

2009-015123

Klamath County, Oregon



00076018200900151230050051

AFTER RECORDING, RETURN TO:

Mari Bailey
Mari Bailey, PC
2985 River Road S.
Salem, OR 97302

Consideration: None

11/27/2009 08:48:38 AM

Fee: \$57.00

Send Tax Statements To: No Change

DEED

JAMES H. RABE, as Grantor,

conveys to

JAMES H. RABE and JUDITH H. RABE, as Trustees of THE JAMES H. RABE FAMILY TRUST, under Agreement dated 11/13, 2009 as Grantee,

an undivided 1/3 interest, as Tenants in Common, in the following described real property located in Klamath County, Oregon:

See Exhibits A and B attached hereto and incorporated into this instrument by this reference.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has the right to convey the property, that the property is free from encumbrances except those which are a matter of public record as of the date of this deed, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of the Grantor to preserve any existing title insurance coverage.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, 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 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated 11/3, 2009.



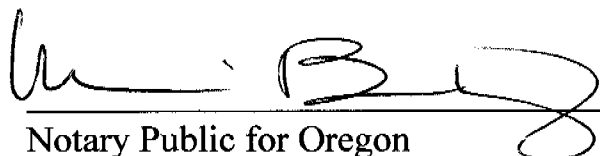
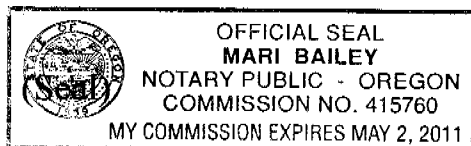
James H. Rabe

GRANTOR

Marion County, Oregon - ss.

On this 3rd day of November, 2009, personally appeared JAMES H. RABE and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon

My Commission Expires: MAY 2,

2011

EXHIBIT A

PARCEL 1:

The N1/2 of NE1/4 of Section 17, Township 24 South, Range 9 East, of the Willamette Meridian, Klamath County, Oregon, EXCEPT a strip of land not exceeding 60 feet in width commencing at the West line of the meadow at its intersection with the South quarter line of the Northwest quarter of said Section 17 and running thence Northeasterly by the most practical route to the North line of said Section, it being the intention that said strip of land last above mentioned shall be the easement of right of way for a log railroad constructed over and upon that part of the Northwest quarter of said Section 17 which lies West of the Deschutes River and East of the tract described as follows:

Commencing at the Northwest corner of Section 17, in Township 24 South, Range 9 East, Willamette Meridian, Klamath County, Oregon, and running thence East 1,320 feet; thence South 875 feet; thence South 28 degrees 26' West 811 feet; thence South 28 degrees 49' West 373 feet; thence South 44 degrees 18' West 640 feet; thence South 39 degrees 31' West 316 feet to the quarter corner of the West line of said Section 17; thence North 0 degrees 49' West along the West line of said Section 17, 2,640 feet, more or less, to the point of beginning.

PARCEL 2:

Lot 6 in Block 1 of ROBERTS RIVER ACRES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

EXHIBIT B

1. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Walker Range Timber Fire Patrol. (Affects Parcel 1)
2. Rights of the public and of governmental bodies in and to that portion of the premises described herein, now or at any time lying below the high water mark of the Little Deschutes River, including any ownership rights which may be claimed by the State of Oregon, in and to any portion of the premises now or at any time lying below the ordinary high water mark thereof. (Affects Parcel 1)
3. Any adverse claim based upon the assertion that:
 - A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Little Deschutes River or has been formed by accretion to any such portion.
 - B) Some portion of said property has been created by deposit of artificial fill.And Excepting:
 - C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Little Deschutes River.
 - D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Little Deschutes River. (Affects Parcel 2)
4. Reservations as contained in plat dedication, to wit:

"The 16 foot easement centered on the back and side lines as shown on the within plat for public utilities. There is to be no access from State Highway 97 to abutting lots." (Affects Parcel 2)
5. Easements as dedicated or delineated on the recorded plat.
For: Power
(Affects: a Southeasterly portion of Parcel 2)

6. Setback line as delineated on the face of the plat of Roberts' River Acres.
7. Top of bank as delineated on the face of the plat of Roberts' River Acres.
8. Easements as dedicated or delineated on the recorded plat.
For: Fishing
(Affects: Affects a strip of land 20' wide in a Northwesterly portion of Parcel 2)
9. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, imposed by instrument, subject to the terms and provisions thereof,
Recorded: November 2, 1996
Volume: M66, page 11487, Microfilm Records of Klamath County, Oregon
Recorded: May 22, 1972
Volume: M72, page 5442, Microfilm Records of Klamath County, Oregon
(Affects Parcel 2)
10. An easement created by instrument, subject to the terms and provisions thereof,
Dated: September 6, 1988
Recorded: February 9, 1989
Volume: M89, page 2584, Microfilm Records of Klamath County, Oregon
In favor of: Midstate Electric Cooperative, Inc., a Cooperative corporation
For: Electric transmission line
(Affects Parcel 2)