

WARRANTY DEED

Vol. 178 Page 4577

1-1-74

8744425

KNOW ALL MEN BY THESE PRESENTS, That Robert H. Smith and Neva K. Smith, husband and wife,

Gordon Harold Smith, as Trustee

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Smith as Trustee under Trust Decree dated April 1, 1978, as to an undivided one-half interest, to an undivided one-half interest, 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:

The NW 1/4 NW 1/4 of Section 18, lying Northeasterly of the drain ditch as now located across said premises.

The NE 1/4 NW 1/4 of Section 18, lying Southwesterly of the South Pacific Railway right of way.

EXCEPTING THEREFROM that portion conveyed to Thomas F. O'Brien by Deed recorded in Deed Volume 264 at page 554, Deed Records of Klamath County, Oregon.

The NE 1/4 SW 1/4 of Section 18, lying Northerly of the #5 Drain as now located across said premises.

the SE 1/4 NW 1/4 of Section 18, lying Southwesterly of the Southern Pacific Railway right of way, all in Township 40 South, Range 10 East of the Willamette Meridian.

TOGETHER WITH Easements for irrigation purposes as follows:
1. An easement 15.00 feet in width adjacent to but Westerly of the North- (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 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 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 \$ 8,704.00
However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 9th day of March, 1978; 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)

Robert H. Smith

Neva K. Smith

STATE OF OREGON, County of Klamath, ss.

STATE OF OREGON,

County of Klamath, ss. March 9, 1978.

Personally appeared the above named Robert H. Smith and Neva K. Smith, husband and wife

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

Before me: Margaret L. Gaskin
(OFFICIAL SEAL) Notary Public for Oregon

My commission expires: 3-19-81

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 1978,

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.

Recording Officer

By

Deputy

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Gordon Harold Smith
1156 Mira Mar Ave
Medford, OR 97501

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

name as above

NAME, ADDRESS, ZIP

South center-of-section line in Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Commencing at the intersection of the North-South center-of-section line of said Section 18 with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence North $00^{\circ} 23' 45''$ West along said North-South center-of-section line 1220.56 feet to the point of beginning for this description; thence continuing North $00^{\circ} 23' 45''$ West along said center-of-section line 441.49 feet; thence leaving said center-of-section line West 15.00 feet; thence South $00^{\circ} 23' 45''$ East parallel to but 15.00 feet Westerly of said center-of-section line 441.65 feet to an existing fence; thence North $89^{\circ} 22' 48''$ East along said fence 15.00 feet to the point of beginning.

2. An easement located in Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Commencing at the intersection of the North-South center-of-section line of said Section 18 with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence North $00^{\circ} 23' 45''$ West along said North-South center-of-section line 1220.56 feet to the point of beginning for this description; thence leaving said North-South center-of-section line South $89^{\circ} 22' 48''$ West along an existing fence 696.24 feet; thence leaving said fence South $00^{\circ} 41' 58''$ East, 149.21 feet to the Northeast right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39); thence South $33^{\circ} 27' 04''$ East along said right-of-way line, 83.18 feet; thence leaving said right-of-way line North $00^{\circ} 41' 58''$ West 204.10 feet; thence North $89^{\circ} 22' 48''$ East parallel to but 15.00 feet Southerly of said existing fence, 651.16 feet to said North-South center-of-section line; thence North $00^{\circ} 23' 45''$ West along said center-of-section line 15.00 feet to the point of beginning.

3. An easement 20.00 feet in width located in Section 7 and Section 18, Township 40 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, the centerline of which is more particularly described as follows: Commencing at the intersection of an existing East-West fence with the Northeasterly right-of-way line of the Klamath Falls-Malin Highway (Oregon Highway No. 39) from which the East quarter corner of said Section 18 bears South $54^{\circ} 24' 25''$ East 4271.20 feet; thence South $33^{\circ} 27' 04''$ East along said right-of-way line 39.25 feet to the point of beginning for this description; thence leaving said right-of-way line North $73^{\circ} 40'$ East 70.41 feet; thence North $42^{\circ} 28'$ East 54.10 feet; thence North $00^{\circ} 41' 58''$ West 1457.95 feet to the South right-of-way line of Elliott Road in said Section 7 marking the terminus of this easement. Subject, however, to the following:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.

2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.

3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.

4. The right to extend the slopes of the cuttings or embankments and to build and maintain culverts and surface ditches beyond the limits of the railroad right of way where necessary for the proper construction and maintenance of said railroad as conveyed to Modoc Northern Railway Company by deed recorded December 9, 1910 in Volume 30, page 475, Deed Records of Klamath County, Oregon.

5. Recital in the deed recorded April 10, 1914 in Volume 40, page 208, Deed Records of Klamath County, to-wit:

"Subject to the United States Reclamation Service for rights of way for canal and ditches over and across said premises and the appurtenances connected therewith."

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

this 10th day of March A. D. 1978 at 10:18 o'clock A.M., at

filed recorded in Vol. M78, of Deeds on Page 4577

Wm D. MILNE, County Clerk.

By Bernard W. Hetch

No Record

Page 4579

thru 4582

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

MT 6192

STEVENS-NESS LAW PUBLISHING CO. 97204

1-1-74

44427

WARRANTY DEED

Vol. M78 Page

4583

KNOW ALL MEN BY THESE PRESENTS, That C. P. Peyton & Doris A. Peyton as tenants in the entirety and Lowell R. Sharp & Mary Jo Sharp as tenants in the entirety, as tenants in common

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by James M. Hubbard and Denise W. Hubbard, husband and wife, 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:

Lot 13, Block 8 ELDORADO ADDITION to the City of Klamath Falls, Oregon according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Also that portion of vacated Peach Street adjacent thereto as described in Vacation, dated November 6, 1968, recorded November 6, 1969 in Volume M69, Page 9356, Microfilm records of Klamath County, Oregon.

(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 except reservations as contained in the plat of ELDORADO ADDITION, easements and rights of way of record and those apparent on the land and common to the area.

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 \$5,866.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (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 3rd day of March, 1978; 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) ss.
March 3, 1978

Personally appeared the above named C. P. Peyton & Doris A. Peyton and Lowell R. Sharp and Mary Jo Sharp and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: March 4, 1980

STATE OF OREGON, County of) ss.
March 3, 1978

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:

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

James M. Hubbard
6285 Bryant Ave
Klamath Falls, OR 97601

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

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 10th day of March, 1978, at 11:43 o'clock A. M., and recorded in book M78 on page 4583 or as file/reel number 44427. Record of Deeds of said county.

Witness my hand and seal of County affixed.

Wm. D. Milne

By Bernetha D. Kelsch Recording Officer Deputy

Fee \$3.00