

90363

28-7114

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 74 Page 7859

KNOW ALL MEN BY THESE PRESENTS, That Charles G. Duncan and Leone M. Duncan, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Dan W. Duncan and Connie J. Duncan, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their 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, to-wit:

PARCEL 1: All that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying South of the Irrigation ditch which runs through the said forty in Section 33, Township 40 South, Range 12 East, W.M.: SAVING AND EXCEPTING the potato cellar in the South east corner of said described tract, being a tract of land 36 feet North and South by 152 feet East and West; and EXCEPTING a right of way 16 feet wide to the Northwest corner of said potato cellar and along the North side of said cellar to the North and South road along the East side of said cellar for ingress and egress from other land as reserved by former owners; AND ALSO EXCEPTING part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 40 South, Range 12 East of the Willamette Meridian as follows: Beginning at a point on the East line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33 and the center line of the irrigation ditch which runs through said SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence South along said East line of said SE $\frac{1}{4}$ SW $\frac{1}{4}$  a distance of 193 feet; thence West a distance of 250 feet; thence North and parallel with the East line of said

(CONTINUED ON REVERSE)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 68,009.50

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 8th day of April, 1974; if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

Charles G. Duncan  
Charles G. Duncan

Leone M. Duncan  
Leone M. Duncan

STATE OF OREGON,

County of Klamath

April 8, 1974

Personally appeared the above named Charles G. Duncan and Leone M. Duncan, their

voluntary act and deed.

STATE OF OREGON, County of

19

Personally appeared

and

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(SEAL) Wilbur O. Brickner

Notary Public for Oregon

My commission expires: 10-29-75

Notary Public for Oregon

My commission expires:

Charles G. Duncan & Leone M. Duncan  
Star Route, Box 120  
Malin, Oregon 97632

GRANTOR'S NAME AND ADDRESS

Dan W. Duncan & Connie J. Duncan  
Star Route, Box 89  
Malin, Oregon 97632

GRANTOR'S NAME AND ADDRESS

After recording return to:

Wilbur O. Brickner  
P. O. Box 446

Merrill, Oregon 97633

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:

Dan W. Duncan  
Star Route, Box 89

Malin, Oregon 97632

NAME, ADDRESS, ZIP

STATE OF OREGON

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 or as

file reel number

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Recording Officer  
Deputy



(DESCRIPTION CONTINUED)

7860

SE $\frac{1}{4}$ SW $\frac{1}{4}$  a distance of 239 feet to the center line of said irrigation ditch; thence Easterly along said center line to the point of beginning.

PARCEL II: That part of the E $\frac{1}{4}$ E $\frac{1}{4}$  of Section 32 and part of the W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 40 South, Range 12 East, W.M., described as beginning at the Southwest corner of the E $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, Township 40 South, Range 12 East, W.M., and running thence North along the forty line a distance of 1300 feet, more or less, to a point where the center line of the East-West Canal of the Shasta View Irrigation District extended meets the forty line; thence East a distance of 65 feet, more or less, to a point on the West bank of said North-South canal of Shasta View Irrigation District; thence South along the West bank of said North-South Canal a distance of 10 feet to a point; thence Easterly following the South bank of said East-West Canal through the E $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, and the W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, both in said Township 40 South, Range 12 East, W.M., to the easterly line of the W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, thence South along the Easterly line of the W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33 to the Township line; thence Westerly along the township line to the point of beginning, being in the E $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, and the W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 40 South, Range 12 East, W.M.; SAVING AND EXCEPTING tract of land described as Beginning at an iron pin on the South section line which lies West 781.5 feet from the Southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, Township 40 South, Range 12 East, W.M., and running thence North a distance of 95 feet to an iron pin; thence North 56 deg. 35' West a distance of 961 feet to an iron pin; thence South 33 deg. 25' West a distance of 45 feet to an iron pin which lies on the East bank of the Shasta View Irrigation Canal; thence South 36 deg. 25' East along the East bank of the above mentioned canal a distance of 200.00 feet to an iron pin; thence continuing along the East bank of the above mentioned canal South 30 deg. 14' East a distance of 492.8 feet to an iron pin which lies on the Section line; thence East along the section line a distance of 460 feet, more or less, to the point of beginning, being in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, and in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, both sections in Township 40 South, Range 12 East, W.M., said exception being for the West Reservoir

PARCEL III: The NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, Township 40 South, Range 12 East, W.M.

ALL SUBJECT TO: a mortgage to Federal Land Bank of Spokane in the original amount of \$35,000.00, dated April 2, 1973, recorded April 20, 1973, in Volume M-73, at page 4743, mortgage records of Klamath County, Oregon; easements and rights of way of record or apparent on the land; contracts, proceedings, assessments, liens, regulations and statutes for irrigation or drainage purposes; reservations and restrictions contained in deed from A. N. Kelsey, et ux., to C. M. Duncan, et ux., dated April 11, 1949, recorded April 13, 1949, in Book 250 at page 229; reservations and restrictions contained in deed from C. M. Duncan, et ux., to Charles C. Duncan, et ux., dated September 18, 1950, recorded September 18, 1950 in Book 242 at page 147, Deed Records of Klamath County, Oregon; and mortgage, including the terms and provisions thereof, dated August 4, 1972, recorded August 17, 1972 in Book M-72 at page 9216, Microfilm Records, given to secure the payment of \$45,000.00.

STATE OF OREGON,  
County of Klamath  
Filed for record at request of  
TRANSAMERICA TITLE INS. CO  
on this 26th day of June A.D. 1974  
at 10:48 o'clock A.M. and duly  
recorded in Vol. M 74 of DEEDS  
Page 7859  
Wm D. MILNE, County Clerk  
By *Blair J. Dwyer* Deputy  
\$ 6.00