



2015-000186

Klamath County, Oregon

01/08/2015 10:18:39 AM

Fee: \$57.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON PRESENTING THE ATTACHED INSTRUMENT
FOR RECORDING. ANY ERRORS IN THIS COVER SHEET
DO NOT AFFECT THE TRANSACTION(S) CONTAINED
IN THE INSTRUMENT ITSELF.

Co11 #65697

After Recording Return To: Brian O'Connor & Lori O'Connor
22203 Malone Road
Merrill, OR 97633

- 1. Name(s) of the Transaction(s): Special Warranty deed**
- 2. Direct Party (Grantor): Flying S. Enterprises**
- 3. Indirect Party (Grantee): Brian O'Connor & Lori O'Connor**
- 4. True and Actual Consideration Paid: fulfillment of contract**
- 5. Legal Description: see attached**

SPECIAL WARRANTY DEED

GRANTOR: FLYING S ENTERPRISES
GRANTEE: BRIAN O'CONNOR AND LORI O'CONNOR, husband and wife
CONSIDERATION: TWO HUNDRED THOUSAND DOLLARS (\$200,000)
ADDRESS FOR: Brian and Lori O'Connor
TAX STATEMENTS: 22203 Malone Road
Merrill, OR 97633

Grantor conveys and specially warrants to grantee the following described real property, free of encumbrances created or suffered by the grantor except as specifically set forth herein, to-wit:

The N1/2SE1/4 and Government Lots 4 and 5 of Section 7, Township 41 South, Range 11 East of the Willamette Meridian, EXCEPTING THEREFROM, those portions deeded to United States of America in Deed Volume 38 page 277 and 278 and Deed Volume 58 at page 434

SUBJECT TO: Please See Attachment "A"

This deed is given in performance of that certain contract of sale entered into on 8/3, 2004, by Lucia Sargeson for Flying S. Enterprises, grantor herein as Seller, and Brian O'Connor and Lori O'Connor, husband and wife, Grantee herein as purchaser. The covenants of warranty herein contained shall not apply to any title, interest or encumbrances arising by, through or under any persons holding the purchaser's interest in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Executed August 3, 2004.

BY: LUCIA SARGESON

Lucia Sargeson
FLYING S. ENTERPRISES

STATE OF Washington County Stearns) ss

Personally appeared LUCIA SARGESON and acknowledged the foregoing instrument to be his voluntary act and deed.



Dennie Carter
Notary Public for WA

PURSUANT TO OR 93.040, THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN OR 30.930.

EXHIBIT A

SUBJECT TO:

- a. Taxes for the fiscal year 2004-2005, a lien not yet due and payable, account number 4111-00700-00600-0000.
- b. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
- c. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Irrigation District;
- d. 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 Lost 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.
- e. Any adverse claim based upon the assertion that: Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Lost River or has been formed by accretion to any such portion.
- f. 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 Lost River.
- g. The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Lost River.
- h. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.
- i.. Reservations and restrictions as contained in Patent from United States, recorded in Volume 2, page 58, Records of Klamath County, Oregon, including but not limited to the following:

“Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts and also subject to the right of the proprietor of a vein or lode to extract and remove his ore there from, should the same be found to penetrate or intersect the premises hereby granted as provided by law.”
- j. Patent, subject to the terms and provisions thereof;

Dated: November 20, 1880
Recorded: January 8, 1901

Volume: Book 13, Page 328, Deed Records of Klamath County, Oregon

k. Waiver of riparian rights, subject to the terms and provisions thereof, given to the U.S.A. by Fred L. Pope, recorded September 16, 1905 in Volume 18, page 362, Records of Klamath County, Oregon.

l. Reservations and Restrictions as contained in Deed, subject to the terms and provisions thereof;

Recorded: March 30, 1922

Volume: 58, page 434, Deed Records of Klamath County, Oregon

For: Water levels of Lost River

m. Grant of Right of Way, subject to the terms and provisions thereof;

Dated: March 31, 1930

Recorded: April 30, 1930

Volume: 91, page 211, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company

n. Grant of Right of Way, subject to the terms and provisions thereof

Dated: September 18, 1944

Recorded: October 13, 1944

Volume: 169, page 206, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company

o. Private use easement as reserved in Deed from Leo E. Murrer and Alice Murrer, husband and wife to Bill Harp and Roselyn Harp, husband and wife, recorded May 1, 1974 in Volume M74, page 5405, Microfilm Records of Klamath County, Oregon.

p. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

q. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

r. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.

s. Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water, whether or not the matters excepted are shown by public records.