

2017-011920

Klamath County, Oregon



00211854201700119200110114

10/18/2017 10:02:24 AM

Fee: \$92.00

AFTER RECORDING RETURN TO:

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

GRANTOR'S NAME AND ADDRESS:

Donald "Lee" Bailey, Guardian/Conservator of
Lincoln Rudolph Gabriel, a Protected Person
5319 Barry Avenue
Klamath Falls, OR 97603

GRANTEE'S NAME AND ADDRESS:

Donald "Lee" Bailey, Trustee of the
Lincoln Rudolph Gabriel Living Trust, UAD 10-16-17
5319 Barry Avenue
Klamath Falls, OR 97603

SEND TAX STATEMENTS TO:

Donald "Lee" Bailey, Trustee
5319 Barry Avenue
Klamath Falls, OR 97603

BARGAIN AND SALE DEED

DONALD "LEE" BAILEY, the duly appointed Guardian-Conservator of **LINCOLN RUDOLPH GABRIEL**, a Protected Person, pursuant to the Limited Judgment Appointing Guardian/Conservator entered on 10-09-17 in the Circuit Court of the State of Oregon, in and for Klamath County, in Case No. 17PR01653, hereinafter referred to as grantor, conveys to **DONALD "LEE" BAILEY, TRUSTEE OF THE LINCOLN RUDOLPH GABRIEL LIVING TRUST**, Dated **10-16-17**, hereinafter referred to as grantee, the following described real property situated in the County of Klamath, State of Oregon, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by this reference.)

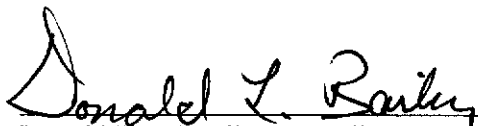
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration; i.e., for estate planning purposes

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

IN WITNESS WHEREOF, the grantor has executed this instrument this 17 day of October, 2017.

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


Donald "Lee" Bailey, Guardian-Conservator
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STATE OF OREGON; County of Klamath) ss.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME this 17 day of October, 2017, by Donald "Lee Bailey, as Guardian-Conservator of Lincoln Rudolph Gabriel, a Protected Person, pursuant to the Limited Judgment Appointing Guardian/Conservator entered on 10-09-17 in the Circuit Court of the State of Oregon, in and for Klamath County, in Case No. 17PR01653.



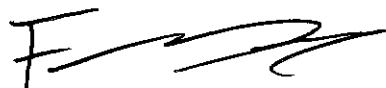

NOTARY PUBLIC FOR OREGON
My Commission expires: January 02, 2021

EXHIBIT "A"

Attached to and made a part of that certain
Bargain and Sale Deed wherein Donald "Lee" Bailey, Trustor of the
Lincoln Rudolph Gabriel Living Trust, Dated 10-16-17, is Grantor
and Donald "Lee Bailey, Trustee of the
Lincoln Rudolph Gabriel Living Trust, Dated 10-16-17, is Grantee

DESCRIPTION OF PROPERTY

A. SWAN LAKE PROPERTY

That certain real property situated in the County of Klamath, State of Oregon,
more particularly described as follows, to-wit:

Parcel 1:

All of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 37 South, Range 9 East of the
Willamette Meridian, 40 acres, more or less.

Tax Account No. R377915; Map Tax Lot No. 3709-00000-08000-000

Parcel 2:

The W $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 25, Township 37 South, Range 9
East of the Willamette Meridian, 120 acres, more or less.

Tax Account No. R377924; Map Tax Lot No. 3709-00000-07600-000

Parcel 3:

The W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 37 South,
Range 9 East of the Willamette Meridian, 50 acres, more or less.

Tax Account No. R377933; Map Tax Lot No. 3709-00000-07700-000

Parcel 4:

The NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 37 South, Range 9 East of the
Willamette Meridian, 40 acres, more or less.

Tax Account No. R377942; Map Tax Lot No. 3709-00000-07800-000

Parcel 5:

The NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 37 South, Range 9 East of the Willamette Meridian, 70 acres, more or less.

Tax Account No. R377951; Map Tax Lot No. 3709-00000-07900-000

Parcel 6:

The NE $\frac{1}{4}$ SW $\frac{1}{4}$; and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 25, Township 37 South, Range 9 East of the Willamette Meridian, 80 acres, more or less.

