

CORRECTION DEED AND AGREEMENT

THIS AGREEMENT AND DEED, Made and entered into this 15th day of April, 1968, between Rose E. Kerns, First Party, and James William Kerns, Robert Benjamin Kerns and John Paul Kerns, Second Parties,

W I T N E S S E T H:

WHEREAS, on or about January 17, 1966, pursuant to order of the Circuit Court of the State of Oregon for Klamath County in the Matter of the Estate of James Walter Kerns, deceased, John Paul Kerns and Dorothy H. Kerns, husband and wife, conveyed to First Party and unto James William Kerns, Robert Benjamin Kerns and John Paul Kerns, as Executors of the Estate of James Walter Kerns, the real property in Klamath County, Oregon, described as follows, to-wit:

Parcel #1: Lot 5 and S $\frac{1}{2}$ NE $\frac{1}{4}$  of Sec. 33, T.39 S. R. 8 E.W.M.;  
Parcel #2: Lots 13 and 14, and SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 34, T.39 S. R. 8 E.W.M.  
Parcel #3: Lots 1, 2 and 12 in Sec. 2 and N $\frac{1}{2}$  of Sec. 3, T. 40 S.R. 8 E.W.M.,

which deed was recorded January 18, 1966 in Vol. M-66 of Deeds on Page 500, Records of Klamath County, Oregon.

Said deed conveyed the property to First Party and said Executors in proportions as follows:

Unto Rose E. Kerns, one-half interest therein,  
Unto said Executors, one-half interest therein.

Said deed was so executed to satisfy a purchase price mortgage on said real property theretofore executed by said John Paul Kerns and Dorothy H. Kerns, his wife, to the said James Walter Kerns and Rose E. Kerns.

At the time said Court order was made and said deed executed the parties believed that the realty so conveyed to John Paul Kerns and Dorothy H. Kerns was at the time of the conveyance owned equally by the grantors. Thereafter the Federal Estate Tax Return of the estate of James Walter Kerns, deceased, was audited and in connection therewith it was determined that at the time of conveyance of said land to John Paul Kerns and Dorothy H. Kerns the interest therein of said James Walter Kerns was 92.4% and the interest therein of said Rose E. Kerns was 7.6%, by reason of which the deed of conveyance first herein mentioned should have conveyed the property to the grantees therein in those proportions. Said error was the result of mutual mistake of the parties.

*Ret*  
BANDON, BANDON  
& GORDON  
ATTORNEYS AT LAW  
KLAMATH FALLS, ORE.

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1 Second parties have succeeded to the interest of the Executors of the estate  
2 in said property;

3 NOW, THEREFORE, in order to correct said mistake and in consideration of  
4 \$1.00 paid her by second parties,

5 First Party does hereby grant, bargain, sell and convey unto second parties  
6 and their heirs and assigns, an undivided 42.4% (being 50% less 7.6%) interest  
7 in and to the following described real property situate in Klamath County,  
8 Oregon, to-wit:

9 Lot 5 and S½NE¼ of Section 33, and  
10 Lots 13 and 14 and SW¼SE¼ of Section 34, all  
11 in Township 39 S.R. 8 E.W.M., and  
12 Lots 1, 2 and 12 in Sec. 2 and N½ of Section 3, Twp.40 S. R. 8 E.W.M.,  
13 excepting therefrom the portion of NE¼ of Sec. 33, Twp.39 S.R. 8  
14 E.W.M. lying South of the Weyerhaeuser Timber Company right of  
15 way as described in deed recorded in Vol. 78 at page 596 and in  
16 deed recorded in Vol. 82, at page 329, Records of Klamath County,  
17 Oregon.

18 TO HAVE AND TO HOLD the same unto said grantees and their heirs and assigns,  
19 forever.

20 IN WITNESS WHEREOF THE PARTIES hereto have hereunto set their hands and  
21 seals the day and year first herein written.

Rose E. Kerns (SEAL)  
Rose E. Kerns

James William Kerns (SEAL)  
James William Kerns

Robert Benjamin Kerns (SEAL)  
Robert Benjamin Kerns

John Paul Kerns (SEAL)  
John Paul Kerns

24 STATE OF OREGON )  
25 County of Klamath ) SS April 30, 1968

26 Personally appeared the above named Rose E. Kerns, a widow, and acknowledged  
27 the foregoing instrument to be her voluntary act and deed. Before me:

William H. H. H.  
Notary Public for Oregon  
My Commission expires: 1000 20, 1971

29 STATE OF OREGON )  
30 County of Klamath ) SS

31 On this 30 day of April, 1968, before me, the undersigned, a notary  
32 public in and for said county and state, personally appeared James William Kerns,



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Robert Benjamin Kerns and John Paul Kerns, of the State of Oregon, County of Klamath, known to me to be the persons described in the foregoing instrument and acknowledged that they executed the same in the capacity therein stated and for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first herein written.

*Clifford Gray*  
Notary Public for Oregon

My Commission expires: *Dec 20, 1971*

STATE OF OREGON, }  
County of Klamath }

Filed for record at request of

Ganong, Ganong, & Gordon

on this 2nd day of May A. D. 1968

at 10:15 o'clock A.M. and duly

recorded in Vol. M 68 of Deeds

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DOROTHY ROGERS, County Clerk

Fee 4.50