2019-008667
Klamath County, Oregon
07/31/2019 03:28:00 PM
Fee: $117.00

After recording, return to:

Nicholas M. Frost
Hershner Hunter, LLP
P.O. Box 1475
Eugene, OR 97440

Until a change is requested, mail all tax statements to:

Daren Henderson, Trustee
P.O. Box 1306
Creswell, OR 97426

Tax Account No. R146997; R147004
Map & Tax Lot No. R--2407-018A0-1600-00; R-2407-018A0-01700-000

WARRANTY DEED

Daren Henderson, Trustee of the Henderson Family Trust dated October 13, 1994, Grantor, conveys and warrants to Daren Henderson, Trustee of the Henderson Marital Trust dated October 13, 1994, Grantee, the real property situated in Klamath County, state of Oregon, described on the attached Exhibit A, free of encumbrances except as specifically set forth herein.

The true consideration for this conveyance is none.

The liability and obligations of Grantor to Grantee and Grantee's successors and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature, and terms of any title insurance coverage available to Grantor under any title insurance policy, and Grantor shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any title insurance policy. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

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.

DATED: September 28, 2017.

Daren Henderson, Trustee of the Henderson Family Trust dated October 13, 1994.

STATE OF OREGON)
) ss.
COUNTY OF LANE)

This instrument was acknowledged before me on September 28, 2017, by Daren Henderson, Trustee of the Henderson Family Trust dated October 13, 1994.

OFFICIAL STAMP
NICHOLAS M FROST
NOTARY PUBLIC-OREGON
COMMISSION NO. 941681
MY COMMISSION EXPIRES AUGUST 09, 2019

Notary Public for Oregon
My commission expires: August 9, 2019

EXHIBIT A

Tax Account No. R146997
Map & Tax Lot No. R--2407-018A0-1600-00

File No. 156315AM

A parcel of land situated in the NW1/4 NE 1/4 of Section 18, Township 24 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follow: Beginning at a 5/8 inch iron pin marking the Southeast corner of the NW1/4 NE1/4 of said Section 18; thence North 89° 54' 39" West along the South line of the NW1/4 NE1/4 of said Section 18 a distance of 323.41 feet; thence leaving the South line of the NW1/4 NE1/4 of said Section 18 North 89° 34' 40" West a distance of 117.33 feet to an iron pin; thence North 89° 29' 46" West a distance of 237.22 feet to an iron pin on the true point of beginning of this description thence continuing North 89° 29' 46" West a distance of 83.40 feet to an iron pin on the Easterly bank of Crescent Creek; thence continuing North 89° 29' 46" West a distance of 136.60 feet; thence North 00 degrees 30' 14" East a distance of 198.00 feet; thence South 89° 29' 46" East a distance of 220.00 feet to an iron pin; thence South 00° 30' 14" West a distance of 198.00 feet to the true point of beginning of this description. The bearing of the above description are based on the South line of the NW1/4 NE1/4 of said Section as being North 89° 54' 39" West. √

Tax Account No. R147004
Map & Tax Lot No. R-2407-018A0-01700-000

Lot 3, Block 4, BREWERS RANCHOS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. √

CERTIFICATION OF TRUST

I, Daren Henderson, Trustee of the Henderson Family Trust (the "Family Trust"), make this certification pursuant to Oregon Revised Statutes 130.860 (copy attached as Exhibit A).

1. TRUST. The Family Trust was created under the laws of the state of Oregon and is presently in existence. It was executed on October 13, 1994 and later modified by a General Judgment dated September 8, 2017 in the Circuit Court of the State of Oregon, Lane County Case No. 17PB02906.

2. TRUSTORS AND TRUSTEES. The Trustors were Frances Eugene Henderson and Holly Joy Henderson. I am the only Trustee of the Family Trust.

3. TRUSTEES' MAILING ADDRESS. My mailing address as current acting Trustee is P.O. Box 1306, Creswell, OR 97426.

4. TRUST POWERS. Under the terms of the Family Trust, the Trustee is given the power granted a trustee under the Oregon Uniform Trust Code, including those set forth in ORS 130.715 through 130.725 (copy attached as Exhibit B), including the right to sell, exchange, assign, lease, encumber or otherwise alienate all or any part of the Family Trust estate on such terms as the Trustee shall determine.

5. REVOCATION OF TRUST. The Family Trust is revocable. Only a Trustor can revoke the Family Trust.

6. MODIFICATION OF TRUST. The Family Trust can be modified or amended. Only the Trustors can modify or amend the Family Trust.

