

1-1-74

56046

WARRANTY DEED

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KNOW ALL MEN BY THESE PRESENTS, That WASHBURN ENTERPRISES, INC., an Oregon corporation, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by HARRY R. WAGGONER and NORMA E. WAGGONER, husband and wife 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:

A tract of land situated in Lot 2, Block 3, TRACT 1080, WASHBURN PARK, a duly recorded plat, being more particularly described as follows: Beginning at a point on the easterly right of way line of Washburn Way, said point being S. 00°03'30" W. a distance of 314.74 feet from the Northwest corner of said Lot 2; thence S. 89°56'30" E. 400.00 feet to the easterly line of said Lot 2; thence, along said easterly line, S. 00°03'30" W. 285.00 feet; thence N. 89°25'10" W. 400.08 feet to the easterly right of way line of said Washburn Way; thence, along said right of way line, N. 00°04'50" E. 156.74 feet and N. 00°03'30" E. 124.61 feet to the point of beginning, containing 2.60 acres (113,276 square feet), with bearings based on said Tract 1080, Washburn Park. SUBJECT TO: (1) Rules, regulations and assessments of South Suburban Sanitary District. (2) Reservations and restrictions contained in the dedication of Washburn Park. (CONTINUED ON REVERSE)

(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 as stated herein,

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 \$85,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate in which of the sentences between the words "is" and "consists of" or "includes" should be deleted. See ORS 93.090.)

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 15th day of Nov., 1977, if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of _____, 19____

Personally appeared the above named _____

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: _____

WASHBURN ENTERPRISES, INC.

By _____

By _____

STATE OF OREGON, County of KLAMATH

Nov. 1, 1977

Personally appeared DORMAN A. TURNER and JEWELL HUSTON who, being duly sworn, each for himself and not one for the other, did say that the former is the President

ENTERPRISES, INC.

and that said instrument was signed and sealed by each 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:

Notary Public for Oregon

My commission expires: April 8, 1980

WASHBURN ENTERPRISES, INC.

P. O. Box 1886

Klamath Falls, Oregon 97601

GRANTOR'S NAME AND ADDRESS

HARRY R. and NORMA E. WAGGONER

P. O. Box 664

Klamath Falls, Oregon 97601

GRANTEE'S NAME AND ADDRESS

After recording return to:

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

HARRY R. and NORMA E. WAGGONER

P. O. Box 664

Klamath Falls, Oregon 97601

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

SPACE RESERVED FOR RECORDER'S USE

file/reel number _____ Record of Deeds of said county.

seal of

By _____

Recording Officer

Deputy

SS012

(3) Perpetual easement for drainage and installation of utilities upon a strip of land 10 feet in width parallel with and adjacent to the easterly boundary of the above-described property.

This grant is made subject to the following conditions and restrictions: Grantees and any person claiming by, through or under them, or any of them, shall not cause or permit any permanent building, structure or other obstruction, other than signs, gasoline pumps or similar service facilities, to be placed or located on the westerly 70 feet of said parcel parallel with Washburn Way. Said 70-foot strip shall be maintained in such manner as to permit vehicular traffic to pass on either side of such permitted service facilities in the most direct northerly and southerly direction. Said 70-foot strip shall be reserved for the use of the owners and occupants of the above-described property and the owners and occupants of adjoining properties bordering on Washburn Way upon which similar conditions and restrictions are imposed for the use and enjoyment of the owners and occupants, their customers, employees and invitees, for parking of automobiles and access to and egress from said parcels. Grantees, in consideration of the reservation or granting of similar conditions and restrictions upon adjoining properties, agree to maintain said 70-foot strip in a safe and suitable condition for the uses and purposes herein recited. The foregoing reservation and conditions are deemed to be appurtenant to the parcel herein conveyed for the use and benefit of the owners and occupants, their employees, customers and invitees, of the subject property and the owners and occupants, their customers, employees and invitees, of the adjoining properties similarly restricted.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record XXXXXXXX

on the 3rd day of October A. D. 1978 at 3:09 o'clock P.M., and duly recorded in Vol. M785 of Deeds on Page 22014

Wm D. MILNE, County Clerk

By *Barbara A. Kitch*

Fee \$6.00