

1-1-74

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 78 Page 8194



38-14185-9

46343

KNOW ALL MEN BY THESE PRESENTS, That David L. Gardner and Judith A. Gardner, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Gerald Don Douglas, Jr. and Lorna Douglas, 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 E 1/2 NW 1/4, EXCEPTING THEREFROM the Westerly 90 feet
The W 1/2 NE 1/4 and NE 1/4 NE 1/4, all in Section 29, Township 39 South, Range 13 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

EXCEPTING THEREFROM a piece or parcel of land situate in the NE 1/4 NW 1/4, said Section, Township and Range, containing 1,600 square feet (being 40 feet along its East-West dimension and 40 feet along its North-South dimension) at the exact center of which is located the irrigation well identified as "Well No. 2" in Application No. G4819 to Appropriate the Ground Waters of the State of Oregon and from which center of well the Northwest corner of said Section 29 bears North 67° 47 1/2' West 2740.2 feet, more or less, distant.

Subject, however, to the following:

1. Regulations, including levies, assessments, water and irrigation (for continuation of this legal description 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 \$150,000.00
However, the actual consideration consists of or includes other property or value given or promised which is 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 day of April, 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)

David L. Gardner

Judith A. Gardner

Judith A. Gardner

STATE OF OREGON, } ss.
County of Klamath
April 25, 1978

STATE OF OREGON, County of _____) ss.
_____, 19____

Personally appeared the above named David L. Gardner and Judith Gardner, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed

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)

Before me:

DONNA K. RICK
NOTARY PUBLIC-OREGON
My Commission Expires 7/21/79

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

TA Branch

NAME, ADDRESS, ZIP

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

Box 1 Box 75 B
Bonanza, Ore

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/reel number _____

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By _____

Recording Officer
Deputy

rights and easements for ditches and canals, of Langell Valley Irrigation District.

2. The rights of the public in and to that portion of the above property lying within the limits of public roads and highways.

3. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

4. An easement created by Instrument, including the terms and provisions thereof,

Dated : November 19, 1975
Recorded : November 19, 1975 Book: M-75 Page: 14597
In Favor Of : G. Roger Hamilton and Karen S. Hamilton
For : Right to install and operate a sprinkler
Irrigation mainline

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

Dated : October 9, 1971
Recorded : February 13, 1976 Book: M-76 Page: 2085
In Favor Of : Roger Hamilton and Karen Hamilton, husband and wife

For : Easement for ingress and egress from well site and for electric power supply.

6. Memorandum of Assignment of Contract, including the terms and provisions thereof, between Glenn Baldwin and Judy Baldwin, husband and wife. Assignors, and David L. Gardner and Judith Gardner, husband and wife, Assignees,

Dated : September 29, 1976
Recorded : October 5, 1976 Book: M-76 Page: 15650,
which original Contract dated September 1976 Buyers herein assume and agree to pay according to the terms and provisions thereof, the unpaid principal balance of which is \$34,714.24 with interest paid to 2-13-78, and hold Sellers 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 \$32,370.34,

Dated : September 29, 1976
Recorded : October 5, 1976 Book: M-76 Page: 15652
Mortgagor : David L. Gardner and Judith Gardner, husband and wife

Mortgagee : Glenn Baldwin and Judy Baldwin, husband and wife, which Mortgage Buyers herein assume and agree to pay according to the terms and provisions thereof, the unpaid principal balance of which is \$32,036.22 with interest paid to: 10-7-77, payable to Glenn Baldwin and Judy Baldwin, husband and wife.

8. Recorded Contract of Sale dated April 15, 1978 by and between David L. Gardner and Judith A. Gardner, husband and wife, as Sellers, and Gerald Don Douglas, Jr. and Lorna Douglas, husband and wife.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

led for record at request of Transamerica Title Co.

the 26th day of April A. D. 1978 at 10:39 A. M., and

only recorded in Vol. M78, of Deeds on Page 8194

Wm D. MILNE, County Clerk

By *Barbara A. Letcher*

Fee \$6.00