

1 THIS INDENTURE WITNESSETH, That VIVIAN N. VAN DATTA, who was formerly Vivian
2 N. Todd, and JOSEPH D. VAN DATTA, her husband, Grantors, in consideration of One
3 Dollar and Love and Affection by these presents do hereby give, grant and convey
4 unto JOSEPH D. MAGANA and NILENE A. MAGANA, husband and wife, Grantees, the
5 following described premises in Klamath County, Oregon, to-wit:

6 A Tract of Land situated in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 36 S., R. 16,
7 E.W.M., Klamath County, Oregon, more particularly described as follows:

8 Commencing at the Southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3, which
9 said point is also the Northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3;
10 thence, West along the one-sixteenth line lying between the NE $\frac{1}{4}$ NE $\frac{1}{4}$ and the
11 SE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 3 a distance of 350 feet, more or less, to an iron
12 pin set on concrete which is a corner of the tract of land conveyed to
13 C. T. Darley by Deed recorded in Volume 342 at page 209 of Klamath County,
14 Oregon Deed Records; and which is also the Northeast corner of the tract of
15 land conveyed to John L. Gross et ux. by Deed recorded in Volume M66 at page
16 10168 of Klamath County, Oregon Deed Records, and which said point is the
17 true point of beginning of this description; thence, continuing West along
18 said one-sixteenth line a distance of 75 feet, more or less, to the North-
19 west corner of said Gross Tract; thence, North 2°17' East a distance of 159
20 feet, more or less, to the center line of the County Road known as the West
21 Side Highway or the Rocky Point Road; thence, Easterly on the center line
22 of said County Road to a point which is located North 2°17' East a distance
23 of 148 feet, more or less, from the True Point of Beginning of this descrip-
24 tion; thence, South 2°17' West a distance of 148 feet, more or less, to the
25 True Point of Beginning of this description.

26 Subject to: Easements and rights of way of record and those apparent on the
27 land, including said County Road hereinbefore mentioned; Reservations in
28 United States Patents; Agreements relative to the raising and lowering of
29 waters of Upper Klamath Lake; Agreement recorded December 19, 1952, in Vol.
30 258 at page 287 of Klamath County, Oregon Deed Records, as corrected by
31 Agreement recorded December 27, 1955, in Vol. 280 at page 146 of said Deed
32 Records, prohibiting the use of said premises for any resort or competing
commercial use, as more specifically defined in said Agreement for a period
of 30 years from the date of said Agreement, and also to the following build-
ing and use restrictions which grantees, their heirs, grantees and assigns
covenant and agree to observe and comply with, and which shall run with and
bind the land herein conveyed for the benefit of the lands in Section 3,
Township 36 South, Range 6 E.W.M., retained by Grantors or by William K.
Johnson or heretofore conveyed by Grantors or William K. Johnson to other
purchasers, and for the benefit of each and every part and parcel of said
lands, to-wit:

- (1) That said premises will be used solely as a residence or summer homesite;
- (2) That said premises shall never be subdivided nor shall any less portion than the whole thereof ever be sold, leased or conveyed;
- (3) That no building, except one residence or summer home and the usual and necessary outbuildings thereto, shall ever be erected thereon; that the ground floor of such residence or summer home, exclusive of open porches and garages, shall not be less than 400 square feet; that all construction, finish and materials shall be of first class quality; that all structures, except those finished in shingles, shakes or logs, shall be painted with at least two coats of paint, varnish or stain. External construction of all structures, including the painting thereof, shall be fully completed within two years from the start of said construction.

*Return to: Mr. & Mrs. Joseph D. Magana
Box 173, Hesperian, Ore.
Klamath Falls, Oregon 97601*

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(4) That no building shall be erected within ten feet of any exterior property line;

(5) That no unlawful, noxious or offensive activity shall be carried on upon said premises, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood;

(6) That trash, garbage or other waste shall not be kept except in sanitary containers; that incinerators or other equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition; that lavatories and toilets shall be built indoors and connected with outside septic tanks and shall be constructed, used and maintained in conformity with and so as to comply with all applicable laws and regulations;

(7) That the foregoing covenants and restrictions shall be incorporated in and made a part of every deed or conveyance hereafter executed for the purpose of conveying these premises.

WE HEREBY CERTIFY THAT THIS IS A GIFT AND THAT NO CONSIDERATION AS DEFINED BY CHAPTER 7 OF OREGON LAWS 1967 SPECIAL SESSION HAS BEEN PAID FOR THIS PROPERTY.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantees as an Estate by the Entirety forever. And the said Grantors do hereby covenant to and with the said Grantees, their heirs and assigns, that they are the owners of said premises in fee simple; and that they will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantors.

IN WITNESS WHEREOF, They have hereunto set their hands and seals this 5th day of April, 1968.

Vivian N. Van Datta (SEAL)
Vivian N. Van Datta

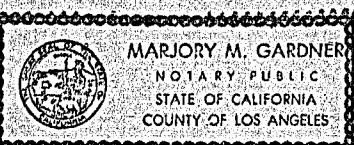
Joseph D. Van Datta (SEAL)
Joseph D. Van Datta

STATE OF CALIFORNIA)
County of Los Angeles) SS

BE IT REMEMBERED, That on this 9 day of April, 1968, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within Vivian N. Van Datta, who was formerly Vivian N. Todd, and Joseph D. Van Datta, her husband, 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.

(SEAL)
My Commission Expires:



Marjory M. Gardner
Notary Public for California

MARJORY M. GARDNER
My Commission Expires Feb. 14, 1972

GANDNO, GANDNO
& GORDON
ATTORNEYS AT LAW
KLAMATH FALLS, ORE.

Deed - Page 2.

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STATE OF OREGON, } ss
County of Klamath }

Filed for record at request of
Ganong, Ganong And Gordon

on this 3rd day of October A. D. 1968

at 2:35 o'clock P.M. and duly

recorded in Vol. M-68 of Deeds

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DOROTHY ROGERS, County Clerk

Fee 4.50

By *Chapman R. Eastman* Deputy

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