

54614

WARRANTY DEED TO CREATE ESTATE IN THE ENTIRETY

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This Indenture Witnesseth, THAT PEGGY M. STIVERS, who was formerly Peggy M. Sloan, and ELDON V. STIVERS, her husband; and ROBERT SLOAN and LUCILLE SLOAN, husband and wife, hereinafter known as grantors, for the consideration hereinafter stated have bargained and sold, and by these presents do grant, bargain, sell and convey unto

RICHARD C. SWAN and MARTHA E. SWAN, husband and wife, grantees, the following described premises, situated in Klamath County, Oregon, to-wit: Lot 219, Third Addition to Sportsman Park, Klamath County, Oregon, according to the official plat thereof on file in the records of Klamath County, Oregon.

SUBJECT TO: Agreement concerning the operation of the dam and control of the water levels of Upper Klamath Lake; Reservations and easements contained in the Dedication of Third Addition to Sportsman Park; Any easements of record; any matters suffered or created by Grantees; and to the following building and use restrictions which grantees, their heirs, grantees and assigns, assume and agree to fully observe and comply with, to-wit:

- (1) That grantees will not suffer or permit any unlawful, unsightly or offensive use to be made of said premises nor will they suffer or permit anything to be done thereon which may be or become a nuisance or annoyance to the neighborhood.
- (2) That they will use said premises solely as a residence or summer home site.
- (3) That each said lot shall never be subdivided nor shall any less portion than the whole of said lot ever be sold, leased or conveyed, and that no building except one summer home or residence and the usual and necessary outbuildings thereto shall ever be erected thereon.
- (4) That no building shall ever be erected within 10 feet of any exterior property line.
- (5) That the foregoing covenants are appurtenant to and for the benefit of each and every other lot in said Third Addition to Sportsman Park and shall forever run with the land and shall bind the premises herein conveyed for the benefit of each and every other lot in said addition and the foregoing covenants and restrictions shall be incorporated in and made a part of each and every other deed or conveyance hereafter executed for the purpose of conveying these premises.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$2,000.00
~~However, the actual consideration is in the form of other property which is part of the consideration.~~
 (Strike out the above when not applicable)

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said grantees as an estate by the entirety. And the said grantors do hereby covenant, to and with the said grantees, and their assigns, that they the owner shall in no wise impair or diminish the said premises; that they are free from all incumbrances, except those above set forth, and that they will warrant and defend the same from all lawful claims whatsoever, except those above set forth.

IN WITNESS WHEREOF, they have hereunto set their hands and seals this 11th day of September 1977

Peggy M. Stivers
 Peggy M. Stivers
Eldon V. Stivers
 Eldon V. Stivers

(SEAL)

(SEAL)

Robert Sloan
Lucille Sloan

(SEAL)

(SEAL)

By *Peggy M. Stivers*
their attorney-in-fact
September 13, 1977

STATE OF OREGON, County of Klamath

Personally appeared the above named Peggy M. Stivers, her husband, Sloan, and Eldon V. Stivers, her husband,

and acknowledged the foregoing instrument to be their voluntary act and deed, and said Peggy M. Stivers, being duly sworn, did say that she is the attorney-in-fact for Robert Sloan and Lucille Sloan, husband and wife, and before me executed said instrument by authority of and on behalf of said principals and acknowledged it to be their voluntary act and deed.

Garnice D. Knapp
 Notary Public for Oregon
 My commission expires 3/15/80

After recording return to:

Richard C. Swan
Martha E. Swan
 Richard C. Swan
 Martha E. Swan

Until a change is requested, all notices shall be sent to the following name and address:

STATE OF OREGON,

County of Klamath

I certify that the within instrument was recorded for record on the 17th day of September 1977 at 2:15 o'clock P.M. and recorded in book 173 on page 19800 Record of Deeds of said County.

Witness my hand and seal of County affixed.

Wm. D. Milne

County Clerk-Recorder

By *Richard C. Swan*

Fee \$3.00

Deputy

Wm. GANNING
 Lawyer
 111 South 7th Street
 Klamath Falls, Oregon 97601