

1-1-74

44589

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 178 Page 4837

8340 ~~ALL~~ **ALL MEN BY THESE PRESENTS, That** Chester Lyle Swearingen and Henrietta G. Swearingen, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Carlyle Hutchinson and Sarah Hutchinson

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: Lot 5 in Block 1, FIRST ADDITION TO EASTMOUNT, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Subject, however, to the following:

1. The premises herein described are within and subject to the statutory powers, including the power of assessment, of South Suburban Sanitary District.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Enterprise Irrigation District.
3. A 20 foot building setback from front of lot as shown on dedicated plat.
4. A 16 foot utility easement along rear of lot and an 8 foot utility easement along east side of lot as shown on dedicated plat.
5. An irrigation ditch easement along east side of lot as shown on (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 \$ 36,900.00

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which).~~ (The sentence between the symbols ^⓪, 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)

Chester Lyle Swearingen
Chester Lyle Swearingen

00.00 595

Henrietta D. Swearingen
Henrietta G. Swearingen

STATE OF OREGON,)
County of Klamath) ss.
March 9th, 1978

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 _____

Personally appeared the above named Chester Lyle Swearingen and Henrietta G. Swearingen, husband and wife and acknowledged the foregoing instrument to be _____ voluntary act and deed.

_____, 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)

PUBLIC OFFICIAL SEAL

Quab A. Page
Notary Public for Oregon
My commission expires 4/24/81

Notary Public for Oregon
My commission expires: _____

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

KLAMATH FIRST FEDERAL
540 MAIN
KLAMATH FALLS, OR 97601
NAME, ADDRESS, ZIP

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

SAME

NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.

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/leaf number _____

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By _____ Recording Officer
Deputy

SPACE RESERVED FOR RECORDER'S USE

dedicated plat.

6. Reservations as contained in plat dedication, to-wit:

"said plat being subject to utility easements as shown for present and future public utilities, drainage and perpetual right of way for ditches to convey irrigation water, said easements to provide ingress and egress for construction and maintenance of such utilities with no structures being permitted thereon and plantings being placed thereon at the risk of the owners. Further, that the sale of lots shown hereon is subject to the following restrictions:

- (1) No building shall be erected within twenty feet of the front property line nor within five feet of any other property line;
- (2) Not more than one dwelling shall be erected on any single lot;
- (3) No building erected on these premises shall be more than one story high;
- (4) Homes shall be single family dwellings only of not less than one-thousand square feet of floor space (exclusive of garages) and all outbuildings shall be architecturally similar to the main building on any particular lot;
- (5) No trailer, tent, shack, basement, garage, barn or outbuilding erected or placed on these premises shall at any time be used for residential purposes, either temporarily or permanently, nor shall any residence of a temporary nature be constructed;
- (6) No fence or wall shall ever be erected on said premises which shall be greater in height than three feet in the front of the dwelling and front twenty feet of the sides or six feet in the rear and remaining sides;
- (7) No noxious or offensive trade or business shall be carried on upon any lot; nor shall anything be done thereon which may be, or become, a nuisance or annoyance to the neighborhood."

STATE OF OREGON; COUNTY OF KLAMATH; ss.

for record at request of Mountain Title Co.

on March A. D. 19 78 at 12:10 Clock P.M., and

filed for record in Vol. M78 of Deeds on Page 4837

Wm D. MILNE, County Clerk

By Sernetha J. Letsch

Fee \$6.00

RECORDED

STATE OF OREGON

ss.

Notary Public for Oregon

Notary Public for Oregon

STATE OF OREGON

County of

I, Notary Public for Oregon, do hereby certify that the within instrument was duly recorded in the office of the County Clerk of the County of Klamath, Oregon, on the 19th day of March, A. D. 19 78, at 12:10 P.M., and the same is hereby filed for record in Vol. M78 of Deeds on Page 4837.

Notary Public for Oregon

By