

53387

WARRANTY DEED—TENANTS BY ENTIRETY

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KNOW ALL MEN BY THESE PRESENTS, That JACK L. MALEY and GLADYS M. MALEY, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by DENNIS WAYNE POTTER and GRACE T. POTTER, 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:

As to a one-half undivided interest in the following:

Lot 18 of Tract 1118, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

For a continuation of this description see attached Exhibit "A" and by this reference made a part hereof:

(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 \$ 15,000.00

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.930.)

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 18th day of August, 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)

Jack L. Maley  
Gladys M. Maley

Colorado  
STATE OF OREGON  
County of Garfield  
August 18, 1978

STATE OF OREGON, County of ss.

Personally appeared

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 Jack L. Maley and Gladys M. Maley

and acknowledged the foregoing instrument to be their 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:

Before me:  
(OFFICIAL SEAL)  
Notary Public for Oregon—Colorado  
My commission expires

Notary Public for Oregon  
My commission expires:

(OFFICIAL SEAL)

Jack and Gladys Maley  
Box 766  
Rifle, Colo. 81650  
GRANTOR'S NAME AND ADDRESS

Dennis and Grace Potter  
Star Rt. 2  
Chiloquin, Oregon 97624  
GRANTEE'S NAME AND ADDRESS

After recording return to:

Dennis and Grace Potter  
Star Rt. 2  
Chiloquin, OR 97624  
NAME, ADDRESS, ZIP

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

Dennis and G Potter  
Star Rt. 2  
Chiloquin, OR 97624  
NAME, ADDRESS, ZIP

STATE OF OREGON,

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

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. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
3. Right of way for pole and wire lines and other facilities for the transmission and distribution of electricity and in incidentals, 15 feet wide, as conveyed to the California Oregon Power Company by deed recorded November 9, 1961 in Volume 333, page 503, Deed Records of Klamath County, Oregon. (General location)
4. Recital in the deed from the United States of America recorded April 23, 1976 in Volume M76, page 6028, Microfilm Records of Klamath County, Oregon, to wit: "Title to the above described property is conveyed subject to any existing easements for public roads and highways, for public utilities, and for railroads and pipe lines and for any other easements or rights of way of records."
5. Reservation of all subsurface rights, except water in trust, for the heirs of Mollie Weeks, deceased Klamath Allottee No. 618, as reserved in the deed from the United States of America recorded April 2, 1976 in Volume M76, page 6028, Microfilm Records of Klamath County, Oregon.
6. Covenants, conditions and restrictions and easements, but omitting restrictions if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof, recorded July 1, 1976 in Volume M76, page 10037, Microfilm Records of Klamath County, Oregon.
  - "(1) Reserving to Henry Wolff, Gerald Wolff, Gerry Warren Wolff and Eric Wolff, hunting and fishing rights on the above described real property;
  - (2) Reserving a right of ingress and egress upon and across the above described property for the purpose of keeping and maintaining the irrigation ditches located on said real property, and construction of same.
  - (3) Reserving to Henry and Gerald Wolff Ranch, Inc. one-half of all mineral rights located on said property."
7. Pursuant to Klamath County Zone change Order No. 73-80, the above described property shall not be divided into lots of less than 10 acres until December 10, 2004, and at that time, if the owners of Record in Tract 1118 do not consent to changing this provision, it will remain in effect for an additional 30 years.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of MOUNTAIN TITLE CO

24th day of AUGUST A. D. 1978 at 10:19 o'clock A.M. and

duly recorded in Vol. M 78, of DEEDS on Page 18810

FEE \$ 6.00

Wm D. MILNE, County Clerk

By [Signature]