

31015

VOL. 269 PAGE 2832

KNOW ALL MEN BY THESE PRESENTS, That we T. B. Watters and Evelyn M. Watters, husband and wife, grantor S., in consideration of Ten Dollars and other valuable considerations Dollars, to us paid by Donald A. Hurd and Linda Jean Hurd, husband and wife, grantee S., do hereby grant, bargain, sell and convey unto the said grantee S., their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Klamath and State of Oregon, bounded and described as follows, to-wit:

See "Exhibit A" which is attached hereto and by reference made a part hereof the same as though set forth fully herein.

To Have and to Hold the above described and granted premises unto the said grantee S., their heirs and assigns forever.

And we, the grantor S., do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances, save and except as set forth in "Exhibit A" attached hereto,

and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 3rd day of January, 1961.

T. B. Watters (SEAL)
Evelyn M. Watters (SEAL)

STATE OF OREGON,

County of Klamath

ss.

On this 3rd day of January, 1961,

before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named T. B. Watters and Evelyn M. Watters, husband and wife, who are

known to me to be the identical individuals 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 affixed my official seal the day and year last above written.

R. M. Worley
Notary Public for Oregon.
My commission expires March 15, 1962

WARRANTY DEED

TO

(DON'T USE THIS
SPACE, RESERVED
FOR RECORDING
LABEL IN COUN-
TIES WHERE
USED.)

AFTER RECORDING RETURN TO

Ret.
Donald A. Hurd
Rt. 3, Box 1146 X
K. Falls, Ore.

STATE OF OREGON,

ss.

County of

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book on page Record of Deeds of said County.

Witness my hand and seal of County affixed.

County Clerk—Recorder.

By

Deputy.

"EXHIBIT A"

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The following described real property in Klamath County, Oregon:

PARCEL 1: Lots 6, 7 and 8 of Section 30, Township 37 South, Range 9 East of the Willamette Meridian.

PARCEL 2: All that portion of Lot 2 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Westerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Westerly boundary of said Lot 2, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Richard J. Conroy by deed dated April 26, 1937, recorded in Volume 109 at page 19, Deed Records of Klamath County, Oregon.

PARCEL 3: All that portion of Lot 4 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northerly boundary of the said Lot 4.

PARCEL 4: All that portion of Lot 5 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northwesterly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northwesterly boundary of the said Lot 5, SAVING AND EXCEPTING THEREFROM that certain tract conveyed to J. J. Wissenback by deed dated December 28, 1935, recorded in Book 107 at page 443, Deed Records of Klamath County, Oregon.

PARCEL 5: All of Lots 7 and 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Emanuel Nedvidek by deed dated October 1, 1928, recorded in Volume 81 at page 278, Deed Records of Klamath County, Oregon.

PARCEL 6: Lot 12, Section 31, Township 37 South, Range 9 East of the Willamette Meridian.

PARCEL 7: Lots 9, 10, 11 and 13, of Section 31, Township 37 South, Range 9 East of the Willamette Meridian.

PARCEL 8: All of those portions of Lots 6 and 8 of Section 25 and Lots 1, 2 and 3 of Section 36, Township 37 South, Range 8 East of the Willamette Meridian, which lie Easterly from the Easterly boundary of the right of way of the Oregon Eastern Railway (Southern Pacific Railway).

All of those portions of Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, which lie easterly from the Easterly boundary of the right of way of Oregon Eastern Railway (Southern Pacific Railway) SAVING AND EXCEPTING THEREFROM that certain tract heretofore conveyed to Leonard Hamilton by deed dated March 16, 1940, recorded in Volume 128 at page 279, Deed Records of Klamath County, Oregon, AND ALSO EXCEPTING THEREFROM those certain parcels deeded to the State of Oregon, by and through its State Highway Commission by Robert E. Graham, et al, dated April 11, 1940, recorded April 29, 1940, and T. B. Watters, et ux, dated August 2, 1941, recorded August 15, 1941, in Volume 129 at page 21 and Volume 140 at page 349, respectively, Deed Records of Klamath County, Oregon.

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PARCEL 9: All that portion of Lot 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Beginning at a point in the Section Line between Sections 30 and 31 of said Township and Range, which marks the northerly boundary of said Lot 8, and from which the meander corner between the said Sections bears North 88°03' East 115.6 feet distant, and running thence South 88°03' West along the said Section line 680.2 feet, more or less, to the northwesterly corner of the said Lot 8; thence South 1°16' West along the westerly boundary of the said Lot 8, 795.7 feet; thence North 88°03' East and parallel with the northerly boundary of the said Lot 8, 978.6 feet; thence North 19°39½' West 834 feet, more or less, to the said point of beginning.

SUBJECT TO:

1. Reservations in Patent from the United States of America to Robert E. Graham, dated May 22, 1922, recorded December 20, 1922, in Volume 59 at page 403, Deed Records of Klamath County, Oregon, as follows: "(A) Subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; (C) and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States." (Affects Lots 1, 2 and 3, Section 36, Township 37 South, Range 8 E.W.M., and Lot 13, Section 31, Township 37 South, Range 9, E.W.M.).

