

2008-016536

Klamath County, Oregon



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12/16/2008 10:28:00 AM

Fee: \$41.00

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Michael C. Morgan and Erika A. Morgan
801 Oakhurst Avenue
Abescon, NJ 08201

Space Above This Line for Recorder's Use Only

A.P.N.: Acct.#R78338

File No.:

PARCEL # R-4107-01000-02100-000

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX \$Gift; CITY TRANSFER TAX \$;
SURVEY MONUMENT FEE \$

- [] computed on the consideration or full value of property conveyed, OR
[☒] computed on the consideration or full value less value of liens and/or encumbrances remaining at time of sale,
[☒] unincorporated area; [Klamath] City of , and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **Richard Macgurn and Elizabeth S. Hinkens, Successor Co-Trustees of The Katherine A. Bauer Trust Dated May 5, 1997**

hereby GRANTS to **Michael Chad Morgan and Erika Alexandra Morgan, husband and wife**, as joint tenants with right of survivorship

the following described property in the /unincorporated area, County of **Klamath, State of Oregon**, State of California:


The East 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 10, Township 41 South, Range 7 East, W.M. Klamath County, Oregon.

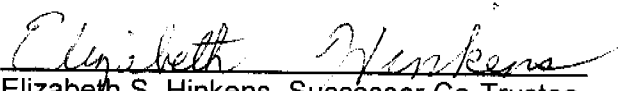
More commonly known as 20 acres, Township 41 S. Range 7 E. Klamath, OR.

SEE ATTACHED EXHIBITS "A" & "B" MADE A PART HEREOF AND THERETO

Dated: **October 29, 2008**

Richard Macgurn, Successor Co-Trustee of
The Katherine A. Bauer Trust Dated May 5, 1997


Richard Macgurn, Successor Co-Trustee
Elizabeth S. Hinkens, Successor Co-Trustee of
The Katherine A. Bauer Trust Dated May 5, 1997


Elizabeth S. Hinkens, Successor Co-Trustee

Mail Tax Statements To: **SAME AS ABOVE**

Date: October 29, 2008

STATE OF

California

COUNTY OF

Santa Barbara}
}ss.
}

On October 29, 2008, before me, J. A. Hernandez, Notary Public, personally appeared Richard Macgovern + Elizabeth J. Hinkens, who 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 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

J. A. Hernandez

My Commission Expires:

May 3, 2011

This area for official notarial seal

Notary Name: _____

Notary Phone: _____

Notary Registration Number: _____

County of Principal Place of Business: _____

EXHIBIT "A"

FIRST AMENDMENT TO DECLARATION OF TRUST CREATING THE KATHERINE A. BAUER TRUST

PURSUANT TO the powers reserved to herself as Trustor under Section 3.1 of that certain Declaration of Trust creating THE KATHERINE A. BAUER TRUST dated May 5, 1997 (the "Trust"), the undersigned hereby amends said Trust as follows:

1. Section 1.2, Identification of Beneficiaries is hereby amended, modified and changed to read as follows:

1.2 **Identification of Beneficiaries.** The beneficiaries of the Trust, in order of priority, are:

- a. Katherine A. Bauer, the Trustor, (hereinafter referred to as *Trustor Lifetime Beneficiary*);
- b. Beneficiaries other than the Trustor, (hereinafter referred to as *Primary Beneficiaries*), as follows:

Robert Brasch
Michelle Brasch
Marcy Collins
Richard Macgurn

2. Section 1.3 Designation of Successor Trustee is hereby amended, modified and changed to read as follows:

1.3 **Designation of Successor Co-Trustees.** Upon the death of the Trustor, Richard Macgurn and Elizabeth S. Hinkens shall serve as Co-Trustees.

3. Section 2.5 Administration of Primary Beneficiary Trust is hereby amended, modified and changed to read as follows:

2.5 **Administration of Primary Beneficiary Trust.** The Primary Beneficiary Trust shall be administered as follows:

2.5a **Specific Bequests.** As soon as practical after the death of the Trustor, the Trustees shall distribute the following property to the Primary Beneficiaries:

Property

Any and all interest in the Timeshare property at Vacation Villas at FantasyWorld, Osceola County, FL; Account #169196 with American Equity Investment Life Insurance Company

To

Robert Brasch

Oriental Plate Collection, Emerald and Diamond Ring with matching Emerald and Diamond Pendant

Michelle Brasch

Crystal Collection, Italian Cabinet

Marcy Collins

\$100

Rick Macgurn

Should any of the Primary Beneficiaries fail to survive the Trustor, the gift to such Beneficiary shall lapse and the property which would have otherwise been distributed to such Primary Beneficiary shall be added to the residue.

2.5b **Residue.** All of the rest, residue and remaining property of the Primary Beneficiary Trust or any property not otherwise disposed of under the terms of this Trust shall be subject to the limited power of appointment set forth herein sections 2.5c to 2.5e below.

2.5c **Inter Vivos Power of Appointment.** Subject to Section 2.5a, during the lifetime of Richard Macgurn the Trustees shall distribute the entire principal and income of the Primary Beneficiary Trust or any part thereof to such one or more persons on such terms and conditions, whether outright or in trust, as Richard Macgurn from time to time may appoint by a signed written instrument delivered to one or more of the Trustees, with such instrument specifically referring to and exercising this power of appointment.

2.5d **Testamentary Power of Appointment.** Subject to Section 2.5a, upon the death of Richard Macgurn, the Trustees shall distribute the entire principal and income of the Primary Beneficiary Trust or any part thereof to such one or more persons on such terms and conditions, either outright or in trust, as Richard Macgurn may appoint by an instrument in writing (including without limitation a Will or Codicil) signed by Richard Macgurn and delivered to the Trustees, specifically referring to and exercising this power of appointment.

2.5e **Nature of Powers of Appointment.** The powers of appointment set forth in Sections 2.5c and 2.5e are non-general, limited powers of appointment, and therefore, notwithstanding anything to the contrary herein contained, such power of appointment may not be exercised to any extent or in any manner in favor of

Richard Macgurn, Richard Macgurn's estate, creditors of Richard Macgurn or creditors of Richard Macgurn's estate.

4. Section 1.4 Acts of Trustees, is hereby amended, modified and changed to read as follows:

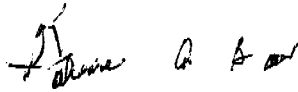
1.4 Acts of Trustees. If there are two Trustees, either acting alone may consent and act to bind the Trust.

5. To assist me during the period of my disability, I hereby appoint Richard Macgurn as a Co-Trustee to serve as a Co-Trustee.
6. Except as provided herein, THE KATHERINE A. BAUER TRUST, date May 5, 1997, as amended this date, shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, this First Amendment has been executed on August 8, 2008.


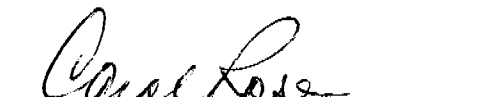
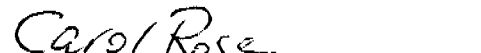
TRUSTOR:

(Mark)



KATHERINE A. BAUER

~~KATHERINE A. BAUER, being unable to write, made her mark in our presence and requested the first of the undersigned to write her name, which she did, and we now subscribe our names as witnesses thereto.~~


Signature of Witness
Printed Name of Witness
(805) 710-9298
Signature of Witness
Printed Name of Witness
(805) 260-9088