

8170 A19668

VOL. 1169 PAGE 4801

WARRANTY DEED

THIS INDENTURE WITNESSETH, That ESTON E. BALSIGER and BILLIE L. BALSIGER, husband and wife, herein called "grantors", in consideration of FIFTY-EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS to them paid, have bargained and sold and by these presents do grant, bargain, sell and convey to JOSEPH A. FLINN, JR. and ELAINE FLINN, husband and wife, herein called "grantees", their heirs and assigns forever, the following-described premises, situated in Klamath County, State of Oregon:

A tract of land situated in the Southeast Quarter of Section 23, Township 38 S., R. 8 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 2 inch pipe on the Easterly right of way line of State Secondary Highway No. 140, said point being the Southwest corner of that tract of land described in Deed Vol. 316, Page 204, Klamath County Deed Records, said point also being the Northwest corner of Marina Park, a recorded subdivision; thence North $53^{\circ}35'15''$ East 271.61 feet to a $\frac{1}{4}$ inch iron pin, said point being the true point of beginning; thence North $11^{\circ}43'$ West 277.23 feet to a $\frac{1}{4}$ inch iron pin; thence North $78^{\circ}17'$ East 446.00 feet to a $\frac{1}{4}$ inch iron pin; thence continuing North $78^{\circ}17'$ East 4 feet, more or less, to the shore line of Upper Klamath Lake; thence Southerly along the said shore line to a point that bears North $78^{\circ}17'$ East from the true point of beginning; thence South $78^{\circ}17'$ West 60 feet, more or less, to a $\frac{1}{4}$ inch iron pin; thence continuing South $78^{\circ}17'$ West 462.87 feet to the true point of beginning of this description, said parcel containing 3 acres, more or less; TOGETHER WITH a perpetual right of way and easement along and upon the existing roadway from Highway 140 to the property herein granted, said right of way to be appurtenant to and run with the real property herein granted and to run across the following-described real property, to-wit: Beginning at an iron pin on the Westerly right of way line of Secondary Highway No. 421 which marks the corner common to Lots 26 and 27 of Lakewood Heights in Klamath County, Oregon, and running thence following the Westerly right of way line of Secondary Highway No. 421 in a Southerly direction along the arc of a $15^{\circ}06'$ curve to the right a distance of 74.6 feet to an iron pin; thence North $78^{\circ}20'$ East to an iron pin which is on the Easterly right of way line of Secondary Highway No. 421 which is the point of beginning, and running thence continuing North $78^{\circ}20'$ East to the shore line of Upper Klamath Lake; thence Northerly along the shore line of Upper Klamath Lake to a point which bears North $78^{\circ}20'$ East from a point on the Easterly boundary of the Rock Creek Road, said point being situated 1137.8 feet South and 257.7 feet East from the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, Township 38 S., R. 8 E.W.M.; thence South $78^{\circ}20'$ West to the last above described point; thence in a Southerly direction along the Easterly right of way line of Secondary Highway No. 421 to the point of beginning, being all a part of Lots 3 and 5, Section 23, Township 38 S., R. 8 E.W.M.

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SUBJECT TO: (1) Grant of Easement and Release, including the terms and provisions thereof, given by F. H. McCornack, et al, to The California Oregon Power Company, dated July 13, 1925, recorded September 9, 1925, Deed Vol. 68, Page 278, records of Klamath County, Oregon, relative to raising and/or lowering the waters of Upper Klamath Lake.

(2) Grant of Right of Way for transmission line, including the terms and provisions thereof, given by F. H. McCornack, et al, to The California Oregon Power Company, dated July 13, 1925, recorded September 9, 1925, Deed Vol. 68, Page 281, records of Klamath County, Oregon.

(3) Right of Way for electric pole line, including the terms and provisions thereof, given by F. H. McCornack, et al, to The California Oregon Power Company by deed dated July 17, 1925, recorded September 9, 1925, Deed Vol. 68, Page 279, records of Klamath County, Oregon.

(4) Right of Way for transmission line, including the terms and provisions thereof, given by Frank H. McCornack, Guardian of the Person and Estate of Frank H. McCornack, Jr., a minor, to The California Oregon Power Company by deed recorded September 9, 1925, Deed Vol. 68, Page 280, records of Klamath County, Oregon.

(5) Right of Way for electric pole line, including the terms and provisions thereof, given by Frank H. McCornack, Guardian of the Person and Estate of Frank H. McCornack, Jr., a minor, to The California Oregon Power Company, dated July 17, 1925, recorded September 9, 1925, Deed Vol. 68, Page 277, records of Klamath County, Oregon.

(6) Easement and Release, including the terms and provisions thereof, given by Frank H. McCornack, Guardian of the Person and Estate of Frank H. McCornack, Jr., a minor, to The California Oregon Power Company by deed dated July 17, 1925, recorded September 9, 1925, Deed Vol. 68, Page 277, records of Klamath County, Oregon.

(7) Rights of the Federal Government, the State of Oregon and the general public in and to that part of the property described herein lying below the high water line of Upper Klamath Lake,

together with all tenements, hereditaments and appurtenances hereunto belonging or appertaining, and all estate, right, title and interest in and to the same.

TO HAVE AND TO HOLD said premises unto grantees, their heirs and assigns forever. Said grantors do covenant to and with said grantees, their heirs and assigns, that they are the owners of said premises, being lawfully seized in fee simple thereof; that said premises are free from all encumbrances, except as stated above; and that they and their heirs and representatives will warrant and defend the same from all lawful claims whatsoever.

The true and actual consideration for this transfer is \$58,500.00.

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(Warranty Deed - 2)

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IN WITNESS WHEREOF, We have hereunto set our hands this 12
day of June, 1969.

Eston E. Balsiger
Billie L. Balsiger

STATE OF OREGON)
County of KLAMATH) ss. June 12, 1969

Personally appeared the above-named ESTON E. BALSIGER and
BILLIE L. BALSIGER, husband and wife, known to me to be the identical
persons described as grantors in the within Deed, and acknowledged
the foregoing instrument to be their voluntary act and deed.

Before me:

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires Feb. 1, 1971

STATE OF OREGON,
County of Klamath
Filed for record at request of
Klamath County Title Co
on this 12 day of June A.D. 1969
at 4:15 o'clock P. M. and day
recorded in Vol. 1669 of Deeds
Page 4801
Wm D. MILNE, County Clerk
By James S. Hunter Deputy
Fee 4.00

Return
Trust Indenture Savings Loan
5401 main
Klamath Falls, Oregon
97601

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(Warranty Deed - 3)