

2017-007091

Klamath County, Oregon



00205926201700070910060063

06/28/2017 11:23:50 AM

Fee: \$67.00

**RECORDING REQUESTED BY:**

Steven D. Siner, Esq.  
Hoge, Fenton, Jones & Appel, Inc.

**WHEN RECORDED MAIL DOCUMENT  
AND TAX STATEMENTS TO:**

Bert Elworthy  
10444 Crow Canyon Road  
Castro Valley, CA 94552

**STATUTORY WARRANTY DEED**


M & B Cattle Company, a partnership, Grantor, conveys and warrants to Bert Elworthy, a married man as his sole and separate property, as to an undivided 50% interest and Mark Elworthy, an unmarried man as his sole and separate property, as to an undivided 50% interest, Grantees, the real property described on Exhibit A attached hereto and incorporated herein free of encumbrances except all those of record and those apparent upon the land as of the date of this deed.

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 ORS 30.930.

The true consideration for this conveyance is \$0.00.

M & B Cattle Company, a partnership

Dated: 6/12/17

  
Bert Elworthy, Partner

Dated: 6/12/17

  
Mark Elworthy, Partner

**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

**ALL PURPOSE ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

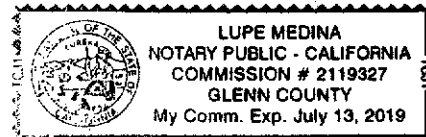
State of California )  
County of Glenn )

On June 12, 2017, before me, Lupe Medina, a Notary Public, personally appeared BERT ELWORTHY who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



**ALL PURPOSE ACKNOWLEDGMENT**

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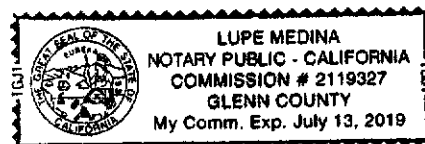
State of California )  
County of Glenn )

On June 12, 2017 before me, Lupe Medina, a Notary Public, personally appeared MARK ELWORTHY who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



**EXHIBIT A**  
**LEGAL DESCRIPTION**

**In Township 40 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon.**

**SECTIONS 23 & 24:** All those portions of Section 23 and 24 lying Easterly of Highway No. 97 and Southerly of the centerline of Klamath Straits as presently located and constructed.

**SAVING AND EXCEPTING THE FOLLOWING:**

The following property conveyed to United States of America in Deed Volume M76 at page 4718, Records of Klamath County, Oregon. A strip or parcel of land in said Section 23, Township 40 South, Range 8 East of the Willamette Meridian, said County and State, and described as follows:

Beginning at said Point "D", said point being the most Westerly point of the hereinabove described Parcel 1: thence from said point of beginning North 89 degrees 02' West 142.2 feet; thence North 71 degree 43' West 1226.7 feet to a point in the Easterly right of way boundary of the U.S. Highway No. 97, said point being South 69 degrees 53' East 2942.6 feet from the Northwest corner of Section 23; thence along said right of way boundary North 18 degrees 17' East 150.0 feet; thence leaving said boundary South 72 degrees 06' East 900.1 feet; thence South 36 degrees 56' East 162.1 feet; thence South 68 degrees 03' East 330.0 feet to the point of beginning.

