

WARRANTY DEED

THIS INDENTURE, WITNESSETH, That HOWARD BARNHISEL and MAYBELLE E. BARNHISEL, as tenants in common as to an undivided one-half interest, and MARTHA D. SMITH, as to an undivided one-half interest, Grantors, for the consideration hereafter recited, have bargained and sold, and by these presents do grant, bargain, sell and convey unto THE BI-MART COMPANY, an Oregon Corporation, Grantee, its successors and assigns, the following described premises situated in Klamath County, Oregon, to-wit:

A portion of Tract 805, Enterprise Tracts, Klamath County, Oregon, described as follows:

Beginning at the SE corner of said Tract 805; thence North $0^{\circ}00\frac{1}{2}'$ West, along the West boundary of Washburn Way a distance of 224.85 feet, more or less, to the most Southerly corner of a tract heretofore conveyed to John T. Smith and Clifford C. Yaden; thence North $55^{\circ}50'$ West, along a line parallel to and 135 feet distant from the present Southwesterly right of way line of South Sixth Street of the City of Klamath Falls, Oregon, a distance of 281.6 feet; thence South $34^{\circ}10'$ West 265 feet; thence North $55^{\circ}50'$ West 73 feet; thence Southerly 205 feet, more or less, to a point on the South boundary of said Tract 805 which is South $89^{\circ}47'$ West 440 feet from the point of beginning; thence North $89^{\circ}47'$ East, along the South boundary of said Tract 805, to the point of beginning.

RESERVING unto the Grantors a perpetual 26 foot wide easement for ingress and egress across the above-described property between Washburn Way and the Grantors' remaining property, which said property is more particularly described as follows:

A portion of Tract 805, Enterprise Tracts, Klamath County, Oregon, described as follows: Beginning at the Southwest corner of said Tract 805; thence N. $0^{\circ}00\frac{1}{2}'$ W., along the west boundary of said Tract 805, 586.64 feet; thence S. $55^{\circ}50'$ E. 139.3 feet; thence N. $34^{\circ}10'$ E. 190 feet; thence S. $55^{\circ}50'$ E., along South Sixth Street as widened in 1946, 200.72 feet; thence S. $34^{\circ}10'$ W. 400 feet; thence S. $55^{\circ}50'$ E. 27 feet; thence Southerly 205 feet, more or less, to a point on the Southerly line of said Tract 805 which is N. $89^{\circ}47'$ E. 188 feet from the point of beginning; thence S. $89^{\circ}47'$ W. 188 feet to the point of beginning,

to be forever appurtenant to and for the benefit of said remaining property. Said Easement shall be in a practical location which is the least objectionable to the Grantee, and said Easement may be relocated by the Grantee, its successors and assigns, from time to time in another practical location which provides reasonable access to said remaining property.

ALSO RESERVING unto the Grantors a perpetual 5 foot wide Easement along the South line of said Tract 805 between the West boundary of Washburn Way and

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1 the East boundary of Grantors' said remaining property, for the installation
 2 and maintenance of an underground culvert for drainage of Grantors' above-
 3 described remaining property. Said Easement shall be forever appurtenant to
 4 and for the benefit of the Grantors' said remaining property; provided, how-
 5 ever, that if said culvert is not installed by March 31, 1978, this Easement
 6 shall terminate on said date and shall be null and void and of no further
 7 force or effect. Grantors covenant and agree that when installation of said
 8 culvert is started, it will be completed without delay, and that any damage
 9 caused by the installation or maintenance of said culvert will be repaired
 10 by the Grantors, their heirs, devisees, grantees or assigns.

11 SUBJECT TO: Easement for sewer line granted by Klamath
 12 Basin Cooperative to the City of Klamath Falls, Oregon,
 13 by document recorded in Vol. 208 at page 433 of Klamath
 14 County Deed Records.

15 The true and actual consideration for this transfer
 16 is \$57,500.00.

17 TO HAVE AND TO HOLD the said premises with their appurtenances unto the
 18 said Grantee, its successors and assigns, forever.

19 The said Grantors do hereby covenant and agree to and with the said
 20 Grantee, its successors and assigns, that they are the owners in fee simple
 21 of said premises, and that they are free from all incumbrances, except those
 22 above set forth, and that they will warrant and defend the same from all law-
 23 ful claims whatsoever, except those above set forth.

24 IN WITNESS WHEREOF, They have hereunto set their hands this 6th day of
 25 December, 1972.

26 Howard Barnhisel
 27 Howard Barnhisel

Martha D. Smith
 Martha D. Smith

28 Maybelle E. Barnhisel
 29 Maybelle E. Barnhisel

30 STATE OF OREGON)

31 County of Klamath)

) SS December 6, 1972

32 Personally appeared the above named Howard Barnhisel, Maybelle E.
 Barnhisel and Martha D. Smith, and acknowledged the foregoing instrument to

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1 be their voluntary act and deed. Before me:

2
3 Alice M. Brink
4 Notary Public for Oregon
5 (SEAL)

6 My Commission expires: October 25, 1974
7
8

9 STATE OF OREGON, }
10 County of Klamath } ss.

11 Filed for record at request of:
12 Klamath County Title
13 on this 2nd day of April A. D., 19 73
14 at 11:15 o'clock A. M. and duly
15 recorded in Vol. M 73 of DEEDS
16 Page 3750

17 WM. D. MILNE, County Clerk

18 By Hazel Drayton
19 Fee \$ 6.00 Deputy.