

37384

Vol. 77 Page 19725

WARRANTY DEED—TENANTS BY ENTIRETY

KNOW ALL MEN BY THESE PRESENTS, That Stanley M. Downs and C. Eloise Downs, undivided one-half interest; and Leslie R. Downs and Marion Downs, as tenants by the entirety, as to an undivided one-half interest; hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by William P. Miller and D. Jean Miller

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:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the North 50 feet of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ that lies East of Sprague River of Section 21, Township 34 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Subject, however, to the following:

1. Taxes for the year 1977-78 are now a lien but not yet payable.
2. The rights of the public and of Governmental bodies in and to any portion of the herein described property lying below high water mark of the Sprague River.
3. Right of way, including the terms and provisions thereof, granted to The California Oregon Power Company, a Maine corporation, by Ragnar L. Carlson and Lila Geneva Carlson, husband and wife, by an instrument dated July 17, 1961, recorded November 9, 1961 in Deed Volume 33 at page 549, Records of Klamath County, Oregon.
4. Rights of the public in and to any portion of said premises lying (for continuation of this document see reverse side of this deed)

(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 except as noted of record as of the date of this deed and those apparent upon the land, if any, as of the date of this deed;

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 \$42,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which) (The sentence between the symbols @, 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 20th day of September 1977; 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.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,
County of Klamath

October 14, 1977

Personally appeared the above named
Stanley M. Downs, C. Eloise Downs,
Leslie R. Downs and Marion Downs

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me,
Notary Public for Oregon
My commission expires 12-22-78

(OFFICIAL SEAL)
J. B. Kahl

STATE OF OREGON, County of Klamath
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.

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

STATE OF CALIFORNIA

COUNTY OF San Diego

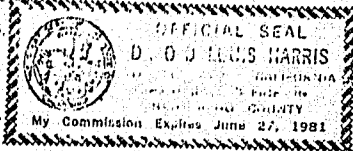
On 20 September 1977

before me, the undersigned, a Notary Public in and for said State, personally appeared Leslie R. Downs and Marion Downs

known to me to be the persons whose name is subscribed to the within instrument and acknowledged to me that they executed the same

WITNESS my hand and official seal.

Signature Darold Louis Harris
Name (Typed or Printed)



(This area for official notarial seal)

After recording return to:

Venera Real Estate
P.O. Box 376
Eugene, Or
97424

Until a change is requested all tax

Form 3001—(Individual) First American Title Company

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within the limits of roads and highways.

5. An easement created by instrument, including the terms and provisions thereof,

Dated : October 29, 1968
Recorded : September 17, 1970 Book: M-70 Page: 8222

In favor of : Adjoining property owners
For : A 60 foot wide roadway for joint use.

6. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein given to secure the payment of \$25,000.00

Dated : September 29, 1975
Recorded : September 30, 1975 Book: M-75 Page: 11892
Mortgagor : George A. Pondella, Jr., a single man, and Charles S. Snyder and Josephine L. Snyder, husband and wife

Mortgagee : Western Bank, an Oregon banking corporation
(covers additional property, which Grantees do not assume and agree to pay and Grantors covenant to and with Grantees that they will hold them harmless therefrom.

7. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$29,700.00

Dated : June 3, 1976
Recorded : June 21, 1976 Book M-76 Page 9206
Mortgagor : Stanley M. Downs and C. Eloise Downs, husband and wife, and Leslie R. Downs and Marion Downs, husband and wife,
Mortgagee : George A. Pondella, Jr. and Josephine L. Snyder, which mortgage Grantees hereby assume and agree to pay according to its terms and also hereby assumes the obligation of Stanley M. Downs and C. Eloise Downs, husband and wife, and Leslie R. Downs and Marion Downs, husband and wife, the unpaid principal balance of which is \$16,800.00 to George A. Pondella, Jr. and Josephine L. Snyder.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of TRANSAMERICA TITLE INS. CO
this 11th day of DEEDS A. D. 1977 at 3:25 o'clock P. M., and
duly recorded in Vol. M77 of DEEDS on Page 19725
FEE \$ 6.00 Wm D. MILNE, County Clerk
By *Bernetha S. Helach*