hereafter, of the half of the well production subject to this easement, 9.24% of same shall be the entitlement of the owners of the parcel described on Exhibit "B" and the owner of the parcel described on Exhibit "A" entitled to the residue. All expenses incurred concerning said well shall be shared in the same proportion that the well's production is shared.

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 THE 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 ORS 197.352.

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www.davishearn.com

This Deed is signed by authority of the Members of Grantor limited liability company, this __ day of July, 2008.

Hill Land Co., Inc.

By: David Hill William F. Hill
By: Dean F Hill
Walter Hill Laura L. Brant

STATE OF OREGON)
) §
COUNTY OF KLAMATH)

On the __ day of July, 2008, personally appeared Dean Hill and David D. Hill, Managers of Grantor limited liability company, first being sworn, stated that this Deed was voluntarily signed and sealed on behalf of said limited liability company by authority of its Members. Before me:



Sarah Kness
Notary Public for Oregon
My Commission Expires: 10/16/2010

Exhibit "A" ✓

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

A TRACT OF LAND IN SECTIONS 26 AND 35, TOWNSHIP 40 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, SAID TRACT BEING PART OF PARCEL 2 OF LAND PARTITION 29-04 AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 35 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF SAID PARCEL 2 LYING NORTHEASTERLY OF THE CENTERLINE OF THE U.S. BUREAU OF RECLAMATION D-3-A IRRIGATION LATERAL TOGETHER WITH THAT PART OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER LYING NORTHEASTERLY OF SAID U.S. BUREAU OF RECLAMATION D-3-A IRRIGATION LATERAL CENTERLINE.

PER PROPERTY LINE ADJUSTMENT 15-07

SHIRLEY
ACTING
1975

EXHIBIT "B" PAGE

LEGAL DESCRIPTION:

A TRACT OF LAND BEING A PORTION OF PARCEL 2 OF LAND PARTITION 29-04 SITUATED IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 40 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

THAT PORTION OF SAID PARCEL 2 LYING SOUTHWESTERLY OF THE CENTERLINE OF THE U.S BUREAU OF RECLAMATION D-3-A LATERAL.

(PER PROPERTY LINE ADJUSTMENT 15-07)