7. ONE TRUSTEE ONLY. I am acting alone as Trustee and only I have authority to exercise trust powers.

8. TAXPAYER IDENTIFICATION NUMBER. Because of the terms of the Family Trust and because Francis Eugene Henderson is a Trustor, the Social Security number of Francis Eugene Henderson may serve as the taxpayer's identification number for the Family Trust.

9. TITLE TO TRUST PROPERTY. Trust property is to be titled as follows:

> Daren Henderson, Trustee of the Henderson Family Trust dated October 13, 1994.

[The remainder of this page is intentionally left blank.]

10. NO CHANGE IN TRUST. The Family Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification to be incorrect.

DATED: September 28, 2017.

Daren Henderson, Trustee

STATE OF OREGON)
) ss.
COUNTY OF LANE)

This instrument was acknowledged before me on September 28, 2017, by Daren Henderson, Trustee.

OFFICIAL STAMP
NICHOLAS M FROST
NOTARY PUBLIC-OREGON
COMMISSION NO. 941681
MY COMMISSION EXPIRES AUGUST 09, 2019

Notary Public for Oregon
My commission expires: August 9, 2019

130.860 UTC 1013. Certification of trust.

(1) A person who is not a beneficiary and who proposes to deal with the trustee of a trust may require that all trustees execute and furnish to the person a certification of trust.

(2) The certification of trust shall contain the following information:

(a) That the trust exists and the date the trust instrument was executed;

(b) The identity of the settlor;

(c) The identity and address of the currently acting trustee;

(d) The powers of the trustee;

(e) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke the trust;

(f) The existence or nonexistence of any power to modify or amend the trust and the identity of any person holding a power to modify or amend the trust;

(g) The authority of cotrustees to sign or otherwise authenticate and whether all cotrustees or fewer than all are required in order to exercise powers of the trustee;

(h) The trust's taxpayer identification number, whether the settlor's Social Security number or an employer identification number;

(i) The manner of taking title to trust property; and

(j) The state, country or other jurisdiction under the laws of which the trust was established.

(3) A certification of trust must be signed or otherwise authenticated by all the trustees.

(4) A certification of trust must state that the trust has not been revoked, modified or amended in any manner that would cause the representations contained in the certification of trust to be incorrect.

(5) A certification of trust need not contain the dispositive terms of a trust.

(6) A recipient of a certification of trust may not require the trustee to furnish the entire trust instrument, but may require the trustee to furnish copies of excerpts from the original trust instrument and later amendments that designate the trustee and confer upon the trustee the power to act in the pending transaction.

(7) A person may require that the certification of trust:

(a) Include facts other than those listed in this section that are reasonably related to the administration of the trust;

(b) Be executed by one or more of the settlors;

(c) Be executed by one or more of the beneficiaries if the certification is reasonably related to a pending or contemplated transaction with the person; and

(d) Be adapted to the person's own standard form, which may be incorporated in an account signature agreement or other account document.

(8) A certification of trust may contain the identity of any successor trustee or trustees and the circumstances under which any successor trustee or trustees will assume trust powers.

(9)(a) A person who acts in reliance upon a certification of trust without actual knowledge that the representations contained in the certification are incorrect is not liable to any person for so acting and may assume without inquiry the existence of the facts contained in the certification. A person does not have actual knowledge that the representations contained in the certification are incorrect solely by reason of having a copy of all or part of the trust instrument.

(b) Any transaction, and any lien created by that transaction, is enforceable against a trust if the transaction is entered into by a person acting in reliance on a certification of trust containing the information set forth in this section without actual knowledge that the representations contained in the certification are incorrect.

(c) If a person has actual knowledge that the trustee or trustees are acting outside the scope of the trust, and the actual knowledge was acquired by the person before entering into the transaction or making a binding commitment to do so, the transaction is not enforceable against the trust.

(10) A person is not liable for acting in reliance on a certification of trust solely because the certification fails to contain all the information required in this section.

(11) This section does not limit the rights of the beneficiaries of the trust against a trustee.

(12) A person's failure to demand or refusal to accept and rely solely upon a certification of trust does not affect the protection provided the person by ORS 130.855, and no inference as to whether the person has acted in good faith may be drawn from the failure to demand or the refusal to accept and rely solely upon a certification.

