

2010-011540

Klamath County, Oregon



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09/29/2010 03:16:03 PM

Fee: \$42.00

**BARGAIN AND SALE DEED**

**Grantor:**

John H. Garner  
34700 Modoc Point Road  
Chiloquin, OR 97624

**Grantee:**

John H. Garner and Nancy G. Garner  
34700 Modoc Point Road  
Chiloquin, OR 97624

**After recording, return to:**

Boivin, Uerlings & Dilaconi, P.C.  
Attn: James R. Uerlings  
803 Main Street, Suite 201  
Klamath Falls, OR 97601

**Send all property tax statements to:**

John H. Garner  
34700 Modoc Point Road  
Chiloquin, OR 97624

**Consideration:** \$0.00

KNOW ALL MEN BY THESE PRESENTS, That **John H. Garner**, hereinafter called Grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **John H. Garner and Nancy G. Garner, husband and wife**, hereinafter called Grantees, and unto Grantees' heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

Real property located at 37400 Modoc Point Rd, Chiloquin, Oregon more particularly described as follows:

PARCEL 1: A portion of Government Lot 16 in Section 6, Township 35 South, Range 7 East of the Willamette Meridian, described as follows: Beginning at a point located on the East Bank of Agency Lake, which is West 988.9 feet and North 0°14' East 240 feet from the Southeast corner of Lot 16, said township and range; thence East 331.9 feet to an iron pin on the West boundary of State Highway No. 427; thence North 0°14' East along said boundary 90 feet to a point; thence West 331.1 feet more or less to the East bank of Agency Lake; thence Southerly along the East bank of Agency Lake to the point of beginning.  
Property Tax Id #R227551

PARCEL 2: The North one-half of a tract of land situated in Lot 16, Section 6, Township 35 South, Range 7 East of the Willamette Meridian, and more particularly described as follows: Beginning at an iron pin located on the East bank of Agency Lake said point also being West a distance of 988.9 feet and North 0°14' East a distance of 240.0 feet from the Southeast corner of Lot 16; thence East 331.9 feet; thence South 0°14' west, 80.0 feet; thence West 328.2 feet; thence Northerly to point of beginning.  
Property Tax Id #R227579

SUBJECT TO: Acreage and use limitations under provisions of the United States Statutes and regulations issued thereunder; rights of the public and of Governmental bodies in and to that portion of the herein described property lying below the ordinary high water mark of Agency Lake; perpetual easement for the raising and lowering of the water level of Upper Klamath Lake by Agreement, including the terms and provisions thereof, between Edwin G. Warner and Euphemia J. Warner, husband and wife, to California Oregon Power Company, a California Corporation, dated February 27, 1924 and recorded May 3, 1924 in Deed Book 64 at page 76, Klamath County records; easements and rights of way of record and apparent thereon.

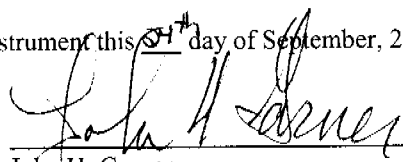
To Have and to Hold the same unto the said Grantees and Grantees' heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole of the consideration.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.


In Witness Whereof, the Grantor has executed this instrument this 24<sup>th</sup> day of September, 2010.

  
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John H. Garner

STATE OF OREGON     )  
                                  ) SS  
County of Klamath    )

This instrument was acknowledged before me on September 24<sup>th</sup>, 2010 by John H. Garner.



  
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Notary Public for Oregon  
My Commission Expires: 10/21/2013