

2013-011257

Klamath County, Oregon



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10/03/2013 03:46:32 PM

Fee: \$52.00

AFTER RECORDING RETURN TO:

Parks & Ratliff, P.C.
620 Main Street
Klamath Falls OR 97601

GRANTOR'S NAME AND ADDRESS:

Estate of James Robert Lancaster
Debra Sue Kendall, Personal Representative

GRANTEE'S NAME AND ADDRESS:

Thomas Ray Kendall
Debra Sue Kendall
94521 Highway 97 North
Chemult, OR 97731

SEND TAX STATEMENTS TO:

Thomas Ray Kendall
Debra Sue Kendall
94521 Highway 97 North
Chemult, OR 97731

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE Made this 2nd day of October, 2013, by and between Debra Sue Kendall, the duly appointed, qualified and acting personal representative of the estate of James Robert Lancaster, deceased, hereinafter called the first party, and Thomas Ray Kendall and Debra Sue Kendall, husband and wife, as tenants by the entirety, hereinafter called the second party; **WITNESSETH:**

For value received and the consideration hereinafter stated, the receipt whereof hereby is acknowledged, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and the second party's heirs, successors-in-interest and assigns all the estate, right and interest of the deceased at the time of decedent's death, and all the right, title and interest that the estate of the deceased by operation of law or otherwise may have thereafter acquired in that certain real property situated in the County of Klamath, State of Oregon, described as follows, to-wit:

See Exhibit "A" attached hereto.

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$*.

***Pursuant to the Order entered in the Circuit Court of the State of Oregon for the County of Klamath, In the Matter of the Estate of James Robert Lancaster, Klamath County Circuit Court Case No. 12-04148CV.**

IN WITNESS WHEREOF, the first party has executed this instrument; if the first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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

Debra Sue Kendall

Debra Sue Kendall
Personal Representative

STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 2nd day of October, 2013 by
Debra Sue Kendall, Personal Representative for the Estate of James Robert Lancaster.

Susan J Roberts

NOTARY PUBLIC FOR OREGON
My Commission expires:

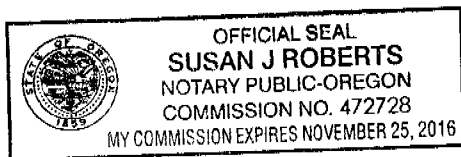


EXHIBIT "A"

Parcel I:

SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, Township 29 South, Range 7 East of the Willamette Meridian Klamath County, Oregon and Lot 7 (SW $\frac{1}{4}$ SW $\frac{1}{4}$) Section 6, Township 29 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon,

SAVING AND EXCEPTING from said property that portion thereof described as follows:

Beginning at the Southwest corner of said Section 6; thence along the West line of said Section 6 to the Northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6 North $1^{\circ} 32' 00''$ East 1,336.69 feet to the true point of beginning of this description; thence along the North line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 6 South $87^{\circ} 14' 00''$ East 163.0 feet to the Westerly right of way line of U.S. Highway No. 97; thence along the Westerly edge of said right of way South $17^{\circ} 47' 50''$ West 597.05 feet; thence continuing along the Westerly edge of said right of way on a spiral curve left 516.33 feet; thence leaving the Westerly edge of said right of way South $55^{\circ} 47' 50''$ West 282.54 feet to a point on the Northerly right of way line of Oregon State Highway No. 230; thence along the Northerly edge of said right of way North $85^{\circ} 51' 10''$ West 872.40 feet to a point on the Easterly right of way line of the Redmond-Klamath Falls, Bonneville Power Administration transmission line; thence along the Easterly edge of said right of way North $4^{\circ} 28' 40''$ East 1,228.83 feet to the North line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 1; thence along said North line South $87^{\circ} 14' 00''$ East 1,168.36 feet to the true point of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

- (a) That portion conveyed to Klamath County for road purposes by deed recorded May 5, 1931, in Volume 95, page 202, Deed Records of Klamath County, Oregon.
- (b) That portion conveyed to Klamath County for road purposes by deed recorded April 28, 1937, in Volume 109, page 1 Deed Records of Klamath County, Oregon.
- (c) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded May 6, 1946, in Volume 188, page 387, Deed Records of Klamath County, Oregon.
- (d) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded June 18, 1954, in Volume 267, page 408, Deed Records of Klamath County, Oregon.
- (e) That portion conveyed to the State of Oregon by and through its State Highway Commission by deed recorded August 31, 1955, in Volume 277, page 156, Deed Records of Klamath County, Oregon.

Parcel II

A tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (Lot 1) of Section 7, Township 29 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the intersection of the North boundary line of Klamath Indian Reservation and the Easterly line of the Dalles-California Highway; thence Southeasterly along the Easterly line of said highway 50 feet; thence Northeasterly parallel with the North line of said Klamath Indian Reservation 200 feet; thence Northwesterly parallel with the Easterly line of said highway 50 feet to the North line of the Klamath Indian Reservation; Thence Southwesterly along the said North line 200 feet to the point of beginning. Subject, however, to the following:

1. The rights of the public in and to that portion of the premises herein described lying with the limits of existing roads.
2. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded May 6, 1946, in Volume 188, page 387, Deed Records of Klamath County, Oregon, which provides that no right or easement of right of access to, from or across the Highway other than expressly therein provided for shall attach to the abutting property.
3. Easement for electric power transmission lines and incidentals, 125 feet wide, as conveyed to the United States of America by deed recorded December 12, 1951, in Volume 251, page 493, Deed Records of Klamath County, Oregon.
4. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded June 18, 1954, Volume 267, page 408, Deed Records of Klamath County, which provides that no right or easement of right of access to, from or across the highway other than expressly therein provided for shall attach to the abutting property.
5. Recital in the deed from the United States of America to Delford Lang, recorded June 9, 1958, in Volume 300, page 41, Deed Records of Klamath County, Oregon, and correction deed recorded November 14, 1961, Volume 333, page 637, to wit: "Title to the above-described property is conveyed subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way or record." (Affects Parcel 2)
6. Right of way for pipelines for conveying natural and artificial gas and other gaseous or liquid hydrocarbons and any products or by-products thereof and all incidentals, 100 feet wide, as conveyed to Pacific Gas Transmission Company, by deed recorded March 21, 1960, Volume 319, page 553, Deed Records of Klamath County, Oregon. (Affects the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1).

7. Right of way for telephone lines and all incidentals as conveyed to Beaver State Telephone Company by deed recorded June 30, 1971 in Volume M71, page 6774, Deed Records of Klamath County, Oregon. (Affects Lot 7 of Section 6).

Property ID #R88755

Map Tax Lot No.: R-2908-00600-00600-000