

1 KNOW ALL MEN BY THESE PRESENTS, That ERICKSON INVESTMENT COMPANY, a Calif-  
 2 ornia Corporation, for and in consideration of the sum of Ten Dollars to it paid,  
 3 does hereby grant, bargain, sell and convey unto JAMES F. STILWELL and WINIFRED  
 4 STILWELL, husband and wife, and undivided one-tenth (1/10th) interest in and to  
 5 all of the following real property with tenements, hereditaments and appurtenances,  
 6 situated in the County of Klamath, State of Oregon, bounded and described as  
 7 follows, to-wit:

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

10 Beginning at an iron pin on the South line of Shasta Way, which bears  
 11 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  
 12 Section 3, Township 39 S., R. 9 E.W.M.; thence South 0°00 $\frac{1}{2}$ ' East a dis-  
 13 tance of 647.38 feet to the Northwesterly 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 Vol. 201,  
 14 page 355, Mortgage records of Klamath County, Oregon; thence South 59°21 $\frac{1}{2}$ '  
 East a distance of 330.67 feet, more or less, to the Northwesterly line  
 of Avalon Street; thence North 30°38 $\frac{1}{2}$ ' East, along the Northwesterly line  
 15 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'  
 16 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 dis-  
 tance of 555.0 feet, more or less, to the point of beginning.

17 SUBJECT TO: Liens and Assessments of Klamath Project and the Klamath Irri-  
 18 gation District, and regulations, contracts, easements and water and irri-  
 19 gation 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  
 20 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,  
 21 docketed August 8, 1961 in Lien Docket 11 at page 167 of City of Klamath  
 Falls, Oregon, 157th Improvement Unit, docketed Nov. 21, 1963 in Lien  
 22 Docket 11 at page 255 of City of Klamath Falls, Oregon, and 32nd Sewer  
 Lien, docketed Nov. 21, 1963 in Lien Docket 11 at page 243 of the City of  
 Klamath Falls, Oregon; That certain mortgage made and executed by Rickfalls,  
 23 Inc., an Oregon Corporation, as Mortgagor, to A. M. Hattan and Ruth E.  
 Hattan, husband and wife, as Mortgagees, dated Sept. 30, 1960 and recorded  
 24 Oct. 11, 1960, in Vol. 198 at page 350 of Klamath County, Oregon Mortgage  
 25 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  
 26 County, Oregon Mortgage Records, which said mortgage as so extended the  
 grantees assume and agree to pay and perform according to its terms and  
 27 to hold the grantor harmless therefrom; and to the following building and  
 use restrictions which the grantees, their heirs, grantees, successors and  
 28 assigns assume and agree to observe and comply with:

- 29 (1) That they will not construct or allow any dining room or cocktail lounge  
 30 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 noway prohibits  
 the construction or maintenance of a coffee shop upon said land.)  
 31 (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.

10111

(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. And Also Subject to Taxes for fiscal year commencing July 1, 1966, which are now a lien but not yet payable.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said James F. Stilwell and Winifred Stilwell, husband and wife, as an estate by the entirety, their heirs and assigns, forever.

And the said Grantor does hereby covenant to and with said Grantees, their heirs and assigns, that it is the owner in fee simple of the above granted premises; that they are free from all encumbrances, except those above set forth, and that it will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed this 25th day of August, 1966.

ERICKSON INVESTMENT COMPANY, a  
California Corporation

By Franklin E. Erickson  
its President

By William A. Gordon  
its Secretary

STATE OF CALIFORNIA )  
County of ~~Los Angeles~~ ) SS

On this 24th day of August, 1966, before me appeared Franklin E. Erickson and ~~Frank H. McConnell~~ <sup>William A. Gordon</sup>, both to me personally known, who being duly sworn, did say that he, the said Franklin E. Erickson is the President, and he, the said ~~Frank H. McConnell~~ <sup>William A. Gordon</sup> is the Secretary of Erickson Investment Company, a California Corporation, the within named corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors or pursuant to its by-laws, and Franklin E. Erickson and ~~Frank H. McConnell~~ <sup>William A. Gordon</sup> acknowledged said instrument to be the free act and deed of said Corporation.

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

William A. Gordon  
Notary Public for California  
My Commission Expires 10/10/68

STATE OF OREGON, COUNTY OF KLAMATH;  
Filed for record at Klamath Co. Title Co.  
this 18th day of October, 1966 at 4:00 o'clock P.M. and  
duly recorded in Vol. M-166, & Deeds Page 10110-10111 County Clerk

Return to  
Klamath County Title Co.  
P.O. Box 151  
Klamath Falls, Oregon  
Warranty Deed - Page 2.

Fee \$ 5.00

By Joe Stewart