

62936

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K-31425

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, made this 20th day of February, 1979, that WILLIAM GANONG, JR. and FRANK F. GANONG, as Trustees of WILLIAM GANONG TESTAMENTARY TRUST B, Grantors, for the consideration hereafter stated, have bargained and sold and by these presents do grant, bargain, sell, and convey unto BOBBY L. AUSTIN and PEARL B. AUSTIN, Grantees, the following-described premises, to wit:

The Real Property in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8, Twp. 39 S.R. 9 E.W.M., Klamath County, Oregon, more particularly described in Exhibit A attached to this Deed and made a part hereof by this reference thereto.

Said real property is conveyed SUBJECT TO the following:

- (1) Zoning ordinances, building and use restrictions, reservations in Federal patents, beneficial utility easements of record and those apparent on the land and common to real estate within this area.
- (2) A 30' Easement to be used for road purposes only starting at the Southwest corner of the property that borders Greensprings Drive and extends for 620 feet along the Southwest property line from that point.
- (3) The fact that the City of Klamath Falls has annexed a 30-foot strip of land along the entire 240 feet of the South Boundary line of the property and North for 150 feet as measured from the Southeast Corner Marker and is zoned R-7.5.
- (4) The following Building and Use Restrictions which the Grantees have expressly requested the Grantors to include in this Deed, to wit:

It is understood and agreed that this conveyance is made and accepted and the realty is hereby granted on and subject to the following condition, covenant and restriction, which covenant, condition and restriction shall apply to and run with the conveyed land and apply to all successive future owners, grantees, heirs, successors and assigns, until the conditions set forth below regarding the Southside By-Pass are met:

No building or structure of any kind shall be erected on the following described property:

Commencing at the Southeast corner of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 8, T. 39 S., R. 9 E., W.M.; thence North, along the East boundary of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 8, 250.00

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feet to the point of beginning; thence West, parallel with the South boundary of the NW $\frac{1}{4}$ of said Section 8, to a point from which the most Southerly corner of that property described in DEED VOLUME M72, PAGE 1198 bears N. 45°09'30" W.; thence N. 45°09'30" W., 425.44 feet; thence East, parallel with and 550.00 feet from the South boundary of the NW $\frac{1}{4}$ of said Section 8, to the East boundary of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of said Section 8; thence South, along said boundary, 300.00 feet to the the point of beginning.

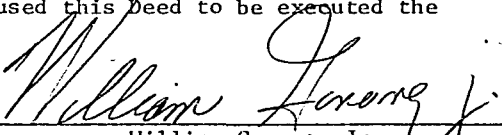
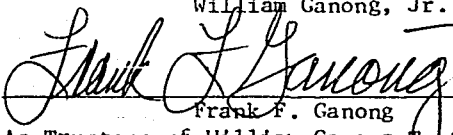
This condition, covenant and restriction shall apply to the above-described property until such time as the right-of-way for the Southside By-Pass is acquired by Klamath County, Oregon, the Oregon Department of Transportation; or any successor agency thereto, or until February 1, 1987, whichever occurs first.

The true and actual consideration for this transfer is \$40,000.00.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantees, their heirs, grantees, and assigns forever.

The Grantors do hereby covenant, as the Trustees of said Trust, that said Trust is the owner in fee simple of said premises and they are free from all encumbrances except those above set forth, and that said Trust will warrant and defend the same from all lawful claims except those above set forth, which the Grantees have agreed to take subject to.

IN WITNESS WHEREOF, they have caused this Deed to be executed the day and year first herein written.


William Ganong, Jr.

Frank F. Ganong
As Trustees of William Ganong Testamentary Trust B

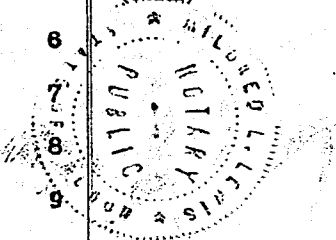
STATE OF OREGON)
) SS.
County of Klamath)

On this 23rd day of February, 1979, before me, the undersigned,

4079

personally appeared William Ganong, Jr. and Frank F. Ganong, as the Trustees of William Ganong Testamentary Trust B, and acknowledged that they executed the foregoing Instrument in the capacity therein stated and for the purposes therein contained.

(SEAL)



Mildred L. Austin
Notary Public for Oregon
My Commission expires 7/19/82

Return to Same

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

Bobby Austin
PO Box 200
Keno Or 97627

EXHIBIT A

1 A Tract of Land situated in the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 8, Twp. 39 S.R. 9 E.W.M.,
 2 Klamath County, Oregon, more particularly described as follows:

3 Beginning at an Iron Pin on the Southeasterly Right of Way line of the Ashland-
 4 Klamath Falls Highway, which Iron Pin is 30 feet at right angles Southeasterly
 5 from the Center of said Highway, that lies South 89°22½' East along the Sec-
 6 tion line a distance of 1,321.4 feet and South 0°40½' East along the 40 line,
 7 which is also the West Line of Westover Terraces, a distance of 626.5 feet and
 8 North 89°22½' West a distance of 106.2 feet and South 38°40½' West along the
 9 Southeasterly right of way line of said Highway a distance of 300 feet to
 10 the Westerly Corner of the property conveyed by William Ganong and Mildred
 11 Ganong, his wife, to Emery Hebert, Wilfred Hebert and Delina Hebert by Deed
 12 recorded in Vol. 147 at page 215 of Deed Records;