(13) This section applies to all trusts, whether established under the laws of this state or under the law of another state, country or other jurisdiction.

ORS 130.715 UTC 814. Discretionary powers; tax savings.

(1) A trustee shall exercise a discretionary power in good faith and in a manner that is in accordance with the terms and purposes of the trust and the interests of the beneficiaries. The duty imposed by this subsection is not affected by the grant of discretion in the terms of the trust, even though the terms of the trust provide that the trustee has absolute, sole or uncontrolled discretion or use other words purporting to convey broad discretion.

(2) Subject to subsection (4) of this section, and unless the terms of the trust expressly provide otherwise:

(a) A person other than a settlor who is a beneficiary and trustee of a trust that confers on the trustee a power to make discretionary distributions to or for the trustee's personal benefit may exercise the power only in accordance with an ascertainable standard; and

(b) A trustee may not exercise a power to make discretionary distributions to satisfy a legal obligation of support that the trustee personally owes another person.

(3) A power the exercise of which is limited or prohibited by subsection (2) of this section may be exercised by a majority of the remaining trustees whose exercise of the power is not so limited or prohibited. If the power of all trustees is so limited or prohibited, the court may appoint a special fiduciary with authority to exercise the power.

(4) Subsection (2) of this section does not apply to:

(a) A power held by the settlor's spouse who is the trustee of a trust for which a marital deduction, as described in section 2056(b)(5) or 2523(e) of the Internal Revenue Code, as in effect on January 1, 2006, was previously allowed;

(b) Any trust during any period that the trust may be revoked or amended by its settlor; or

(c) A trust if contributions to the trust qualify for the annual exclusion under section 2503(c) of the Internal Revenue Code, as in effect on January 1, 2006.

ORS 130.720 UTC 815. General powers of trustee.

(1) A trustee, without authorization by the court, may exercise powers conferred by the terms of the trust and, except as limited by the terms of the trust:

(a) All powers over the trust property that an unmarried financially capable owner has over individually owned property;

(b) Any other powers appropriate to achieve the proper investment, management and distribution of the trust property; and

(c) Any other powers conferred by this chapter.

(2) The exercise of a power is subject to the fiduciary duties prescribed by ORS 130.650 to 130.730.

ORS 130.725 UTC 816. Specific powers of trustee.

Without limiting the authority conferred by ORS 130.720, a trustee may do any of the following:

(1) Collect trust property and accept or reject additions to the trust property from a settlor or any other person.

(2) Acquire or sell property, for cash or on credit, at public or private sale.

(3) Exchange, partition or otherwise change the character of trust property.

(4) Deposit trust money in an account in a financial institution, including a financial institution operated by the trustee, if the deposit is adequately insured or secured.

(5) Borrow money, with or without security, to be repaid from trust assets or otherwise, and advance money for the protection of the trust and for all expenses, losses and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets. Money may be borrowed under this subsection from any lender, including a financial institution operated by or affiliated with the trustee. A trustee is entitled to be reimbursed out of the trust property or from property that has been distributed from the trust, with reasonable interest, for an advance of money under this subsection.

(6) Continue operation of any proprietorship, partnership, limited liability company, business trust, corporation or other form of business or enterprise in which the trust has an interest, and take any action that may be taken by shareholders, members or property owners, including merging, dissolving or otherwise changing the form of business organization or contributing additional capital.

(7) Exercise the rights of an absolute owner of stocks and other securities, including the right to:

(a) Vote, or give proxies to vote, with or without power of substitution, or enter into or continue a voting trust agreement;

(b) Hold a security in the name of a nominee or in other form without disclosure of the trust so that title may pass by delivery;

(c) Pay calls, assessments and other sums chargeable or accruing against the securities, and sell or exercise stock subscription or conversion rights; and

(d) Deposit the securities with a depository or other financial institution.

(8) Construct, repair, alter or otherwise improve buildings or other structures on real property in which the trust has an interest, demolish improvements, raze existing or erect new party walls or buildings on real property in which the trust has an interest, subdivide or develop land, dedicate land to public use or grant public or private easements, and make or vacate plats and adjust boundaries.

(9) Enter into a lease for any purpose as lessor or lessee, including a lease or other arrangement for exploration and removal of natural resources, with or without the option to purchase or renew, even though the period of the lease extends beyond the duration of the trust.

(10) Grant an option involving a sale, lease or other disposition of trust property or acquire an option for the acquisition of property, even though the option is exercisable after the trust is terminated, and exercise an option so acquired.

