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WARRANTY DEED-TENANTS BY ENTIRETY Vol. 779 Page 19447  
KNOW ALL MEN BY THESE PRESENTS, That Hilton R. Thomas

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Alan H. N. Smith and Marilyn D. Smith, 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 8 in Block 5 of TRACT 1003, THIRD ADDITION TO MOYINA, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. Subject, however, to the following:

1. Taxes for the fiscal year 1979-1980, a lien, not yet due and payable.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of South Suburban Sanitary District.
3. An easement created by instrument, including the terms and provisions thereof, dated March 11, 1940, recorded April 5, 1940 in Volume 128, page 267, Records of Klamath County, Oregon, in favor of California Oregon Power Company, for pole and lines. (Blanket easement).
4. An easement and right of way created by instrument, including the (for continuation of this deed see reverse side of this document)

(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 \$ 71,000.00  
~~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 <sup>Ⓢ</sup>, 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 14<sup>th</sup> day of August, 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.

Hilton R. Thomas  
Hilton R. Thomas

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, )  
County of Klamath ) ss.  
August 14<sup>th</sup>, 1979

Personally appeared the above named  
Hilton R. Thomas

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

Before me: *Donald R. Haultner*  
(OFFICIAL SEAL)  
Notary Public for Oregon  
My commission expires 3/30/81

STATE OF OREGON, County of ) ss.  
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: \_\_\_\_\_  
Notary Public for Oregon  
My commission expires: \_\_\_\_\_

GRANTOR'S NAME AND ADDRESS  
GRANTEE'S NAME AND ADDRESS  
After recording return to:  
*K745-L*  
*540 Main*  
*Klamath Falls, OR 97601*  
NAME, ADDRESS, ZIP  
Until a change is requested all tax statements shall be sent to the following address:  
*Klamath First Federal*  
*540 Main*  
*Klamath Falls, OR 97601*  
NAME, ADDRESS, ZIP

STATE OF OREGON, ) ss.  
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 file/reel number \_\_\_\_\_, Record of Deeds of said county. Witness my hand and seal of County affixed.  
By \_\_\_\_\_ Recording Officer  
Deputy

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terms and provisions thereof, 10 feet wide, "pole line as now located," granted to The California Oregon Power Company, a California corporation, dated June 1, 1956 in Volume 284, page 22, Records of Klamath County, Oregon.

5. Easement covering water mains running to well site described in Deed Volume 285, page 257, as granted to various lot owners in Moyina, including the terms and provisions thereof, as set forth in the various lot deeds.

6. Restrictions and easements contained in plat dedication, to-wit: "said plat subject to: a building setback line as shown, public utility easement as shown to provide ingress and egress to construct and maintain said utilities and additional restrictions as shown in any recorded protective covenants."

7. A 20 foot building setback along front lot line as shown on dedicated plat.

8. Public utility easement over the rear 16 feet of lots as shown on dedicated plat.

9. Subject to liens and assessments of Moyina Heights Water Company.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

this 15th day of August A. D. 1979 at 1:52 o'clock P. M., and

duly recorded in Vol. 179, of Deeds on Page 10447

W. D. MILNE, County Clerk

By Bernice A. Hetcher

Fee \$7.00