2. Reservations in Patent from the United States of America to John T. Graham, dated December 31, 1923, recorded January 21, 1924 in Volume 63 at page 379, Deed Records of Klamath County, Oregon, as follows: (A) and (C) as shown in No. 1 and also "subject to all rights granted to the United States by John T. Graham, as shown by a certain indenture dated September 6, 1919, recorded in Volume 50 at page 482, Deed Records of Klamath County, Oregon. (Affects Lots 6, 7 and 8, Section 30, and Lots 7 and 8, Section 31, all in Township 37 South, Range 9, E.W.M.).

3. Reservations in Patent from the United States of America to James T. Hanks, dated November 1, 1880, recorded May 9, 1888, in Volume 3 at page 557, Deed Records of Klamath County, Oregon, as follows: (A) as in No. 1 and also "subject to the right of a proprietor of a vein or lode to extract and remove his ore therefrom should the same be found to penetrate or intersect the premises hereby granted as provided by law". (Affects Lots 2, 4 and 5, Section 31, Township 37 South, Range 9, E.W.M.).

4. Reservations in Patent from the United States of America to Henry H. Graham, dated March 25, 1922, recorded November 15, 1922, in Volume 59 at page 315, Deed Records of Klamath County, Oregon, as follows: (A) and (C) as shown in No. 1 and "reserving nevertheless to the United States all rights of flowage and seepage of the lands given or granted to the United States by an instrument, made by and between Henry H. Graham of one part and the United States of America of the other part, recorded October 2, 1919, in Volume 50 at page 484, Deed Records of Klamath County, Oregon. (Affects Lots 9, 10, 11 and 12, Section 31, Township 37 South, Range 9, E.W.M.).

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5. Reservations in Patent from the United States of America to Algia F. Graham, dated March 28, 1924, recorded April 14, 1924, in Volume 64 at page 13, Deed Records of Klamath County, Oregon, as follows: (A) and (C) as shown in No. 1 and "subject to all rights granted the United States by Algia F. Graham, as shown by a certain indenture dated September 15, 1919, recorded in Volume 50 at page 615, Deed Records of Klamath County, Oregon. (Affects Lots 1, 5, 6 and 8, Section 25, Township 37 South, Range 8, E.W.M.).

6. The agreements, including the terms and provisions thereof, between John T. Graham, Robert E. Graham, Henry H. Graham, Algia F. Graham and the United States of America, as set out and recorded in Volume 50 at pages 482, 483, 484 and 615 respectively, Deed Records of Klamath County, Oregon.

7. Acreage and use limitations under provisions of the United States Statutes and regulations issued thereunder. All contracts, water rights, proceedings, taxes and assessments relating to irrigation, drainage and/or reclamation of said lands, and all rights of way for roads, ditches, canals and conduits, if any of the above there may be.

8. Rights of the public in and to any portion of the above described property lying within the limits of roads and highways.

9. Easement and Right of Way Agreement, including the terms and provisions thereof, between Algia F. Graham, et ux, et al, and Klamath Telephone and Telegraph Company, a corporation, dated August 24, 1925, recorded March 5, 1926, in Volume 69 at page 346, Deed Records of Klamath County, Oregon.

10. Easement and Right of Way, including the terms and provisions thereof, granted to The California Oregon Power Company, a California corporation, dated April 1, 1942, recorded July 1, 1942, in Volume 148 at page 231, Deed Records of Klamath County, Oregon.

11. Agreement, including the terms and provisions thereof, between T. B. Watters and Evelyn Watters, husband and wife, and the United States of America, dated May 28, 1943, recorded April 8, 1944, in Volume 163 at page 607, Deed Records of Klamath County, Oregon.

12. Agreement, including the terms and provisions thereof, between Lewis Kandra, et ux, J. T. Graham, et ux, and Emanuel Nedvideck, recorded in Book 105 at page 415, Deed Records of Klamath County, Oregon, which was amended by Amendatory Agreement, including the terms and provisions thereof, between T. B. Watters, et ux, Robert E. Graham, J. T. Graham, et ux, and Emanuel Nedvideck, dated February 1, 1940, recorded February 2, 1940, in Volume 127 at page 44, Deed Records of Klamath County, Oregon.

13. Mortgage, including the terms and provisions thereof, executed by Thomas E. Watters and Anne Elizabeth Watters, husband and wife, to The Travelers Insurance Company, a Connecticut corporation, dated May 16, 1952, recorded June 30, 1952, in Volume 145 at page 607, Mortgage Records of Klamath County, Oregon, given to secure payment of \$20,000.00, as evidenced by a note of even date, the balance of which the grantees above named expressly assume and agree to pay in accordance with the terms and conditions thereof.

Grantors further grant and convey unto grantees all of grantors' right, title and interest in and to the water rights set forth in that certain instrument recorded June 28, 1957, in Vol. 292, at page 499, of deed records, Klamath County, Oregon, affecting Government Lot 5, Section 36, Township 37 South, Range 8, E.W.M., Klamath County, Oregon, together with the pumps and pump house situate thereon.

STATE OF OREGON,
County of Klamath
Filed for record at request of
Mrs. Donald A. Hurd
on this 18th day of April A. D. 1969
at 4:30 o'clock P M, and duly
recorded in Vol. M-69 of Deeds
Page 2832
By Wm D. MILNE, County Clerk
By Don M. Krutson, Deputy
Fee 7.50

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