

A-19705

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1 THIS INDENTURE WITNESSETH, that VIVIAN N. TODD, a single woman, hereinafter
2 known as Grantor, for the consideration hereafter recited, has bargained and
3 sold and by these presents does grant, bargain, sell and convey unto WILLIAM G.
4 POLLOCK and LA VERN POLLOCK, Grantees, not as tenants in common but with the right
5 of survivorship, their assigns and the heirs of the survivor of said grantees,
all of the following described real property situated in Klamath County, Oregon:

6 A tract of land in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Twp. 36 S., R. 6, E. W. M.,
7 Klamath County, Oregon, more particularly described as follows:

8 Beginning at the Southeast corner of that certain tract of land which
9 was conveyed to Robert A. Scott et ux by Deed dated November 6, 1965, and
10 recorded November 22, 1965, in Vol. M65 at page 3934 of Klamath County,
11 Oregon Deed Records, which said corner is situated on the center line of
12 the private 20 foot wide roadway, which is more particularly described in
13 the Deed to John L. Gross et ux, dated October 12, 1966, and recorded
14 October 20, 1966, in Vol. M66 at page 10168 of Klamath County, Oregon
15 Deed Records; thence, North 13°59' West along said road center line, which
16 is also the East line of said Scott Tract, a distance of 75.0 feet, more
17 or less, to the Northeast corner of said Scott Tract, which is also the
18 Southeast corner of the tract of land conveyed to William G. Biely et ux
19 by Correction Deed dated May 12, 1968 and recorded in Vol. M68 at page
20 5218 of Klamath County, Oregon Deed Records; thence, North 12°04' West on
21 said road center line, which is also the East line of said Biely Tract a
22 distance of 72.5 feet, more or less, to the point where said road center
23 line intersects the one-sixteenth line between the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ NE $\frac{1}{4}$
24 of said Section 3, which said line is also the South boundary line of
25 Harriman Park, Klamath County, Oregon, and which said point of intersec-
26 tion is also the Northeast corner of said Biely Tract; thence, leaving
27 said road center line and running East on said one-sixteenth line to the
28 Northwest corner of that certain tract of land conveyed to Albert A.
29 Mitchell et ux by deed dated October 2, 1968 and recorded October 3, 1968
30 in Vol. M68 at page 8973 of Klamath County, Oregon Deed Records; thence,
31 South 2°17' East along the West line of said Mitchell Tract a distance of
32 140 feet, more or less, to the Southwest corner of said Mitchell Tract,
which is also the Northwest corner of the tract of land conveyed to
Clifford Daniel Miller by deed recorded in Vol. M66 at page 11211 of
Klamath County, Oregon Deed Records; thence, South 79°11'40" West a distance
of 179.4 feet, more or less, to the point of beginning.

TOGETHER WITH full right of ingress and egress over the above mentioned
20 foot wide roadway to the West Side Highway, and together with an ease-
ment for utilities 5 feet in width along the edge of said Highway.

TOGETHER WITH the perpetual, non-exclusive easement of ingress and egress
to the artificially constructed water channel and for ingress and egress
by water from and to Harriman Creek on said artificially constructed
water channel more particularly described in the instrument recorded
October 3, 1968, in Vol. M68 at page 8976 of Klamath County, Oregon Deed
Records.

SUBJECT TO: Easements and rights of way of record and those apparent on
the land, including said roadway hereinbefore mentioned, and subject to an
easement for utilities 5 feet wide across the premises herein conveyed,
said easement to be bounded on its Westerly side by the Easterly line of
said roadway, and also including the easement for road right of way across
the Easterly 15 feet of the premises herein conveyed, more particularly
described in said Deed to Albert A. Mitchell et ux recorded October 3, 1968
in Vol. M68 at page 8973 of Klamath County, Oregon Deed Records, and to
the easement for utilities 5 feet in width along the West side of said
roadway which is also described in said Mitchell Deed; Reservations in

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Warranty Deed - Page 1.

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United States Patents; Agreements relative to the raising and lowering of the waters of Upper Klamath Lake; Agreement, recorded Dec. 19, 1952, in Vol. 258 at page 287 of Klamath County, Oregon Deed Records, as corrected by Agreement recorded Dec. 27, 1955, in Vol. 280 at page 146 of said Deed 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 building 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 Sec. 3, Twp. 36 S., R. 6 E.W.M., retained by the Grantor; and for the benefit of the tracts in the SE^{1/4} of said Sec. 3 retained by Grantor or William K. Johnson or heretofore conveyed by Grantor 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 home-site;

(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;

(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.

The true and actual consideration for this transfer is \$3,000.00

TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their assigns and the heirs of such survivor, forever; provided that the grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

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1 And the Grantor above named hereby covenants to and with the above named
2 grantees, their heirs and assigns, that she is lawfully seized in fee simple
3 of the above granted premises, that the said premises are free from all encum-
4 brances, except those above set forth, and that she will warrant and forever
5 defend the above granted premises and every part and parcel thereof against the
6 lawful claims and demands of all persons whomsoever, except those claiming
7 under the above described encumbrances.

8 IN WITNESS WHEREOF, the grantor has executed this instrument on the 18th
9 day of June, 1969.

Vivian M. Todd (SEAL)

11 STATE OF OREGON)
12 County of Klamath) SS June 20, 1969
13 Personally appeared the above named Vivian M. Todd, a single woman, and ack-
14 nowledged the foregoing instrument to be her voluntary act and deed.
15 Before me:

14 (SEAL)
15 My Commission Expires: October 3, 1972
16 William H. Young
Notary Public for Oregon

STATE OF OREGON, {
County of Klamath {
Filed for record at request of
Klamath Co. Title Co.
on this 28th day of July A.D. 19 69
at 4:33 o'clock P. M. and duly
recorded in Vol. Mc9 of Deeds
page 6533
Wm D. MILNE, County Clerk
W. D. Milne Deputy
Fee 4.50

30 Return
31 Klamath County Title
32 P.O. Box 151
Klamath Falls, Oregon 97601
Warranty Deed - Page 3.

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