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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, made this 11th day of July, 1978, that L. N. GASS, also known as Lloyd N. Gass, Grantor, for the consideration hereafter stated has bargained and sold and by these presents does grant, bargain, sell, and convey unto ROBERT D. PAYNE and VIRGINIA J. PAYNE, husband and wife, Grantees, the following described premises in Klamath County, Oregon, to wit:

PARCEL ONE:

The Tract of Land situated in TERMINAL CITY, a duly recorded subdivision in Klamath County, Oregon, which is more particularly described as follows: Beginning at the Southeast corner of Lot 8, Block 9 of TERMINAL CITY; Thence, West along the South Boundary of said Block 9, 200 feet to the Southwest corner of said Block 9; Thence, North along the East Boundary of Midway Avenue, 504 feet to the North Boundary of TERMINAL CITY; Thence, East along the North Boundary of TERMINAL CITY, 200 feet to the West Boundary of Juniper Avenue; Thence, South along the West Boundary of Juniper Avenue to the Point of beginning.

Said Tract of Land being all of vacated Blocks 4 and 9 of said TERMINAL CITY, including all of the Lots and Alleys in said Blocks and all of the portion of vacated North Street adjoining said Block 4 and all of the portion of vacated Cherry Street, adjoining said Blocks 4 and 9.

All in TERMINAL CITY, Klamath County, Oregon, according to the official plat thereof.

TOGETHER WITH, the following described Tract of Land, which is also a part of said PARCEL ONE, to wit:

Beginning at the Point of Intersection of the North Line of TERMINAL CITY, a duly recorded subdivision in Klamath County, Oregon, with the Centerline of the Northerly Terminus of Midway Avenue as said Street is shown on the recorded plat of said TERMINAL CITY;

Thence, North 45°12'48" East, 432.75 feet, more or less, to a ½" X 24" Iron Pin on the Southwesterly Boundary Line of the Southern Pacific Railroad Right of Way;

Thence, Southeasterly along said Railroad Right of Way line, 388.49 feet, more or less, to its Point of Intersection with the North Line of said TERMINAL CITY;

Thence, West along the North Line of said TERMINAL CITY, 546.62 feet, more or less to the Point of Beginning.

Said Tract of Land being situated in the NW¼ of Section 18, Twp. 38 S., R. 9 E.,W.M., Klamath County, Oregon.

Said PARCEL ONE is conveyed SUBJECT TO the following building and use restrictions, which Grantees, their heirs, grantees, and assigns, covenant and agree to observe and comply with, and which shall forever run with and bind said PARCEL ONE herein conveyed for the benefit of all of the land lying North of Center Street in said TERMINAL CITY, to wit:

(1) That all of said PARCEL ONE herein conveyed will be used solely as a one country estate residential site and that no Module home, Pre-fabricated, Packaged, or pre-constructed dwelling house or a Mobile home shall ever be placed, constructed, maintained, or used on said PARCEL ONE and that no building except a one-family dwelling house, which shall contain not less than 1,600 square feet, and such appurtenances to and amenities of a one-family residence country estate as a garage, well or pump house, swimming pool, tennis court, hot house, potting sheds, boat, recreational vehicle and other storage, tool and wood sheds, horse stable, tack room, show ring, dog kennels, and other clean and attractive outbuildings used for the care of family pets and domestic animals or fowl which are kept or raised primarily as hobbies of the residents of the premises and not primarily for commercial purposes and similar private family recreational facilities shall ever be constructed or maintained on said PARCEL ONE and

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RE-RECORDED TO CORRECT ERROR IN DESCRIPTION

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WM. GANONG
LAWYER
~~111 S. 7th Street~~
KLAMATH FALLS, ORE.
97601
(503) 882-7228
P.O. Box 57

that said PARCEL ONE shall never be subdivided nor shall any less portion than all of said PARCEL ONE ever be sold, leased, or conveyed separate or apart from the remainder of said PARCEL ONE except that if that portion of Halo Street lying between said PARCEL ONE and said PARCEL TWO, herein conveyed, shall ever be vacated then any part or all of facated Lots 5, 6, 7, and 8 and any part or all of the vacated Alley in vacated Block 9 in PARCEL ONE may be conveyed to the then Owner of all of PARCEL TWO herein described upon said Owner of PARCEL TWO executing and recording in Deed Records an instrument subjecting PARCEL TWO to all of the Building and Use Restrictions herein imposed on PARCEL ONE. Provided further, that an easement for subsurface sewage purposes may be granted and conveyed to be appurtenant to and for the benefit of said PARCEL TWO.

