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1 THIS INDENTURE WITNESSETH, that VIVIAN N. VAN DATTA, who was formerly Vivian
2 N. Todd, and JOSEPH D. VAN DATTA, her husband, hereinafter known as Grantors,
3 for the consideration hereafter recited, have bargained and sold and by these
4 presents do grant, bargain, sell and convey unto ALBERT A. MITCHELL and BETTY
5 MAE MITCHELL, husband and wife, Grantees, the following described premises,
6 situated in Klamath County, Oregon, to-wit:

7 A tract of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 36 South,
8 Range 6 E.W.M., Klamath County, Oregon, more particularly described as
9 follows:

10 Beginning at a point on the North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ which lies South
11 87°43' West along said North line a distance of 500 feet from the North-
12 east corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence, South 2°17' East a distance of 140.0
13 feet, more or less, to the Northwest corner of that certain tract of land
14 conveyed to Clifford Daniel Miller by Deed recorded in Vol. M66 at page
15 11211 of Klamath County, Oregon Deed Records;
16 thence, South 84°42' East along the North line of said Miller Tract a
17 distance of 75.75 feet, more or less, to the Southwest corner of that
18 certain tract of land conveyed to John L. Gross et ux. by deed recorded
19 in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records;
20 thence, North 2°17' West along the West line of said Gross Tract a dis-
21 tance of 150 feet, more or less, to a point on the North line of said
22 SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence, South 87°43' West along said North line a distance of
23 75.0 feet, more or less, to the point of beginning.

24 TOGETHER WITH full but non-exclusive right of Ingress and egress to and
25 from the County Road known as the West Side Highway or Rocky Point Road
26 by means of the private 15 foot wide roadway more particularly described
27 as follows:

28 Beginning at the Northwest corner of that certain tract of land con-
29 veyed to Clifford Daniel Miller by Deed recorded in Vol. M66 at page
30 11211 of Klamath County, Oregon Deed Records, said point being the South-
31 west corner of the tract of land conveyed to the Grantees herein;
32 thence, South 79°11'40" West a distance of 15 feet, more or less; thence,
North 2°17' West parallel with and 15 feet distant from the West line of
said tract of land conveyed to the Grantees herein a distance of 140
feet, more or less, to said North line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$;
thence, continuing North 2°17' East parallel with and 15 feet distant
from the West line of that certain tract of land conveyed to Gary Curtis
DeJean and Carol Lea DeJean, husband and wife, to the centerline of said
County Road known as the West Side Highway or Rocky Point Road;
thence, running Southeasterly along said center line to the Northwest
corner of said DeJean Tract; thence, South 2°17' West along the West line
of said DeJean Tract a distance of 195 feet, more or less, to the North-
west corner of the tract of land conveyed to the Grantees herein, said
corner being situated on the North line of SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence, South 2°17'
East along the West line of the tract of land conveyed to the Grantees
herein a distance of 140 feet, more or less, to the point of beginning.

33 SAVING AND RESERVING unto Grantors, their heirs and assigns, the right to
34 use said roadway for the benefit of Grantors' remaining lands in said
35 Section 3, Twp. 36 S., R. 6 E.W.M., as the same now are or may hereafter
36 be subdivided.

37 TOGETHER WITH an easement for utilities 5 feet in width along the West
38 side of said roadway, the East line of said easement being bounded by the
39 West line of said roadway.

40 SUBJECT TO: Real property taxes for 1968-1969 tax year, which are now a
41 lien but not yet payable; Easements and rights of way of record and those

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

Warranty Deed - Page 1.

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*Return to: Mr. Albert A. Mitchell
Harrison Road Box 79 KK
Klamath Falls, Oregon 97601*

1 apparent on the land; Reservations in United States Patents; Agreements
 2 relative to the raising and lowering of the waters of Upper Klamath Lake;
 3 Agreement, recorded Dec. 19, 1952, in Vol. 258 at page 287 of Klamath
 4 County, Oregon, Deed Records, as corrected by Agreement recorded Dec. 27,
 5 1955, in Vol. 280 at page 146 of said Deed Records, prohibiting the use
 6 of said premises for any resort or competing commercial use, as more speci-
 7 fically defined in said agreement, for a period of 30 years from the date
 8 of said agreement; and also to the following building and use restrictions,
 9 which Grantees, their heirs, grantees and assigns covenant and agree to
 10 observe and comply with, and which shall run with and bind the land herein
 11 conveyed for the benefit of the lands in Sec. 3, Twp. 36 S., R. 6 E.W.M.,
 12 retained by the Grantors, and for the benefit of the tracts in the SE1/4
 13 of said Sec. 3 retained by Grantors or William K. Johnson or heretofore
 14 conveyed by Grantors or William K. Johnson to other purchasers, and for
 15 the benefit of each and every part and parcel of said lands, to-wit:

16 (1) That said premises will be used solely as a residence or summer home-
 17 site;

18 (2) That said premises shall never be subdivided nor shall any less por-
 19 tion than the whole thereof ever be sold, leased or conveyed;

20 (3) That no building, except one residence or summer home and the usual
 21 and necessary outbuildings thereto, shall ever be erected thereon; that
 22 the ground floor of such residence or summer home, exclusive of open
 23 porches and garages, shall not be less than 400 square feet; that all
 24 construction, finish and materials shall be of first class quality; that
 25 all structures, except those finished in shingles, shakes or logs, shall
 26 be painted with at least two coats of paint, varnish or stain. External
 27 construction of all structures, including the painting thereof, shall be
 28 fully completed within two years from the start of said construction;

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

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

34 (6) That trash, garbage or other waste shall not be kept except in sani-
 35 tary containers; that incinerators or other equipment for the storage or
 36 disposal of such materials shall be kept in a clean and sanitary condi-
 37 tion; that lavatories and toilets shall be built indoors and connected
 38 with outside septic tanks and shall be constructed, used and maintained
 39 in conformity with and so as to comply with all applicable laws and regu-
 40 lations;

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

44 The true and actual consideration for this transfer is \$2,500.00.

45 TO HAVE AND TO HOLD the said premises with their appurtenances unto the said
 46 Grantees as an estate by the entirety. And the said Grantors do hereby covenant
 47 to and with the said Grantees, and their assigns, that they are the owners in
 48 fee simple of said premises; that they are free from all incumbrances, except
 49 those above set forth, and that they will warrant and defend the same from all

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1 lawful claims whatsoever, except those above set forth.

2 IN WITNESS WHEREOF, They have hereunto set their hands and seals this 2nd
3 day of October, 1968.

4 Vivian N. Van Datta (SEAL)

5 Joseph D. Van Datta (SEAL)

6 STATE OF OREGON)
7 County of Klamath) SS

October 2, 1968

8 Personally appeared the above named Vivian N. Van Datta, who was formerly
9 Vivian N. Todd, and Joseph D. Van Datta, her husband, and acknowledged the fore-
10 going instrument to be their voluntary act and deed.
11 Before me:

12 William L. Loring
13 Notary Public for Oregon

14 (SEAL)

15 My Commission Expires: October 3, 1968

16 STATE OF OREGON, } ss
17 County of Klamath }

18 Filed for record at request of

19 Ganong, Ganong, And Gordon

20 on this 3rd day of October A.D. 19 68

21 at 2:36 o'clock P. M. and duly

22 recorded in Vol. M-68 of Deeds

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24 DOROTHY ROGERS, County Clerk

25 By William N. Houston Deputy

26 Fee 4.50

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GANONG, GANONG
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