Tax Account No. R377960; Map Tax Lot No. 3709-00000-08200-000

B. PINE GROVE - OLENE RANCH PROPERTY

That certain real property situated in the County of Klamath, State of Oregon, more particularly described as follows, to-wit:

Parcel 1:

The E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ in Section 21, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, EXCEPT rights of way for U.S.R.S. Canals as presently located.

Tax Account No. R600193; Map Tax Lot No. 3910-02100-00100-000

Parcel 2:

The E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 16, lying South of Highway No. 140. Also that part of the W $\frac{1}{2}$ E $\frac{1}{2}$ of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 16 South of the right of way of the O.C.&E. Railroad, EXCEPT right of way for highways, railroads and U.S.R.S. Canal as presently located thereon, all in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No. R596965; Map Tax Lot No. 3910-01600-01800-000

Parcel 3:

The W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ in Section 15, Township 39 South, Range 10 East, lying South of Highway No. 140, EXCEPT right of way for highways, railroads and U.S.R.S. Canal as presently located thereon, also that part of the W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, lying North of the U.S.R.S. Canal as presently

located thereon, and all said real estate in Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No. R596670; Map Tax Lot No. 3910-01500-02000-000

Tax Account No. R600736; Map Tax Lot No. 3910-02200-01100-000

Parcel 4:

That portion of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 16, Township 39 South, Range 10 East of the Willamette Meridian, lying South of the U.S.R.S. East Branch Canal right of way, and the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 21, Township 39 South, Range 10 East of the Willamette Meridian.

Tax Account No. R843387; Map Tax Lot No. 3910-01600-01501-000

Tax Account No. R600200; Map Tax Lot No. 3910-02100-00200-000

Parcel 5:

The E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ in Section 15, Township 39 South, Range 10 East of the Willamette Meridian, lying South of Highway 140 and the E $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ in Section 22, Township 39 South, Range 10 East of the Willamette Meridian, lying North of the B Canal, and the W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ in Section 16, Township 39 South, Range 10 East of the Willamette Meridian lying South of Highway 140 known as the Klamath Falls-Lakeview Highway and lying North of the OC&E Railroad right of way, Klamath County, Oregon. EXCEPT rights of way for highways, railroads, and U.S.R.S. Canal as presently located thereon.

Tax Account No. R596643; Map Tax Lot No. 3910-01500-01900-000

Tax Account No. R600727; Map Tax Lot No. 3910-02200-01000-000

Tax Account No. R597214; Map Tax Lot No. 3910-01600-01600-000

Parcel 6:

The E $\frac{1}{2}$ W $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 16, Township 39, Range 10 East of the Willamette Meridian, lying South of Highway 140, EXCEPT that portion of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying South of the U.S.R.S. East Branch Canal right of way.

Tax Account No. R597009; Map Tax Lot No. 3910-01600-01500-000

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Parcel 7:

A strip of land one (1) rod wide off the West side of the NW¼NW¼ and SW¼NW¼ of Section 22, Township 39, Range 10 East of the Willamette Meridian, lying South of the U.S.B.R. "B" Canal.

Tax Account No. R600745; Map Tax Lot No. 3910-02200-01300-000

Parcel 8:

All of the SE¼NE¼ of Section 21, Township 39 South, Range 10 East of the Willamette Meridian, EXCEPT the 6.5 acres conveyed to the USA more particularly described in Deeds recorded in Volume 200 at page 333 and in Volume 34 at page 146 of Klamath County Oregon Deed Records, 33.5 acres, more or less.

Tax Account No. R600291; Map Tax Lot No. 3910-02100-01000-000

MANUFACTURED HOME

TOGETHER WITH the manufactured home located on Parcel 8, described as follows:

1974 Glenbrook Manufactured Home
14' x 66'
Serial No. 7E064473S0688
Home ID No. 178758
X # 99507

Parcel 9:

That portion of the W½NW¼ of Section 22, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northeast corner of the NW¼NW¼ of said Section 22; thence South to the North Bank of a slough 116 rods, more or less; thence westerly along the northerly bank of said slough to the section line between said Section 22 and 21; thence north along said section line to the south right of way line of the United States East Branch Canal, 114 rods, more or less; thence easterly along said southerly right of way line, to the point of beginning; save and except a strip of land one rod wide off the west side of the above described tract. 57.29 acres, more or less.

Tax Account No. R600763; Map Tax Lot 3910-02200-01200-000

Parcel 10:

That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, Township 39 South, Range 10 East of the Willamette Meridian, which lies south of the O.C.& E. Railway Company's right of way; and north of the U.S.R.S. Canal; and west of the property deeded to Himmelwright by Deed recorded in Volume 69 at page 208 of Klamath County Deed Records. 10.10 acres, more or less.

