

2012-013783

Klamath County, Oregon



00128477201200137830070076

12/11/2012 10:53:15 AM

Fee: \$67.00

Until a change is requested, all tax statements shall be sent to  
Kimberly Price  
Isler Group, LLC  
626 South Seventh Street  
Klamath Falls, Oregon 97601

After recording return to:  
David E. Petersen  
Merrill O'Sullivan, LLP  
805 SW Industrial Way, Suite 5  
Bend, Oregon 97702

Returned to Counter

### BARGAIN AND SALE DEED

Henzel Brothers, an Oregon general partnership, Grantor, conveys to Henzel Properties, LLC, an Oregon limited liability company, Grantee, the following described real property:

The real property particularly described on Exhibit A attached hereto and by this reference incorporated herein.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Other property or value was either part or the whole consideration.

[Signature page follows.]

DATED: December 3, 2012

**GRANTOR:**

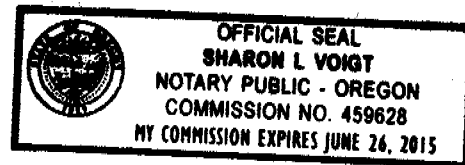
HENZEL BROTHERS,  
an Oregon general partnership

By: Samuel A. Henzel  
Samuel A. Henzel, Partner

State of Oregon       )  
                              ):ss,  
County of Klamath    )

This instrument was acknowledged before me on December 3, 2012, by Samuel A. Henzel.

Sharon L. Voigt  
Notary Public of Oregon



**EXHIBIT A**

**Real Property Legal Description**

[See attached]

**EXHIBIT A**

## EXHIBIT A

### Legal Description

PARCEL 1:

TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN

SECTION 1:

Beginning at the Northwestern corner of the S½ SE¼ NE¼ of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, and running thence North 89°49' West 704.4 feet, more or less, to a point in the line marking the Northeasterly boundary of the right of way of the Midland-Mack Store Road, which is a line parallel with and 30.0 feet distant at right angles Northeasterly from the center line of the said Midland-Mack Store Road, as the same is now located and constructed; thence South 38° 25½' East, along said Northeasterly right of way boundary 1134.2 feet, more or less, to its intersection with the line marking the Easterly boundary of Lot 2, of Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence North 0°02' West, along said line marking the Easterly boundary of the said Lot 2 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, 886.3 feet, more or less, to the said point of beginning.

All those portions of Lots 1 and 2, Section 1, lying Southwesterly of the Midland-Mack Store Highway as now constructed and in use, in Township 40 South, Range 8 East of the Willamette Meridian.

The S½ SE¼ NE¼ of Section 1, Township 40 South, Range 8 East of the Willamette Meridian.

Lots 3, 4, and 9 of Section 1, SAVING AND EXCEPTING that portion of the A. H. Patterson, Sr. property described in deed recorded in Book 199 page 113, which lies Northerly and Easterly of the Northeast boundary of the New North canal of the Klamath Drainage District and SAVING AND EXCEPTING THEREFROM that portion conveyed to State of Oregon by deed dated May 23, 1947, recorded June 3, 1947, in Deed Book 207 page 156, records of Klamath County, Oregon.

All that portion of Lot 6, Section 1, lying Easterly of the Central Pacific Railway Company right of way, SAVING AND EXCEPTING that portion thereof lying Northerly of the Midland-Mack Store Highway and having been conveyed to Arthur Neil Phipps, et al, by deed dated March 14, 1950, recorded March 17, 1950, in Book 237 page 387, Deed Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING that portion thereof conveyed to Klamath County by deed dated April 21, 1934, recorded September 19, 1934, in Deed Book 103 page 506, Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING therefrom that portion conveyed to the State of

Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed Records of Klamath County, Oregon.

Those portions of Lot 7, the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1, lying Easterly of the Central Pacific Railway Company right of way, SAVING AND EXCEPTING from said Lot 7 that portion conveyed to the State of Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed Records of Klamath County, Oregon.

All of Lots 5 and 8, and the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 1.

SECTION 11:

That portion of the E $\frac{1}{2}$  SE $\frac{1}{4}$  lying Easterly of the Central Pacific Railroad right of way.

SECTION 12:

All that portion of Section 12 lying Easterly of the Central Pacific Railroad right of way.

SECTION 13: ALL

SECTION 14:

That portion of the E $\frac{1}{2}$  lying Easterly of the Central Pacific Railroad right of way.

TOWNSHIP 40 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

SECTION 6:

That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southwesterly of the New North Canal of the Klamath Drainage District.

SECTION 7:

Lots 1, 8, 9, 10 and 13; and the S $\frac{1}{2}$  NW $\frac{1}{4}$ ; the SW $\frac{1}{4}$ ; the W $\frac{1}{2}$  SE $\frac{1}{4}$ ; and SE $\frac{1}{4}$  SE $\frac{1}{4}$ ; and that portion of the NE $\frac{1}{4}$  and Lot 7 lying Southerly and Westerly of the center line of the said New North Canal.

