FORM No. 633—WARRANTY DEED (Individual or Corporate).

STEVENS-NESS LAW PUBLISHING CO., PORTLAND, OR. 97204

1-1-74

36373

WARRANTY DEED

MTC 4277

KNOW ALL MEN BY THESE PRESENTS, That ALICE A. HERZMAN

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ROBERT L. HORTON & GRETA M. HORTON, husband & wife, ALAN L. CAIN & DARLENE F. CAIN, H & W, *hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of* Klamath *and State of Oregon, described as follows, to-wit:*

PARCEL 1:

Beginning at a point on the Northerly right of way line of The Dalles-California Highway, which lies North 0°55' West a distance of 30 feet and North 89°21' East 329.7 feet from an iron pin in the pavement marking the center of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 89°21' East along the Northerly line of the highway 72.9 feet; thence North 0°59' West 189.4 feet; thence South 89°21' West 72.9 feet; thence South 0° 59' East 189.4 feet to the point of beginning and situated in the SW¼NE¼, Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING THEREFROM that portion in deed from Charles H. DuFour and Thora DuFour, husband and wife, to the State Highway Commission, dated June 16, 1964, recorded June 23, 1964 in Deed Volume 354, page 66, Deed Records of Klamath County, Oregon.

PARCEL 2:

Beginning at a point on the Northerly right of way line of The Dalles-California Highway which lines North 0°55' West a distance of 30 feet and North 89°31' East 256.6 feet from an iron pin in the pavement marking the center of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon which said point is the Southeast corner of a tract of land heretofore conveyed to Wade E. Pitcher, et ux, by deed recorded in Volume 107, page 440, Deed Records of Klamath County, Oregon; thence North 2°53' West along the Easterly line of the Pitcher tract 190 feet, more or less, to the Northeast corner of said Pitcher tract; thence North 89°21' East 82.9 feet; thence South 0°59' East a distance of 189.4 feet, more or less, to the Northerly right of way line of The Dalles-California Highway; thence South 89°21' West along the Northerly right of way line of the highway 73.1 feet to the point of beginning and situated in the SW¼NE¼ of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, SAVING AND EXCEPTING THEREFROM that portion in deed from Charles H. DuFour, et ux, to the State Highway Commission, dated June 16, 1964, recorded June 23, 1964 in Deed Volume 354, page 66, Records of Klamath County, Oregon.

27 PM 2 54

SUBJECT TO:

1. Taxes for the fiscal year 1977-78, a lien but not yet due and payable.
2. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads and highways.
3. Regulations of Enterprise Irrigation District.
4. Regulations of South Suburban Sanitary District.
5. An easement recorded October 31, 1944 in Volume 170, page 247.
6. Limited access provision contained in deed to the State of Oregon recorded June 23, 1964 in Volume 354, page 66.
7. Reservations and easements as contained in deed to the State Of Oregon recorded June 23, 1964 in Volume 354, page 66.

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: 8-23-81

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires:

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Robert L. Horton & Alan L. Cain
5113 S. Sixth Street
Klamath Falls, Oregon

NAME, ADDRESS, ZIP

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

Same as above

NAME, ADDRESS, ZIP

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,
County of Klamath } ss.

I certify that the within instrument was received for record on the 27th *day of* September, *19*77, *at* 2:51 *o'clock* P *M., and recorded in book* M77 *on page* 18143 *or as file/reel number* 36373, *Record of Deeds of said county.*

Witness my hand and seal of County affixed.

Wm. D. Milne
Recording Officer
By Bernetha G. Letsch Deputy

Fee $6.00

77 SEP 27 PM 2 51

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and 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 $ 125,000.00. *①However, the actual consideration consists of or includes other property or value given or promised which is* the whole / part of the *consideration (indicate which).①* (*The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.*)

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 23rd *day of* September, *19*77; *if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.*

Alice A. Herzman

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Klamath } ss.
September 23, *19*77

Personally appeared the above named Alice A. Herzman *and acknowledged the foregoing instrument to be* her *voluntary act and deed.*

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: 8-23-81

STATE OF OREGON, County of ....) ss.
............, 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* ...., *a corporation, 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:

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires:

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Robert L. Horton & Alan L. Cain
5113 S. Sixth Street
Klamath Falls, Oregon
NAME, ADDRESS, ZIP

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Wm. D. Milne
Recording Officer
By Bernetha G. Letsch *Deputy*

Fee $6.00