(2) That said PARCEL ONE will be used and maintained in conformity with all applicable laws, regulations, rules, ordinances, and permits including, without limitation, all zoning and sanitation restrictions and requirements.

(3) That the foregoing covenants and restrictions shall be incorporated in and made a part of every deed or conveyance hereafter executed for the purpose of conveying said PARCEL ONE.

AND, ALSO, SUBJECT TO: Agreement with the California-Oregon Power Company relative to the raising and lowering the water of Upper Klamath Lake recorded in Vol. 107 at page 216 of Klamath County, Oregon Deed Records.

PARCEL TWO:

A Tract of Land situated in TERMINAL CITY, a duly recorded subdivision in Klamath County, Oregon, which is more particularly described as follows:
Beginning at the Southeast Corner of Lot 8, Block 14 of TERMINAL CITY;
Thence, West along the South Boundary of said Block 14, 200 feet to the Southwest Corner of said Block 14;
Thence, North along the East Boundary of Midway Avenue to the Northwest Corner of said Block 14;
Thence, East along the South Boundary of Halo Street to the Northwest Corner of Lot 2 in said Block 14;
Thence, South along the West Line of said Lot 2 extended to the Northwest Corner of Lot 7 in said Block 14; ~~NORTH~~ SOUTH
Thence, East along the ~~North~~ Line of the Alley in said Block 14 to the West Line of Juniper Street;
Thence, South along the West Line of Juniper Street to the Point of Beginning;
Said Tract of Land being all of vacated Lots 3, 4, 5, 6, 7, and 8 in Block 14 of said TERMINAL CITY and all portions of the vacated Alley in said Block adjoining said Lots 3, 4, 5, and 6.

Said PARCEL TWO is conveyed SUBJECT TO: Agreement with the California-Oregon Power Company, recorded in Vol. 107 at page 216 of Klamath County, Oregon Deed Records and to all existing land use and development laws, ordinances, regulations, restrictions, requirements, and orders; all existing laws, regulations, restrictions, requirements, and orders of or pertaining to the Department of Environmental Quality and also those pertaining to sanitation or sewage disposal; and all existing Zoning laws, ordinances, regulations, restrictions, requirements, and orders.

The true and actual consideration for this transfer is $12,500.00.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, as Tenants by the Entirety forever.

The said Grantor does hereby covenant to and with the said Grantees, their heirs and grantees, that he is the owner in fee simple of said premises and that they are free of all incumbrances except those above set forth and that he will warrant and defend the same from all lawful claims except as

WM. GANONG
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16019

above set forth.

IN WITNESS WHEREOF, Grantor has set his hand the day and year first herein written.

L. N. Gass

L. N. Gass

STATE OF OREGON)
) SS
County of Klamath)

On this 17th day of July, 1978, personally appeared L. N. Gass, who is also known as Lloyd N. Gass, who is known to me to be the identical person described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily. BEFORE ME:

(SEAL)

Bernice D. Knapp
Notary Public for Oregon
My Commission expires: 3/13/80

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Dr. & Mrs. Robert D. Payne
1707 Kane Street
Klamath Falls, Oregon 97601

AFTER RECORDING RETURN TO:

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Klamath County Title Co.

this 24th day of July A. D. 1978 at 2:52 o'clock PM., and duly recorded in Vol. M78, of Deeds on Page 16017

Wm D. MILNE, County Clerk

By Suzanne M. Leach

Fee $9.00

BD. OF COUNTY COMMISSIONERS KLAMATH COUNTY OREGON
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STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Wm. Ganong

this 23rd day of January A. D. 1970 at 11:50 o'clock AM., and duly recorded in Vol. M79, of Deeds on Page 1935

Wm D. MILNE, County Clerk

Fee $9.00 By Suzanne M. Leach

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