

1-1-74

72282

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 779 Page 19262

KNOW ALL MEN BY THESE PRESENTS, That JAMES H. BALLARD, JR.

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by TRACY MICHAEL EARL and WILMETTA C. EARL, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

Lot 32, in Section 5, Township 35 South, Range 7 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH: an easement for ingress and egress purposes described on the attached exhibit "A" and by this reference made a part hereof

SUBJECT, however, to the following:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. Reservations as contained in instrument recorded in Volume 59, page 183, Deed Records of Klamath County, Oregon, as follows:

"there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

3. An easement, including the terms and provisions thereof, granted to Richard Schultz, as disclosed by instrument dated December 29, 1976, recorded January 24, 1977 in Volume M77, (For a continuation of this description, see the reverse side.)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as noted of record as of the date of this deed and those apparent upon the land, if any, as of the date of this deed,

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 \$20,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which). (The sentence between the symbols ©, if not applicable, should be deleted. See ORS 93.030.)

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 16th day of July, 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.

(If executed by a corporation, affix corporate seal)

x James H. Ballard, Jr.  
James H. Ballard, Jr.

STATE OF OREGON, County of Mississippi } ss.  
County of Latterdale }  
July 16, 1979

Personally appeared the above named  
James H. Ballard, Jr.

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

Before me:  
(OFFICIAL SEAL) R. Calcate

Notary Public for Oregon

My commission expires 3-23-82

James H. Ballard, Jr.  
1607 23rd. Ave.  
Meridian, Mississippi 39301

GRANTOR'S NAME AND ADDRESS

Mr. & Mrs. Tracy Michael Earl  
P.O. Box 674  
Chiloquin, Oregon 97624

GRANTEE'S NAME AND ADDRESS

After recording return to:  
Mr. and Mrs. Tracy Michael Earl  
P.O. Box 674  
Chiloquin, Oregon 97624

NAME, ADDRESS, ZIP

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

Mr. & Mrs. Tracy Michael Earl  
P.O. Box 674  
Chiloquin, Oregon 97624

NAME, ADDRESS, ZIP

STATE OF OREGON, County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_, 19\_\_\_\_

Personally appeared \_\_\_\_\_ and \_\_\_\_\_ 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 \_\_\_\_\_

\_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that 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:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

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.

By \_\_\_\_\_ Recording Officer

By \_\_\_\_\_ Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

Continuation of description.

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page 1313, Microfilm Records of Klamath County, Oregon, over and across an existing road along the Western border of said Lot 32.

4. Right of way easement, including the terms and provisions thereof, granted to Pacific Power and Light Company, a corporation, as disclosed by instrument dated January 3, 1977, recorded January 3, 1977 in Volume M77, page 81, Microfilm Records of Klamath County, Oregon, for transmission lines.

EXHIBIT "A"

An easement for ingress and egress purposes from Highway No. 62 through Lot 31 of Section 5 and Lot 2 of Section 8 to Lot 32 of Section 5, all in Township 35 South, Range 7, East of the Willamette Meridian, Klamath County, Oregon; described in the Easement Agreements that are recorded in Klamath County Deed Records Book Vol. M 68 page 9918 and Book Vol. M79 pages 18654 and 18655.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

this 13th day of August A. D. 1979 at 3:40 clock P. M., on

duly recorded in Vol. M79, of Deeds on Page 19262

Wm D. MILNE, County Clerk

Fee \$7.00

Barbara A. Helach