

1-1-74

63939

WARRANTY DEED

Vol. 779 Page 5728



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 GEORGE H. NITSCHHELM, H. GAEL NITSCHHELM and MELVENE D. NITSCHHELM, hereinafter called 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, ~~to the said grantee, to have~~ an undivided one-fourth interest as tenant in common to George H. Nitschhelm, an undivided one-fourth interest as tenant in common to H. Gael Nitschhelm and an undivided one-half interest as tenant in common to Melvene D. Nitschhelm, described as follows: A tract of land situated in Lots 2 and 3, Block 6, Tract 1080, WASHBURN PARK, a duly recorded plat, more particularly described as follows: Beginning at the Northeast corner of said Lot 3 as marked by a 1/2 inch iron pin; thence S. 00°04'50" W., along the westerly right of way line of Washburn Way; 220.00 feet; thence N. 89°55'10" W., parallel to the North line of said Lot 3, 250.00 feet; thence N. 00°04'50" E. 300.03 feet to a 5/8 inch iron pin; being S. 00°04'50" W., 350.00 feet from the North line of said Lot 2; thence S. 89°55'10" E., parallel to the North line of said Lot 2, 250.00 feet to a 5/8 inch iron pin on the westerly right of way line of said Washburn Way; thence S. 00°04'50" W. 80.03 feet to the point of beginning, containing 1.72 acres, with bearings based on said Tract 1080, 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 herein stated,

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 \$63,750.00

~~However, the actual consideration consists of the property of the grantee, to be held in trust for the grantor, and the 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 herein stated,~~

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 2nd day of February, 1979; 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.

WASHBURN ENTERPRISES, INC.

(If executed by a corporation, affix corporate seal)

By Dorman A. Turner
By Jewell Huston

STATE OF OREGON,)
County of _____) ss.
_____, 19____

STATE OF OREGON, County of KLAMATH) ss.
February 19, 1979

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 and that the latter is the secretary of WASHBURN ENTERPRISES, INC.

~~and that the 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:

Herman F. Smith

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

12-13-83

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

Washburn Enterprises, Inc.
P. O. Box 1886
Klamath Falls, Oregon 97601

GRANTOR'S NAME AND ADDRESS

George H. Nitschhelm, et al

GRANTEE'S NAME AND ADDRESS

After recording return to:

KCTC

NAME, ADDRESS, ZIP

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

George H. Nitschhelm, et al

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of _____) ss.

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.

Recording Officer

By

Deputy

SUBJECT TO: (1) Rules, regulations and assessments of South Suburban Sanitary District. (2) Easement for transmission line, including the terms and provisions thereof, given by Samuel S. Johnson, et ux, to Pacific Power & Light Company, a corporation, dated August 22, 1966, recorded August 22, 1966, in Volume M-66, Page 8536, Microfilm Records of Klamath County, Oregon. (3) Right of way easement, including the terms and provisions thereof, given by Harry R. Waggoner, et ux, to California Pacific Utilities Company, dated November 10, 1970, recorded November 30, 1970, in Volume M-70, Page 10618, Microfilm Records of Klamath County, Oregon. (4) Right of way easement, including the terms and provisions thereof, given by Washburn Enterprises, Inc. to California Pacific Utilities Company, dated January 4, 1973, recorded January 5, 1973, in Volume M-73, Page 166, Microfilm Records of Klamath County, Oregon. (5) Reservations and restrictions contained in the dedication of Washburn Park.

This grant is made subject to the following conditions and restrictions: (a) Grantees, and any one claiming by, through or under grantees, 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 easterly 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. (b) 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. (c) 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. (d) 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 at request of Klamath County Title Co.

this 13th day of March A. D. 1979 at 11:04 clock A.M., an.

fully recorded in Vol. M79, of Deeds on Page 5728

Wm D. MILNE, County Clerk

By Bernetha Phelps

Fee \$6.00