

2020-011193

Klamath County, Oregon



00265047202000111930050057

09/04/2020 09:28:11 AM

Fee: \$102.00

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by:

Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference: _____

Please print or type information.

1. AFTER RECORDING RETURN TO –

Required by ORS 205.180(4) & 205.238:

Name: DUNCAN FAMILY FARMS

Address: 18969 W. MCDOWELL RD

City, ST Zip: BUCKEYE, AZ 85396

2. TITLE(S) OF THE TRANSACTION(S) – Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the instrument:

Document Title(s): SPECIAL WARRANTY DEED

3. DIRECT PARTY / GRANTOR Names and Addresses – Required by ORS 205.234(1)(b)
for Conveyances list Seller; for Mortgages/Liens list Borrower/Debtor

Grantor Name: ARNOTT K. DUNCAN AND KATHLEEN DUNCAN, TRUSTEES OF THE

Grantor Name: DUNCAN FAMILY TRUST

4. INDIRECT PARTY / GRANTEE Names and Addresses – Required by ORS 205.234(1)(b)
for Conveyances list Buyer; for Mortgages/Liens list Beneficiary/Lender/Creditor

Grantee Name: AGUILA G-BOYS MR 542 LLC

Grantee Name: _____

5. For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:

**UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO
THE FOLLOWING ADDRESS:**

Name: AGUILA G-BOYS MR 542 LLC

Address: C/O WILLIAM G. RIDENOUR
2394 E. CAMELBACK RD STE 600

City, ST Zip: PHOENIX, AZ 85016

6. TRUE AND ACTUAL CONSIDERATION –
Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:

\$ NONE

**RECORDED AT THE REQUEST OF THE
GRANTOR TO CORRECT THE LEGAL
DESC PREV REC AS 2020-006468**

7. TAX ACCOUNT NUMBER OF THE PROPERTY if the instrument creates a lien or other interest that could be subject to tax foreclosure. – Required by ORS 312.125(4)(b)(B)

Tax Acct. No.: _____

*Recorded at the request of the grantor to correct the legal
description previously recorded as 2020-011193*

2020-006468

Klamath County, Oregon



00259650202000064680040045

WHEN RECORDED RETURN TO:

Fennemore Craig, P.C.
Attn: William G. Ridenour
2394 E. Camelback Road
Suite 600
Phoenix, Arizona 85016

05/26/2020 03:43:22 PM

Fee: \$97.00

SPECIAL WARRANTY DEED

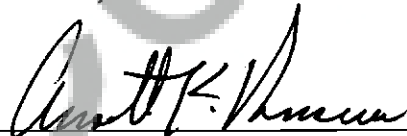
This transfer is exempt pursuant to Oregon Revenue and Taxation Code 11925

ARNOTT K. DUNCAN and KATHLEEN DUNCAN, Trustees of the Duncan Family Trust ("Grantor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby convey to AGUILA G-BOYS MR 542 LLC, an Arizona limited liability company, all of Grantor's right, title and interest in that certain real property, together with all of Grantor's interest, if any, in any improvements and fixtures located thereon, and all rights and appurtenances pertaining thereto, situated in Klamath County, Oregon, and legally described as follows:


See Exhibit A attached hereto and made a part hereof.

SUBJECT to all taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, and all matters which an accurate survey of the property or a physical inspection of the property would disclose, Grantor warrants the title against the acts of Grantor and none other.

DATED as of the 20 day of January, 2020.



Arnett K. Duncan, Trustee of the Duncan
Family Trust



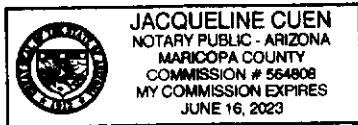
Kathleen Duncan, Trustee of the Duncan
Family Trust

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 20th day of January 2020, by Arnott K. Duncan, as Trustee of the Duncan Family Trust.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



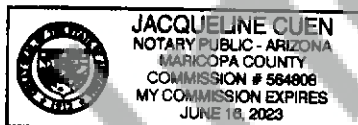
[Signature]

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this 20th day of January 2020, by Kathleen Duncan, as Trustee of the Duncan Family Trust.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public



[Signature]

Description of document this notarial certificate is being attached to:	
Type/Title	Special Warranty Deed
Date of Document	<u>1/20</u> , 2020
Number of Pages	2
Add'l. Signers (other than those named in the notarial certificate)	None

EXHIBIT A

PARCEL 1: All that portion of the S1/2 SE1/4 lying North of the Burlington Northern Railroad, and that portion of the SW1/4 NE1/4 lying Southerly of the Klamath Irrigation District Canal, and also the N1/2 SE1/4, EXCEPTING THEREFROM that portion deeded to the United States recorded October 13, 1908 in Volume 25, page 136, Deed Records of Klamath County, Oregon, all in Section 1 in Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2: Parcel 3 of Land Partition 16-14 situated in the N 1/2 SW 1/4 of Section 1, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, recorded September 18, 2014 in Book 2014, page 009711, records of Klamath County, Oregon.