(11) Insure the property of the trust against damage or loss and insure the trustee, the trustee's agents, and beneficiaries against liability arising from the administration of the trust.

(12) Abandon or decline to administer property of no value or property of a value that is not adequate to justify its collection or continued administration.

(13) Avoid possible liability for violation of environmental law by:

(a) Inspecting or investigating property the trustee holds or has been asked to hold, or property owned or operated by an organization in which the trustee holds or has been asked to hold an interest, for the purpose of determining the application of environmental law with respect to the property;

(b) Taking action to prevent, abate or otherwise remedy any actual or potential violation of any environmental law affecting property held directly or indirectly by the trustee, whether taken before or after the assertion of a claim or the initiation of governmental enforcement;

(c) Declining to accept property into trust or disclaiming any power with respect to property that is or may be burdened with liability for violation of environmental law;

(d) Compromising claims against the trust that may be asserted for an alleged violation of environmental law; and

(e) Paying the expense of any inspection, review, abatement or remedial action to comply with environmental law.

(14) Pay or contest any claim, settle a claim by or against the trust, and release, in whole or in part, a claim belonging to the trust.

(15) Pay taxes, assessments, compensation of the trustee and of employees and agents of the trust, and other expenses incurred in the administration of the trust.

(16) Exercise elections available under federal, state and local tax laws.

(17) Select a mode of payment under any employee benefit or retirement plan, annuity or life insurance payable to the trustee, exercise rights under employee benefit or retirement plans, annuities or policies of life insurance, including exercise of the right to indemnification for expenses and against liabilities, and take appropriate action to collect the proceeds.

(18) Make loans out of trust property. The trustee may make a loan to a beneficiary on terms and conditions the trustee considers to be fair and reasonable under the circumstances. The trustee may collect loans made to a beneficiary by making deductions from future distributions to the beneficiary.

(19) Pledge trust property to guarantee loans made by others to the beneficiary.

(20) Appoint a trustee to act in another state, country or other jurisdiction with respect to trust property located in the other state, country or other jurisdiction, confer upon the appointed trustee all of the powers and duties of the appointing trustee, require that the appointed trustee furnish security and remove any trustee so appointed.

(21) Make a distribution to a beneficiary who is under a legal disability or who the trustee reasonably believes is financially incapable, either:

(a) Directly;

(b) By application of the distribution for the beneficiary's benefit;

(c) By paying the distribution to the beneficiary's conservator or, if the beneficiary does not have a conservator, the beneficiary's guardian;

(d) By creating a custodianship under the Uniform Transfers to Minors Act by paying the distribution to a custodian for the beneficiary;

(e) By paying the distribution to any existing custodian under the Uniform Transfers to Minors Act;

(f) By paying the distribution to an adult relative or other person having legal or physical care or custody of the beneficiary, to be expended on the beneficiary's behalf, if the trustee does not know of a conservator, guardian or custodian for the beneficiary; or

(g) By managing the distribution as a separate fund held by the trustee on behalf of the beneficiary, subject to the beneficiary's continuing right to withdraw the distribution.

(22) On distribution of trust property or the division or termination of a trust, make distributions in divided or undivided interests, allocate particular assets in proportionate or disproportionate shares, value the trust property for those purposes and adjust for resulting differences in valuation.

(23) Resolve a dispute concerning the interpretation of the trust or the administration of the trust by mediation, arbitration or other procedure for alternative dispute resolution.

(24) Prosecute or defend an action, claim or judicial proceeding in any state, country or other jurisdiction to protect trust property and the trustee in the performance of the trustee's duties.

(25) Sign and deliver contracts and other instruments that are useful to achieve or facilitate the exercise of the trustee's powers.

(26) On termination of the trust, exercise the powers appropriate to wind up the administration of the trust and distribute the trust property to the persons entitled to the property.

(27) Allocate items of income or expense to either trust income or principal, as provided by law, including creation of reserves out of income for depreciation, obsolescence or amortization, or for depletion in mineral or timber properties.

(28) Employ persons, including attorneys, auditors, investment advisors or agents, to advise or assist the trustee in the performance of administrative duties. A trustee may act based on the recommendations of professionals without independently investigating the recommendations.

(29) Apply for and qualify all or part of the property in the trust estate for special governmental tax programs or other programs that may benefit the trust estate or any of the beneficiaries.

(30) Deposit securities in a clearing corporation as provided in ORS 128.100.