SECTION 18: ALL

All those portions of Section 23 and 24, Township 40 S.R. 8 E.W.M., and of Section 19, Township 40 S.R. 9 E.W.M. lying Easterly of Highway #97 and Northerly and Easterly of the center line of Klamath Straits, as presently located and constructed. EXCEPTING THEREFROM the following described parcel: All that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 23, Twp. 40 S.R. 8 E.W.M., lying South of the Klamath Straits (Old Channel), East of Highway #97, and Northerly of the following described line: Beginning at a point on the

easterly right-of-way line of said Highway #97 which bears S. 69° 53' E. 2942.6 feet and N. 18° 17' E. 150.0 feet from the Northwest corner of said Section 23, Twp. 40 S.R. 8 E.W.M.; thence leaving said highway right of way line S. 72°06' E. 900.1 feet; thence S. 36°56' E. 162.1 feet; thence S. 68°03' E. 330.0 feet to a point designated Point "D" on the South line of said N½NE¼ of Section 23; said point being S. 71°02' E. 4303.9 feet from the Northwest corner of said Section 23, Twp. 40 S.R. 8 E.W.M.

TOWNSHIP 41 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

SECTION 6: The S½ SW¼

SECTION 7: ALL

PARCEL 2:

A parcel of land situate in Section 7, T. 40 S., R. 9 E., W.M., being more particularly described as follows:

Beginning at a point on the Westerly right-of-way line of the Lower Klamath Lake Road, from which point the East ½ corner of Section 7, T. 40 S., R. 9 E., W.M. bears N 22°57'11" W 33.4 feet, East 1266.11 feet and South 1784.31 feet distant; thence N 67°02'49" E 30.00 feet to a point on the centerline of said Lower Klamath Lake Road; thence along said centerline S 22°57'11" E 1588.75 feet to a point; thence along a 2664.0 foot radius curve to the left, the long chord of which bears S 25°10'55" E 207.24 feet, 207.28 feet to a point; thence, leaving said centerline, S 62°35'20" W 30.00 feet to a point on the Westerly right-of-way line of said Lower Klamath Lake Road; thence S 60°42'40" W 64.25 feet to a 5/8 inch iron pin reference monument; thence S 60°42'40" W 34 feet, more or less, to a point on the centerline of the North Canal of the Klamath Drainage District, as the same is presently located and constructed; thence Northwesterly along the North Canal centerline 2378 feet, more or less, to a point on line with an existing fence to the East; thence along said fence line N 86°58'15" E 1025.8 feet, more or less, to the point of beginning.

PARCEL 3:

TOWNSHIP 41 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

SECTION 6: NE¼ SW¼

The following described real property situate in Klamath County, Oregon:

Parcel 1: The E½SE¼ of Section 29, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Parcel 2: The SW¼ of Section 28, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH a perpetual non-exclusive easement for roadway purposes being 22 feet wide along the West boundary of the E½ of Section 28, Township 40 South, Range 9 Est of the Willamette Meridian, extending from Lower Klamath Lake Road to a point 22 feet South of the South line of the N½ of said Section 28.

SUBJECT TO AND EXCEPTING those reservations and restrictions of record, easements and rights of way of record and those apparent on the land, contracts and/or liens for irrigation and/or drainage.

A piece or parcel of land situate in the Northwest Quarter of the Northwest Quarter (NW ¼ NW ¼); the South Half of the Northwest Quarter (S ½NW ¼), and the North Half of the Southwest Quarter (N ½SW ¼) of Section 26, and the Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼ of Section 27, all in Township 40 South of Range 8 East, Willamette Meridian, containing 79.7 acres, more particularly described as follows: Beginning at the point of intersection of the Easterly boundary of the right of way of The Dalles-California Highway, as the same is now located, and constructed, with the Southerly boundary of the right of way of the Ady Canal of the Klamath Drainage District as now located and constructed, from which the section corner common to Sections 22, 23, 26, and 27, of the above township and range bears N. 36°30 ½' W., 1630.7 feet distant, and running thence S. 75° 34 ½' E., along the said Southerly boundary of the right of way of the Ady Canal 652.3 feet; thence S. 0°07' W., 2479.2 feet, more or less, to a point in the Southerly boundary of the North Half of the Southwest quarter (N ½ SW ¼) of the said Section 26; thence leaving the boundary of the right of way of the said Ady Canal, S. 89°50' W., along the said Southerly boundaries of the North Half of the Southwest Quarter (N ½ SW ¼) of the said Section 26, and Northeast Quarter of the Southeast Quarter (NE ¼ SE ¼) of the said Section 27, 2147.0 feet, more or less, to an intersection with the said Easterly boundary of the right of way of the Dalles-California Highway; thence N. 32° 21 ½' E., following said right of way line 2097.7 feet; thence following a 1°38 ½' circular curve to the left, 937.8 feet; thence N. 16° 57 ½' E., 23.5 feet, more or less to the said point of beginning.

SUBJECT TO AND EXCEPTING those reservations and restrictions of record, easements and rights of way of record and those apparent on the land, contracts and/or liens for irrigation and/or drainage.