

4837 M-66 Page 3428

THIS INDENTURE WITNESSETH, That DONALD L. SLOAN and HAZEL I. SLOAN, husband and wife, Grantors, in consideration of Ten Dollars to them paid, have bargained and sold, and by these presents do hereby grant, bargain, sell and convey unto ERICKSON INVESTMENT COMPANY, a California Corporation, and JAMES F. STILWELL, Grantees, their successors, heirs and assigns as follows: An undivided 9/10ths interest therein to said Erickson Investment Company and an undivided 1/10th interest therein to said James F. Stilwell, the following described premises situated in Klamath County, Oregon, to-wit:

All that portion of Tracts 36 and 43, ENTERPRISE TRACTS, in the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 3, Township 39 S., R. 9 E.W.M., Klamath County, Oregon, and more particularly described as follows:

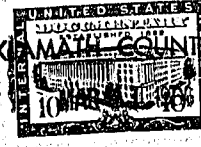
Beginning at an iron pin on the South line of Shasta Way, which bears South 0°00 $\frac{1}{2}$ ' East a distance of 73.0 feet and North 89°54' East a distance of 510.0 feet from the iron pipe which marks the Northwest corner of said Section 3, Township 39 S., R. 9 E.W.M.; thence South 0°00 $\frac{1}{2}$ ' East a distance of 647.38 feet to the Northwestern corner of that certain parcel described in Mortgage given by Rickfalls, Inc. to the United States National Bank of Portland, dated March 28, 1961, recorded April 4, 1961 in Volume 201, page 355, Mortgages records of Klamath County, Oregon; thence South 59°21 $\frac{1}{2}$ ' East a distance of 330.67 feet, more or less, to the Northwestern line of Avalon Street; thence North 30°38 $\frac{1}{2}$ ' East, along the Northwestern line of Avalon Street, a distance of 776.41 feet to an iron pin; thence South 89°54' West a distance of 40.10 feet to an iron pin; thence North 29°34' West a distance of 172.28 feet, more or less, to the South line of Shasta Way; thence South 89°54' West, along the South line of Shasta Way, a distance of 555.0 feet, more or less, to the point of beginning.

SUBJECT TO: Liens and Assessments of Klamath Project and the Klamath Irrigation District, and regulations, contracts, easements and water and irrigation rights in connection therewith;

Right of way for Transmission line, including the terms and provisions thereof, executed by Arthur A. Rickbeil et ux. and et al. to The California Oregon Power Company, a California corporation, dated March 20, 1959 and recorded March 25, 1959 in Vol. 311 at page 40 of Klamath County, Oregon Deed Records;

151st Improvement Unit, docketed August 8, 1961 in Lien Docket 11 at page 167 of City of Klamath Falls, Oregon, 157th Improvement Unit; docketed November 21, 1963 in Lien Docket 11 at page 255 of City of Klamath Falls, Oregon, and 32nd Sewer Lien, docketed November 21, 1963 in Lien Docket 11 at page 243 of the City of Klamath Falls, Oregon, which said liens grantees assume and agree to pay according to their terms as the same come due; provided however, that the grantors shall pay the interest due thereon to March 1, 1965;

That certain mortgage made and executed by Rickfalls, Inc., an Oregon Corporation, as Mortgagor, to A. M. Hattan and Ruth E. Hattan, husband and wife, as Mortgagees, dated September 30, 1960 and recorded October 11, 1960, in Vol. 198 at page 350 of Klamath County, Oregon Mortgage Records as amended and extended by Mortgage Extension Agreement, dated May 26, 1965, and recorded June 8, 1965 in Vol. 231 at page 12 of Klamath County, Oregon Mortgage Records, which said mortgage



as so extended the grantees assume and agree to pay and perform according to its terms and to hold the grantors harmless therefrom; and

To the following building and use restrictions which the grantees, their heirs, grantees, successors and assigns assume and agree to observe and comply with:

(1) That they will not construct or allow any dining room or cocktail lounge to be maintained on said premises for a period of 15 years from June 3, 1965 (it is understood and agreed however, that this in no way prohibits the construction or maintenance of a coffee shop upon said land.)

(2) That they will not construct any buildings upon said premises within 60 feet of the common property between the premises herein described and the adjacent premises retained by grantors.

(3) That they will make no use of the above described premises except those set forth in the Amended City of Klamath Falls Ordinance Number 5095 Commercial Zone C-1 and C-2, excluding conditional uses.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees, their successors, heirs and assigns forever as follows: An undivided 9/10ths interest therein to said Erickson Investment Company and an undivided 1/10th interest therein unto said James F. Stilwell.

The said grantors do hereby covenant to and with said grantees, their successors, heirs and assigns that they are the owners in fee simple of said premises; that they are free from all incumbrances, except those above set forth, and that they will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, They have hereunto set their hands and seals this 3rd day of June, 1965.

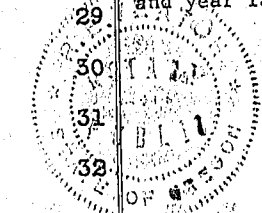
Donald L. Sloan (SEAL)  
Hazel I. Sloan (SEAL)

STATE OF OREGON )  
County of Klamath ) SS

BE IT REMEMBERED, That on this 3 day of June, 1965, before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named Donald L. Sloan and Hazel I. Sloan, husband and wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

RE Weath  
Notary Public for Oregon  
My Commission Expires: APR. 1, 1969



& Gordon  
GANDONG & GORDON  
ATTORNEYS AT LAW  
KLAMATH FALLS, ORE.

STATE OF OREGON, COUNTY OF KLAMATH; ss.

Filed for record at request of KLAMATH COUNTY TITLE CO.

Deed - Page 2. this 21 day of March A.D. 1966 at 4:02 o'clock P.M., and  
duly recorded in Vol. 466, of Deeds on Page 2418

DOROTHY ROGERS, County Clerk  
By [Signature]

Return to  
KLAMATH COUNTY TITLE CO.  
P.O. Box 151  
Klamath Falls, Oregon 97601