**SECTION 25:** All, EXCEPT the SE1/4 NW1/4

**SECTION 26:** All East of the Railroad, EXCEPTING THEREFROM A piece or parcel of land lying in a strip 100.0 feet in width immediately adjacent on the Southeasterly side of the original canal right of way of the Klamath Drainage District over and across the SE1/4 SW1/4 of Section 23, and the NE1/4 NW1/4 and the Fractional NW1/4 NW1/4 of Section 26, Township 40 South, Range 8 East of the Willamette Meridian, more or less, and more particularly described as follows: Beginning at the point in the line marking the Northerly boundary of the SE1/4 SW1/4 of Section 23, Township 40 South, Range 8 East of the Willamette Meridian, where a line parallel with and 310.0 feet distant at right angles Southeasterly from the centerline of the Southern Pacific Railroad as the same is now located and constructed intersects the same and from which point the Section corner common to Sections 22, 23, 26 and 27, Township 40 South, Range 8 East of the Willamette Meridian, bears South 54 degrees 37' West, 2308.1 feet distant and running thence South 16 degrees 57 1/2' West along a line parallel with and 310.0 feet distant at right angles Southeasterly from the said center line of the Southern Pacific Railroad and which said parallel line is the Southeasterly boundary of the right of way of the Klamath Drainage District's South Canal, 2593.5 feet, more or less, to a point in the Northerly boundary of the right of way of the said South Canal of the Klamath Drainage District, which is a line parallel with and 100.0 feet distant at right angles Northeasterly from the centerline of the said canal as the same is now located and running thence South 75 degrees 34 1/2' East along last mentioned boundary line 100.1 feet, more or less, to its intersection with a line which is parallel with and 410.0 feet distant at right angles Southeasterly from the said centerline of the Southern Pacific Railroad, and running thence North 16 degrees 57 1/2' East, along said last mentioned parallel line, 2620.0 feet, more or less, to its intersection with the Northerly boundary of the SE1/4 SW1/4 of Section 23, Township 40 South, Range 8 East of the Willamette Meridian; thence South 89 degrees 48 1/2' West, along last mentioned boundary line, 1047 feet, more or less, to the said point of beginning.

**EXHIBIT A**  
**LEGAL DESCRIPTION**

**SECTION 27:** That part of the SE1/4 SE1/4 lying East of the Easterly right of way line of the Klamath Falls-Dorris State Highway, U.S. Highway 97.

**EXCEPTING THEREFROM** that tract of land conveyed to Klamath County, Oregon by Deed Volume 174, page 121, Deed Records of Klamath County, Oregon, as follows:

A piece or parcel of land situated in the NW1/4 NW1/4; the S1/2 NW1/4; and the N1/2 SW1/4 of Section 26; and the NE1/4 SE1/4 of Section 27; all in Township 40 South, Range 8 East of the Willamette Meridian, more or less, situate in Klamath County, Oregon, and 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 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 North 36 degrees 30 1/2' West 1630.7 feet distant and running thence South 75 degrees 34 1/2' East along the said Southerly boundary of the right of way of the Ady Canal 652.3 feet; thence South 0 degrees 07' West 2479.2 feet, more or less, to a point in the Southerly boundary of the N1/2 SW1/4 of the said Section 26; thence leaving the boundary of the right of way of the said Ady Canal, South 89 degrees 50' West along the said Southerly boundaries of the N1/2 SW1/4 of the said Section 26, and the NE1/4 SE1/4 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 North 32 degrees 21 1/2' East, following said right of way line, 2097.0 feet; thence following a 1 degree 38 1/2' circular curve to the left, 937.8 feet; thence North 16 degrees 57 1/2' East 23.5 feet, more or less, to the said point of beginning.

**SECTION 33:** The W1/2 SE1/4 SE1/4; **ALSO THAT PORTION** of the SW1/4 of Section 33, Township 40 South, Range 8 East of the Willamette Meridian, included within the land of the Southern Pacific Company described in Deed dated August 31, 1908, from H. F. Chapman, et al., to California Northeastern Railway Company, recorded January 1, 1909, in Deed Book 25 at page 399, and in Deed dated August 30, 1907 from H. F. Chapman, et al., to California Northeastern Railway Company, recorded October 3, 1907, in Deed Book 23 at page 205, as conveyed to Tulana Farms in Deed Volume M66 at page 5795, Records of Klamath County, Oregon.

**SECTION 34:** Lot 5, LESS the West 400 feet thereof. **ALSO** Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14.

**SECTION 35:** All

**SECTION 36:** All

In Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon;

**SECTION 3:** ALL, **EXCEPTING FROM** Lot 1 that portion lying West of the Central Pacific Railroad right of way and **ALSO EXCEPTING THEREFROM** that portion lying Easterly of the centerline of the West Canal.

**SECTION 4:** The N1/2 NE1/4; the SE1/4 NE1/4, Lot 1 and that portion of the N1/2 of Section 4, Township 41 South, Range 8 East of the Willamette Meridian, included within the land of the Southern Pacific Company described in deed dated May 10, 1907, from F.H. Downing, et al., to California Northeastern Railway Company, recorded June 7, 1907, in Deed book 22, page 549 and in Deed dated December 19, 1907 from D.E. Gordon, et ux., to California Northeastern Railway Company, recorded January 30, 1908, in Deed Book 23, page 497, as conveyed to Tulana Farms by Deed Volume M66, at page 5794, Microfilm Records of Klamath County, Oregon.