Tax Account No. R596947; Map Tax Lot 3910-01500-02300-000

CERTIFICATION OF TRUST
LINCOLN RUDOLPH GABRIEL LIVING TRUST, UAD 10-16-17

CERTIFICATE OF TRUST
(ORS 130.860)

1. **Date of Existence and Execution of Trust.**

The trust was executed on October 16, 2017, and is currently in existence.

2. **Trustor/Trustee.**

- a. The Trustor is: DONALD "LEE" BAILEY
- b. The currently acting Trustee is: DONALD "LEE" BAILEY

3. **Trust Powers.**

The powers of the Trustee are as follows:

The Trustee is empowered to do all things appropriate for the orderly administration of the trust subject to the Trustee's power and control, unless otherwise specifically provided herein. Without limiting this general power, and without limitation of other powers hereby granted or otherwise possessed by the Trustee, including those specified in the Uniform Trustees' Powers Act in effect in Oregon as it may be amended from time to time, the Trustee shall have the following powers and discretion, which the Trustee shall exercise in such manner and upon such terms and conditions as the Trustee shall deem necessary, desirable or convenient:

- (a) **Retention of Property:** To retain any property for such period as the Trustee may deem desirable, whether or not such property is productive of any income and independent of any requirement of diversification. It is the Trustor's desire that the property described on Attachment 2 to the Trust Agreement be retained in the Trust during Trustor's lifetime, even if said property produces no income.
- (b) **Additions:** To receive additions to the assets of the trust from any source.
- (c) **Business Participation:** To terminate or to continue or participate in the operation of any business enterprise, including a corporation, as sole proprietorship or a general or limited partnership, and to effect any form of incorporation, dissolution, liquidation, reorganization or other change in the form of the business enterprise, or to lend money or make a capital contribution to any such business enterprise.
- (d) **Permissible Investments:** To invest and reinvest the assets of the Trust as the Trustee may determine to be in the best interests of the Trust, without limitation by any law applicable to investments by fiduciaries. The permitted investments and reinvestments may include securities, such as common or preferred stock, mortgages, notes, subordinated debentures and warrants of any corporation, and any common trust fund administered by a corporate fiduciary, or other property, real or personal, including

savings accounts and deposits and interests in mutual or money market funds or investment trusts, annuities and insurance, whether or not such investments are unsecured or of a wasting nature.

- (e) **Dealing with Property**: To acquire, grant or dispose of property, including puts, calls and options, for cash or on credit, including maintaining margin accounts with brokers, at public or private sale, upon such terms and conditions as the Trustee may deem advisable; and to manage, develop, improve, exchange, partition, change the character of, abandon property or other interest therein, or otherwise deal with property.
- (f) **Borrowing Authority**: To borrow funds from any person, including the Trustee, guarantee indebtedness, or indemnify others in the name of the trust and to secure any such obligation by mortgage, pledge, security interest or other encumbrance, and to renew, extend or modify any such obligation for a term within or extending beyond the term of the trust. No lender shall be bound to see to or be liable for the application of the proceeds of any obligation, and no Trustee shall be personally liable for any obligation.
- (g) **Leasing Authority**: To make, renew, or amend for any purpose a lease as lessor or lessee for a term within or beyond the term of the Trust within or without the option to purchase.
- (h) **Natural Resources**: To enter into any arrangement or agreement, including a lease, pooling or unitization agreement, for exploration, development, operation, conservation and removal of minerals or other natural resources.
- (i) **Voting Rights**: To vote a security in person or by general or limited proxy, to participate in or consent to any voting trust, reorganization, dissolution, liquidation, or other action affecting any securities, and to deposit securities with and transfer title to a protective or other committee.
- (j) **Title to Assets**: To hold securities and other property in negotiable form or in the name of a nominee (including "street name" of a broker) or by deposit to a clearing corporation, with or without disclosure of the fiduciary relationship.
- (k) **Insurance**: To insure the assets of the Trust against any risk and the Trustee against liability with respect to third persons.
- (l) **Settlement of Disputes**: To pay or contest any debt or claim and to compromise, release and adjust any debt or claim and to submit any matter to arbitration.
- (m) **Payment of Expenses**: To pay any taxes, assessments, reasonable compensation of the fiduciary and other expenses incurred in the collection, management, care, protection and conservation of the estate.
- (n) **Principal and Income**: To allocate items of income or expenditure to either income or principal and to create reserves out of the income, all as provided by law, and to the extent not so provided to allocate or create reserves as the Trustee in his or her discretion deems appropriate, and the Trustee's decision made in good faith with respect thereto shall be binding and conclusive on all persons.