13 Thence, continuing South 38°40½' West along the Southeasterly line of said
 14 Highway a distance of 682.6 feet to an iron pin, which pin is at the most
 15 Northerly corner of the property conveyed to E. W. Melesh by Deed recorded
 16 in Vol. 194 at page 307 of Deed Records;

17 Thence, at right angles South 51°19½' East along the Northeasterly line of the
 18 property conveyed to Melesh, Vanhoosen and Patricia V. McBee, Jimmie A.
 19 Warner and Dean C. Mason, a distance of 930 feet, more or less, to the 40
 20 line, which is also the West line of Westover Terraces;

21 Thence, North 0°40½' West along said 40 line a distance of 875 feet, more or
 22 less, to an iron pin which is the most Southerly corner of the property
 23 conveyed to Heberts by the above described Deed;

24 Thence, North 51°19½' West along the Southeasterly line of said property
 25 conveyed to Heberts a distance of 383.5 feet, more or less, to the true
 26 Point of Beginning.

27 AND ALSO THE FOLLOWING DESCRIBED TRACT OF LAND:

28 That Portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, Twp. 39 S.R. 9 E.W.M., Klamath County,
 29 Oregon, which is more particularly described as follows:

30 Beginning at an Iron Pin in said SW $\frac{1}{4}$ NW $\frac{1}{4}$ which is at the most Easterly Corner
 31 of the Property conveyed to Harold B. and Ruth Beal Van Hoosen by Deed re-
 32 corded June 22, 1948, in Vol. 222 at page 83 of Klamath County, Oregon Deed
 33 Records (and which lies South 51°19½' East a distance of 620 feet from an
 34 iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls
 35 Highway, which last-described iron pin is 30 feet at right angles Southeasterly
 36 from the Center of said Highway, and lies South 89°22½' East along the Section
 37 Line a distance of 1,321.4 feet and South 0°40½' East along the 40 line, which
 38 is also the West line of Westover Terrace, a distance of 626.5 feet and
 39 North 89°22½' West a distance of 106.2 feet and South 38°40½' West along the
 40 Southeasterly right of way line of said Highway a distance of 982.6 feet from
 41 the Northwest Corner of said Section 8, Twp. 39 S.R. 9 E.W.M.);

42 Thence, from said Point of Beginning running Southwesterly along the arc of
 43 a 2°14' curve to the right (the long chord of this curve bears South 41°45½'
 44 West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin;

45 Thence, South 44°50½' West 160.5 feet to a point;

46 Thence, North 45°50½' West (said bearing being described as South 45°09½'
 47 East in deed recorded Vol. M72 at page 2354) a distance of 300 feet to a
 48 point which is the most Westerly corner of the property conveyed to Homer L.
 49 and Vera L. Ross by Deed recorded October 21, 1950, in Deed Vol. 242 and page
 50 641;

1 Thence, South $44^{\circ}50\frac{1}{2}'$ West a distance of 350 feet to an iron pin which is at
 2 the most Southerly corner of the property conveyed to J. E. and Vivian
 Eichendorf by Deed recorded October 22, 1945, in Deed Vol. 181 at page 175;
 3 Thence, South 265.18 feet to a line parallel with the South line of said NW $\frac{1}{4}$
 4 of Section 8 and 250 feet distant therefrom;
 5 Thence, Easterly along said line 1,000 feet, more or less, to the East line
 of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 8;
 6 Thence, North along said East line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 8 a distance
 7 of 424 feet, more or less, to a point which is South $51^{\circ}19\frac{1}{2}'$ East a distance
 of 320 feet, more or less, from the Point of Beginning;
 8 Thence, North $51^{\circ}19\frac{1}{2}'$ West 320 feet, more or less, to the Point of Beginning.
 9 SAVING AND EXCEPTING THEREFROM a piece or parcel of land situated in the
 10 SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 8, Twp. 39 S.R. 9 E.W.M., Klamath County, Oregon, more
 particularly described as follows:
 Beginning at the Southwest corner of the NW $\frac{1}{4}$ of said Section 8;
 11 Thence, North along the West line a distance of 250 feet;
 12 Thence, East a distance of 305.3 feet to the True Point of Beginning.
 13 Thence, North a distance of 265.18 feet to a 3/4-inch pipe at the most South-
 14 erly corner of that parcel of property described in the Deed recorded in
 Deed Vol. 181 at page 175;
 15 Thence, North $44^{\circ}50\frac{1}{2}'$ East a distance of 350 feet to the Southwesterly line
 of that property described in Deed recorded in Deed Vol. M72 at page 1198;
 16 Thence, South $45^{\circ}09\frac{1}{2}'$ East (said bearing also being described as North 45°
 17 $50\frac{1}{2}'$ West) a distance of 300 feet, more or less, to the most Southerly corner
 of the above-mentioned property described in Vol. M72 at page 1198;
 18 Thence, continuing along the same line extended Southeasterly to its Point
 19 of Intersection with a line parallel to and 250 feet North of the South line
 of said NW $\frac{1}{4}$ of said Section 8;
 20 Thence, West along said line to the True Point of Beginning.

21
 22
 23 STATE OF OREGON; COUNTY OF KLAMATH; ss.

24 filed for record at request of Klamath County Title Co
 25 this 23rd day of February A. D. 1979 at 11:32 clock A. M., and
 26 duly recorded in Vol. M79, of Deeds on Page 4077

27 Wm D. MILNE, County Clerk

By Bernice J. Hetch

28 Fee \$15.00
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