PARCEL 3: Commencing at the Southwest corner of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, and extending thence East along the South section line of said Section 31 a distance of 1320 feet, more or less, to a point in the center line of a certain private drain ditch, which point is the true point of beginning; extending thence North along the line of said drain ditch to its intersection with the center line of the U.S. Bureau of Reclamation "D" Canal, formerly the "Adams Canal"; thence Southeasterly along the center line of said "D" Canal to the North line of the SW1/4 SE1/4 of said Section 31; thence East along the North line of said SW1/4 SE1/4 to the East line of said SW1/4 SE1/4; thence South along the East line of said SW1/4 SE1/4 to the South section line of said Section 31; thence West along said South section line of said Section 31 a distance of 2640 feet, more or less, to the true point of beginning.

Excepting therefrom any portion lying within the boundaries of Anderson Road and Bureau of Reclamation canals, drains or ditches.

Also excepting therefrom the following:

A Parcel of land in Section 31, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the Southwest corner of Section 31 and running along the Southerly section line, East 2239.94 feet; thence North 30.00 feet to the Northerly right of way line of Anderson Road and the point of beginning; thence North 304.67 feet; thence East 460.00 feet; thence South 304.67 feet to the Northerly right of way line of Anderson Road; thence along said right of way line, West 460.00 feet to the point of beginning.

Together with that portion of the SE1/4 SE1/4 of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, lying Westerly of the USBR "D" Canal right of way, in the County of Klamath, State of Oregon.

Excepting therefrom any portion lying within the boundary of County Road 984 (Anderson Road).

PARCEL 4: Commencing at the Southwest corner of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, and extending thence North along the West section line of said Section 31 to the East-West center line of said Section 31; thence East along said center line to the Southeast corner of the W1/2 SW1/4 NW1/4 of said Section 31; thence North along the East line of said W1/2 SW1/4 NW1/4 to the center line of the U.S. Bureau of Reclamation "D" Canal, formerly the "Adams" Canal; thence Southeasterly along the center line of said "D" Canal to the center line of a certain private drain ditch located 1320 feet, more or less, East of the West line of said Section 31; thence South along the center line of said drain ditch to the South section line of said Section 31; thence West along said South section line 1320 feet, more or less, to the point of beginning.

PARCEL 5: The NW1/4 of Section 36, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, except the following:

A. That portion of the S1/2 NW1/4 of Section 36, lying and being Southerly and Westerly of the Klamath Irrigation District Drain right of way which crosses said S1/2 NW1/4.

B. That portion of the NW1/4 NW1/4 lying and being North of the United States "D" Canal right of way.

C. That portion of the NW1/4 NW1/4 described as follows:

Beginning at the intersection of the section line between Sections 35 and 36 in said Township and Range and the right of way line of the South side of said canal; thence South along said section line 305.5 feet; thence East 714 feet; thence North parallel to said section line to the said South right of way line of said canal; and thence Westerly along said right of way line of said canal to the point of beginning.

D. Any portion lying within the boundaries of Taylor Road, Anderson Road and Bureau of Reclamation canals, drains or ditches.

PARCEL 6: All of Lots 2 and 7 and that portion of Lots 1 and 8 lying in and corresponding to the SE1/4 NE1/4 of Section 11, Township 41 South, Range 11 East of the Willamette Meridian, said tract also being described as S1/2 NE1/4 of Section 11, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 7: E1/2 SW1/4 of Section 36, Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon. SAVING AND EXCEPTING therefrom the following described parcel:

Beginning at the Southeast corner of said SW1/4, said point of beginning being on the North right of way line of existing county road; thence Northerly along the Westerly right of way line of the existing canal a distance of 500 feet; thence Westerly a distance of 200 feet; thence South and parallel to the Westerly right of way line of said canal a distance of 600 feet to the Northerly right of way line of the county road; thence East along said Northerly right of way line a distance of 200 feet, more or less, to the point of beginning. ALSO SAVING AND EXCEPTING any portion conveyed to the United States of America for ditches, canals, drains or laterals.

