

3818 47135

## WARRANTY DEED

Vol. 718 Page 8485

KNOW ALL MEN BY THESE PRESENTS, That Dale H. Drew, Jr., and Margaret A.L. Drew, husband and wife hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Lawrence L. Myers and Myrtle V. Myers, 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:

The Southeasterly 54 feet of Lot 5, and the Northwesterly 16 feet of Lot 6, in Block 10 of 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.

## SUBJECT TO:

1. Conditions and restrictions, including the terms and provisions thereof, as contained in deed from State of Oregon, by and through its State Highway Commission to Wilson Title & Abstract Co., Trustee, dated July 22, 1949, recorded June 9, 1950, in Volume 239, page 370, Deed Records of Klamath County, Oregon, as follows:

(Continued on Reverse Side)

(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 those as noted above and those apparent on the land, if any,

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 \$ 38,000.00

~~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 @, 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 28 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)

Dale H. Drew, Jr.  
Dale H. Drew, Jr.

Margaret A. L. Drew  
Margaret A.L. Drew

STATE OF OREGON,

County of Klamath } ss.

April 28, 1978.

STATE OF OREGON, County of \_\_\_\_\_ } ss.

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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.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

Notary Public for Oregon  
My commission expires:

Personally appeared the above named Dale H. Drew, Jr. and Margaret A.L. Drew, husband and wife

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

Dale H. Drew, Jr. & Margaret A.L. Drew, 190 Dahlia Klamath Falls, OR 97601  
GRANTOR'S NAME AND ADDRESS

Lawrence L. and Myrtle V. Myers  
Star Route Box 68  
Chiloquin, OR  
GRANTEE'S NAME AND ADDRESS

After recording return to:

Lawrence L. & Myrtle V. Myers  
190 Dahlia  
Klamath Falls, OR 97601  
NAME, ADDRESS, ZIP

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

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of \_\_\_\_\_ } ss.

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

SPACE RESERVED  
FOR  
RECORDER'S USE

"The acceptance of this instrument by the grantee shall forever operate as a complete restriction of all rights of ingress and egress to and from all streets, lots, blocks, and alleys abutting on property to which title is held by grantor lying Southwesterly from the plat of Eldorado Addition between Eldorado Boulevard and Van Ness Avenue as shown on said plat. This condition and restriction shall run with the land and shall not be subject to modification, cancellation or destruction by adverse user or estoppel, no matter how long continued."

2. Reservations and restrictions, including the terms and provisions thereof, in the dedication of Eldorado, as follows:

"(1) The use of the lots designated in said area is restricted to one residence to each lot, such residence to contain not less than 720 square feet of foundation area, excluding garages or storage areas, to be so constructed and of an architectural standard not less than those minimum defined by the National Housing Agency, Federal Housing Administration, Portland, Oregon, office, for properties of one or two living units located in the district covered by the Portland Insurance Office as set out in F.H.A. Form No. 2277, Revised April of 1947; and retail business establishments not engaging in manufacturing and not using outside storage may occupy Blocks 2, 3, 4 and 7; and multiple dwellings constructed in accordance with the above mentioned minimums may occupy Lots 7 to 9, inclusive of Block 1; Lots 11 to 15 also inclusive of Block 4; Lots 7 to 12, inclusive of Block 5, and Lots 1, 2, 3, 33, 34 and 35 of Block 8.

(2) No septic tanks or cess pools shall be constructed within the area and the undersigned dedicators reserve the right to construct and maintain sewers or other utilities over, in and through the entire area, as may seem to said dedicators necessary or proper for public health, convenience and safety.

(3) Each lot shall be subject to its proportionate share, on a foot frontage basis, of all improvements desired by two-thirds of the ownership, on a foot frontage basis of all lots directly affected by any such proposed improvement."

3. Easement, including the terms and provisions thereof, executed by Donald L. Sloan, et ux, to the California Oregon Power Company, a California corporation, dated November 28, 1950, recorded December 1, 1950 in Deed Volume 243, page 569, records of Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

the 28th day of April A. D. 19 78 at 1:32 o'clock P. M.,

duly recorded in Vol. M78, of Deeds on Page 8485

Wm D. MILNE, County Clerk

By Samuel A. Smith

Fee \$6.00