

48868

## WARRANTY DEED TO CREATE ESTATE BY THE ENTIRETY

THIS INDENTURE WITNESSETH, That EUGENE WAYNE CUNNINGHAM, hereinafter known as Grantor, for the consideration hereinafter stated has bargained and sold, and by these presents does grant, bargain, sell and convey unto ROBERT J. GILDER and LINDA S. GILDER, husband and wife, grantees the following described premises, situated in Klamath County, Oregon, to-wit:

A tract of land situated in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 6, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron pin from which the Northeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  bears North 00°04' 39" West 641.65 feet and North 89° 46' 35" East 755.00 feet; thence South 00°04' 39" East 335.59 feet to a 5/8 inch iron pin on a line which is North 00°04' 39" West 350 feet from the Southerly line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence North 89°45' 36" East, parallel to said Southerly line, 245.00 feet to a 5/8 inch iron pin; thence North 00°04' 39" West 335.59 feet to a 5/8 inch iron pin; thence South 89°45' 36" West 245.00 feet to the point of beginning, with bearings based on a solar observation;

TOGETHER WITH a non-exclusive easement 30 feet in width, over and across the Southerly boundary of that tract of land as described in Deed Volume M-76 at page 1324, as recorded in the Klamath County Deed Records, to the Southeast corner of said Deed Volume M-76 at page 1324; ALSO a 30 foot easement along the Easterly line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 6, from the Southerly line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$  to the center line of the Enterprise Irrigation District canal, for ingress and egress to the above described tract of land.

## SUBJECT TO:

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Enterprise Irrigation District.
2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Klamath Basin Improvement District.

Subject to the terms and provisions of that certain instrument recorded July 24, 1970 in Volume M-70 at page 6187 as "Notice to persons intending to Plat Lands within the Klamath Basin Improvement District."

3. Rights of the public in and to any portion of said premises lying within the limits of roads and highways.

4. Right of way for ingress and egress, including the terms and provisions thereof, granted to El Paso Natural Gas Company, a Corporation, by that certain instrument recorded October 12, 1961, in Book 333 at page 143, Deed Records of Klamath County, Oregon.

5. An easement and right of way 20 feet in width granted to Enterprise Irrigation District by Quitclaim Deed recorded March 29, 1966 in Book M-66 at page 2711, Microfilm Records.

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6. As disclosed by the assessment and tax roll, the premises hereir have been specially assessed for farm use. If the land becomes dis-qualified 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.

7. No mobile home shall be placed upon the premises.

8. The Grantor and Grantees shall mutually agree on all necessary maintenance of the road over the above granted easement. The cost of the maintenance shall be shared equally by Grantor and Grantees.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$17,000.00.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees as an estate by the entirety. And the said grantor does hereby covenant, to and with the said grantees, and their assigns, that he is the owner in fee simple of said premises; that they are free from all incumbrances, except those above set forth, and that he will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, he has hereunto set his hand and seal this 23rd day of May, 1978.

STATE OF OREGON, County of Klamath ) ss.

Personally appeared the above named Eugene Wayne Cunningham and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Notary Public for Oregon

My Commission Expires: 4-5-82

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.

on the 24th day of May A. D. 1978 at 11:34 clock A M., and

fully recorded in Vol. 1178, of Deeds, on Page 10974

Wm D. MILNE, County Clerk

Bernard J. Deitch

Fee \$6.00

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Ret: 707  
AUG 1978