

70-404

40167 VOL 1770 PAGE 2856

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ALAN J. PRESCOTT and WANDA PRESCOTT, husband and wife, hereinafter called the grantors, for the consideration hereinafter stated, to grantors paid by SAMUEL W. PRESCOTT and BEVERLY GALE PRESCOTT, husband and wife, hereinafter called the grantees, do hereby grant, bargain, sell and convey unto the said grantees and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining situated in the County of Klamath, State of Oregon, described as follows:

PARCEL 1. All of the NE 1/4 SE 1/4 and that portion of the W 1/2 SE 1/4 lying North and above the Shasta View Low Line Canal, all in Section 5, Township 41 South, Range 12 East of the Willamette Meridian, and also

All that part of the N 1/2 SW 1/4 of Section 5, Township 41 South, Range 12 East of the Willamette Meridian lying Northerly of and from the North boundary line of the line of right-of-way of lowland ditch of Shasta View Irrigation District; LESS:

Beginning at a point at the intersection of the South line of the County Road and the East line of the SW 1/4 of Section 5, which point is approximately 30 feet South of the center of Section 5, and extending Westerly 10 feet to the center of the road along the East line of the SW 1/4 of Section 5; thence South 0°15' West 167.6 feet to the true point of beginning; thence from the true point of beginning South 0°15' West 195.5 feet along the center of the said road; thence South 48°06' West 367.3 feet along the center of said road; thence South 20°11' West 214.5 feet along the center of the said road; thence North 66°25' West 293.2 feet along the center line of the said road; thence North 25°53' East 592.5 feet; thence South 88°51' East 358.2 feet to the true point of beginning; ALSO LESS: Beginning at a point 30 feet East and 30 feet South of the quarter section corner on the West line of Section 5 and running thence South 0°15' East along the East line of the Poe Valley Road 513.2 feet to the North line of the Shasta View Irrigation District Ditch thence South 81°41' East 506.0 feet to a point on the North line of the Shasta View Irrigation District Ditch; thence North 0°42' West 591.3 feet to a point on the South line of the County Road; thence South 89°40' West 495.2 feet to the point of beginning.

SUBJECT TO:

1. Reservations, restrictions, rights of way and easements

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1 of record and those apparent on the land;

2 2. Acreage and use limitations under provisions of the
3 United States Statutes and regulations issued thereunder;

4 Liens and assessments of Klamath Project and Shasta
5 View Irrigation District, and regulations, contracts, easements
6 and water and irrigation rights in connection therewith;

7 3. Rights of way for pole line given by John D. O'Connor,
8 etal, to the California-Oregon Power Company, dated January 4,
9 1940, recorded February 23, 1940, in Deed Volume 127 at page 267,
10 Records of Klamath County, Oregon;

11 4. Agreement, including the terms and provisions thereof,
12 between Jack Beardsley and Phyllis Beardsley, husband and wife,
13 and Shasta View Irrigation District, dated July 22, 1949, recorded
14 November 21, 1949, in Mortgage Volume 129 at page 607, Records
15 of Klamath County, Oregon;

16 5. The interest of Shasta View Irrigation District, as
17 Trustee in and to that certain right of way as set out in the
18 agreement between J. Richard Craven, et al, and J. E. Craven,
19 dated March 27, 1945, recorded May 9, 1945 in Mortgage Volume 91
20 at page 573, records of Klamath County, Oregon;

21 6. Right of way for irrigation ditch held in trust by
22 Shasta View Irrigation District as set out in the terms and pro-
23 visions of the agreement dated March 27, 1945, recorded May 9,
24 1945, in Mortgage Volume 91 at page 573, Records of Klamath County,
25 Oregon;

26 7. The statement of the lien, including the terms and
27 provisions thereof, claimed against the herein described property
28 within the boundaries of the Shasta View Irrigation District by
29 United States of America by and through its Department of Agricul-
30 ture, Farmers Home Administration by virtue of Water Facilities
31 Loan Agreement; said statement being recorded April 24, 1951,
32 in Mechanic's Lien Volume 11 at page 7, Records of Klamath County,
Oregon;

8. Rights of the public in and to any portion of the
herein described lying within the limits of roads or highways;

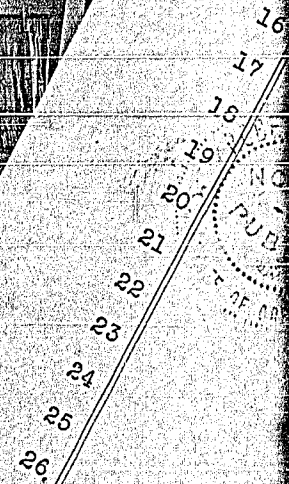
9. Grant of right of way agreement and the terms and
provisions thereof, between Lloyd Warner, et ux, and the California
Oregon Power Company, a corporation, dated April 8, 1949 recorded
April 13, 1949, in Deed Volume 230 at page 237, Records of Klamath
County, Oregon;

TO HAVE AND TO HOLD the same unto the said grantee and
grantees' heirs, successors and assigns forever. And said grantors
hereby covenant to and with said grantees and grantees' heirs and
successors and assigns, that grantors are lawfully seized in fee
simple of the above granted premises, free from all encumbrances
except as hereinabove set forth and that grantors will warrant and
forever defend the above granted premises and every part and parcel

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1 thereof against the lawful claims and demands of all persons
2 whomsoever, except those claiming under the above described
3 encumbrances.

4 The true and actual consideration paid for this transfer,
5 stated in terms of dollars, is the sum of Fifty-Three Thousand
6 Nine Hundred Fifty and no/100 Dollars (\$53,950.00).

7 WITNESS grantors' hands this 13th day of April, 1970.

8
9 *Alan J. Prescott*
10 *Wanda Prescott*
11

12 STATE OF OREGON }
13 County of Klamath) ss.

14 On this 13th day of April, 1970, personally appeared before
15 me, a Notary Public in and for said County and State, the within
16 named ALAN J. PRESCOTT and WANDA PRESCOTT, husband and wife, who
17 are known to me to be the identical individuals described herein
18 and who acknowledged to me that they executed the within instrument
19 freely and voluntarily.

20 *Robert B. Boivin*
21 Notary Public in and for Oregon
22 My Commission Expires: 10/11/72

23 STATE OF OREGON, }
24 County of Klamath) ss.

25 Filed for record at request of:
26 Transamerica Title Ins. Co.
27 on this 14th day of April A. D., 1970
28 at 4:01 o'clock P. M. and duly
29 recorded in Vol. M-70 of Deeds
30 Page 2856

31 WM. D. MILNE, County Clerk
32 By *Charles F. Verstrom*
Fee \$4.50 Deputy.

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