- (o) **Division of Trust:** To make any distribution or payment in kind or in cash, or partly in kind and partly in cash, and to cause any share to be composed of cash, property, or undivided interests in property different in kind from any other share, either pro rata or

non pro rata, without regard to differences in the tax basis of such property and without the requirement of making any adjustment of the shares by reason of any action taken pursuant hereto.

Any division, allocation, apportionment or valuation of the property to distribute the assets to or among any of the trusts or beneficiaries shall be made by the Trustee, and the good faith determination of the Trustee shall be binding and conclusive on all parties.

- (p) **Litigation:** To prosecute or defend actions, suits, claims or proceedings for the protection or benefit of the estate and the Trustee in the performance of the Trustee's duties.
- (q) **Employment of Agents:** To employ agents, including attorneys, accountants, investment advisors, custodians, appraisers or others, to advise or assist the Trustee, and to delegate to them fiduciary powers, and to indemnify them against liability for positions taken in good faith and with reasonable basis.
- (r) **Investment Transaction:** With regard to record keeping for investment transactions, the Trustee need not provide copies of confirmations or similar notifications each time a trade or investment transaction occurs, but investment transactions shall be set forth in the Trustee's periodic account.
- (s) **Repairs and Improvements:** To make ordinary or extraordinary repairs or alterations in buildings or other structures, to demolish any improvements, to raze existing or erect new party walls or buildings.
- (t) **Business Personnel:** To elect or employ directors, officers, employees, partners or agents of any business, and to compensate such persons, whether or not any such person is a fiduciary, director, officer, partner or agent of a Trustee, or a beneficiary of the Trust.

4. **Mailing Address.**

The mailing address of the Trustee is:
5319 Barry Avenue
Klamath Falls, OR 97603

5. **Revocability.**

The trust is revocable by the Trustor. No other person has the power to revoke the trust.

6. **Modification or Amendment.**

The trust may be modified or amended by the Trustor. In addition, the Trustee may specify additional procedures and provisions for a successor Trustee, pursuant to Paragraph 6-(a) & (b), which shall operate as amendments to the trust, effective the same time as the successor Trustee's appointment becomes effective.

8. **Trust Taxpayer Identification Number.**

The **Lincoln Rudolph Gabriel's** Social Security Number is: **XXX-XX-8462**
(Redacted for identity protection purposes.)

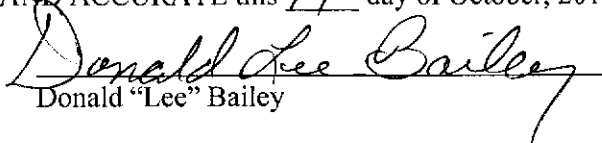
9. **Title to Trust Assets.**

Title to the Trust assets should be taken in the name of: **DONALD "LEE" BAILEY, TRUSTEE OF LINCOLN RUDOLPH GABRIEL LIVING TRUST Dated October 16, 2017.**

10. **Statement of Current Status.**


As of this date, the trust has not been revoked, modified or amended in any manner that would cause the representations contained in the Certification to be incorrect.

THE ABOVE IS CERTIFIED TO BE TRUE AND ACCURATE this 17 day of October, 2017.


Donald "Lee" Bailey

STATE OF OREGON; County of Klamath) ss.

THE FOREGOING INSTRUMENT was acknowledged before me this 17 day of October, 2017, by Donald "Lee" Bailey, Trustee of the Lincoln Rudolph Gabriel Living Trust Dated October 16, 2017.


NOTARY PUBLIC FOR OREGON
My Commission expires: 9-24-18



DECLARATION OF COUNSEL

I, MATTHEW T. PARKS, under penalty of perjury, hereby declare that:

1. I am an attorney at law, practicing with the firm of Parks & Ratliff, P.C., of 620 Main Street, Klamath Falls, Oregon 97601.

2. I have examined the Lincoln Rudolph Gabriel Living Trust Dated October 16, 2017 (the "Trust Agreement").

3. I prepared the within Certification of Trust at the behest of the Donald "Lee" Bailey, Trustee, after determining that it was appropriate to do so under the terms and conditions of the Trust Agreement, and in accordance with Oregon law.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED: October 17th, 2017


Matthew T. Parks, OSB #000895