**AND EXCEPTING** a piece or parcel of land situate in Government Lot 1 of Section 3, in Government Lot 1 and the E1/2 NE1/4 of Section 4, all in Township 41 South, Range 8 East of the Willamette Meridian, County of Klamath, State of Oregon, and described as follows:

-continued-

**EXHIBIT A  
LEGAL DESCRIPTION**

*Section 4 continued*

That portion of said Lot 1 of Section 3 and said Lot 1 and said E1/2 NE1/4 Section 4 bounded Easterly by the Westerly line of Oregon State Highway U.S. 97, bounded Southerly by the Easterly prolongation of the Southerly line of the 0.701 acre parcel of land described as Parcel 2 in Deed dated December 26, 1963, from Winston H. Patterson, et ux., to Southern Pacific Company recorded December 27, 1963 in Volume 350 of Deeds, page 146, Records of said County (said prolongation being the Southerly line of Lot 1 of said Section 4 and bearing South 80 degrees 00' East), bounded Northerly by the Southwesterly line of the County Road leading from said Oregon State Highway U.S. 97 to Keno, Oregon, and bounded Westerly by the following described line: Beginning at the point of intersection of the East line of the W1/2 SE1/4 of said Section 4 with the Southerly line of Lot 2 of said Section 4, said point being the Southeasterly corner of said 0.701 acre parcel of land described as Parcel 2 in said deed and is distant South 17 degrees 55' 06" West 4267.65 feet from the Northeast corner of said Section 4; thence North along said East line, being also the West line of said Lot 1 of Section 4, a distance of 320.83 feet to a point; thence Northeasterly along a curve to the left having a radius of 5679.60 feet and central angle of 10 degrees 50' 35" (tangent to said curve at last mentioned point bears North 31 degrees 47' 35" East) an arc distance of 1074.85 feet; thence North 20 degrees 37' East 99.56 feet; thence North 20 degrees 27' East 2359.20 feet; thence North 22 degrees 08' 15" East 75.75 feet to a point; thence Northeasterly along a curve to the right having a radius of 3869.75 feet and central angle of 8 degrees 40' 19" (tangent to said curve at last mentioned point is last described course) an arc distance of 450.62 feet to a point in the North line of said Section 3, distant thereon North 89 degrees 29' 30" East 245.33 feet from the Northwest corner of said Section 3; thence continuing Northeasterly along the continuation of said curve to the right having a radius of 3869.75 feet, an arc distance of 111.65 feet to the Northerly terminus of the line being herein described.

AND EXCEPTING that portion of Government Lot 1 of Section 3, Township 41 South, Range 8 East of the Willamette Meridian, County of Klamath, State of Oregon, included within a strip of land 100.0 feet in width, lying contiguous to and easterly of the line particularly described in the above described Parcel 1.

AND EXCEPTING THEREFROM that portion thereof lying Southerly of the Northerly line of County Road leading from Oregon State Highway U.S. 97 to Keno, Oregon.

AND ALSO EXCEPTING THEREFROM that portion of the above described 100.00 foot wide strip of land lying Northwesterly of the Southeasterly line of land of the Southern Pacific Company.

**SECTION 34: Lots 8 thru 16, Block 45, TOWNSHIP OF WORDEN**

**In Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon.**

**SECTION 19: That portion of the W1/2 of Section 19, lying Southerly and Westerly of the Klamath Straits as presently located and constructed.**

**ALSO EXCEPTING any portion lying within the Klamath Straits Drain Enlargement Unit No. K-5 as described in book M76 at page 4636, Deed Records, dated December 2, 1975, recorded April 2, 1976, more particularly described as follows:**

A strip of parcel of land in said Section 19, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. Said parcel having a uniform width of 50.0 feet, where measurable at right angles, and lying Northeasterly of, adjacent to and parallel with, the arc of a curve as said arc is described in Parcel 1 of Book M76 at page 4636, Deed Records.

**SECTION 30: The W1/2**

**SECTION 31: The W1/2**