EXHIBIT 'A'

PARCEL 1: All that portion of the S1/2 SE1/4 lying North of the Burlington Northern Railroad, and that portion of the SW1/4 NE1/4 lying Southerly of the Klamath Irrigation District Canal, and also the N1/2 SE1/4, EXCEPTING THEREFROM that portion deeded in the United States recorded October 13, 1908 in Volume 25, page 135, Deed Records of Klamath County, Oregon, all in Section 1 in Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2: Parcel 3 of Land Partition ~~2014~~ ¹⁶⁻¹⁴ situated in the N1/2 SW1/4 of Section 1, Township 41 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, recorded September 18, 2014 in Book 2014, page 009711, records of Klamath County, Oregon.

PARCEL 3: Commencing at the Southwest corner of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, and extending thence East along the South section line of said Section 31 a distance of 1320 feet, more or less, to a point in the center line of a certain private drain ditch, which point is the true point of beginning; extending thence North along the line of said drain ditch to its intersection with the center line of the U.S. Bureau of Reclamation "D" Canal, formerly the "Adams Canal"; thence Southeasterly along the center line of said "D" Canal to the North line of the SW1/4 SE1/4 of said Section 31; thence East along the North line of said SW1/4 SE1/4 to the East line of said SW1/4 SE1/4; thence South along the East line of said SW1/4 SE1/4 to the South section line of said Section 31; thence West along said South section line of said Section 31 a distance of 2640 feet, more or less, to the true point of beginning.

Excepting therefrom any portion lying within the boundaries of Anderson Road and Bureau of Reclamation canals, rains or ditches.

Also excepting therefrom the following:

A Parcel of land in Section 31, Township 40 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at the Southwest corner of Section 31 and running along the Southerly section line, East 2239.94 feet; thence North 30.00 feet to the Northerly right of way line of Anderson Road and the point of beginning; thence North 304.67 feet thence East 460.00 feet; thence South 304.67 feet to the Northerly right of way line of Anderson Road; thence along said right of way line, West 450.00 feet to the point of beginning.

Together with that portion of the SE1/4 SE1/4 of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, lying Westerly of the USBR "D" Canal right of way, in the County of Klamath, State of Oregon.

Excepting therefrom any portion lying within the boundary of County Road 984 (Anderson Road).

PARCEL 4: Commencing at the Southwest corner of Section 31, Township 40 South, Range 11 East of the Willamette Meridian, and extending thence North along the West section line of said Section 31 to the East-West center line of said Section 31; thence East along said center line of the Southeast corner of the W1/2 SW1/4 NW1/4 of said Section 31; thence North along the East line of said W1/2 SW1/4 NW1/4 to the center line of the U.S. Bureau of Reclamation "D" Canal, formerly the "Adams" Canal; thence Southeasterly along the center line of said "D" Canal to the center line of a certain private drain ditch located 1320 feet, more or less, East of the West line of said Section 31; thence South along the center

EXHIBIT 'A'

line of said drain ditch to the South section line of said Section 31; thence West along said South section line 1320 feet, more or less, to the point of beginning.

PARCEL 5: The NW1/4 of Section 36, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, except the following:

A. That portion of the S1/2 NW1/4 of Section 35, lying and being Southerly and Westerly of the Klamath Irrigation District Drain right of way which crosses said S1/2 NW1/4.

~~B. That portion of the NW1/4 NW2/4 lying and being North of the United States "D" canal right of way.~~

~~C.~~ That portion of the NW1/4 NW1/4 described as follows:

Beginning at the intersection of the section line between Sections 35 and 36 in said Township and Range and the right of way line of the South side of said canal; thence South along said section line 305.5 feet; thence East 714 feet; thence North parallel to said section line to the said South right of way line of said canal; and thence Westerly along said right of way line of said canal to the point of beginning.

~~D.~~ Any portion lying within the boundaries of Taylor Road, Anderson Road and Bureau of Reclamation canals, drains or ditches.

PARCEL 7: E1/2 SW1/4 of Section 36, Township 40 South, Range 10 East, Willamette Meridian, Klamath County, Oregon. SAVING AND EXCEPTING therefrom the following described parcel:

Beginning at the Southeast corner of said SW1/4, said point of beginning being on the North right of way line of existing county road; thence Northerly along the Westerly right of way line of the existing canal a distance of 600 feet; thence Westerly a distance of 200 feet; thence South and parallel to the Westerly right of way line of said canal a distance of 600 feet to the Northerly right of way line of the county road; thence East along said Northerly right of way line a distance of 200 feet, more or less, to the point of beginning. ALSO SAVING AND EXCEPTING any portion conveyed to the United States of America for ditches, canals, drains or laterals.