

K-31685

75915

Warranty Deed Vol. 79 Page 25090

3417

This Indenture Witnesseth, That CLAYTON SPENCER SHULTZ,

herein called "grantor," in consideration of SEVENTY-FIVE THOUSAND AND NO/100 --- Dollars to him paid, he has bargained and sold and by these presents does grant, bargain, sell and convey to

HARRY R. WAGGONER, NORMA E. WAGGONER and WALTER B. WAGGONER,

herein called "grantee," their heirs and assigns forever, the following described: premises situated in Klamath County, State of Oregon, to-wit:

an undivided 1/20th interest as tenant in common in the real property, situated in Klamath County, Oregon, and more fully described on Exhibit A attached hereto and by this reference made a part hereof,

73 DEC 25 AM 11 22

together with all tenements, hereditaments and appurtenances hereunto belonging or appertaining, and all estate, right, title and interest in and to the same.

TO HAVE AND TO HOLD said premises unto grantees, their heirs and assigns forever. Said grantor does covenant to and with said grantee, their heirs and assigns, that he is the owner of said premises, being lawfully seized in fee simple thereof; that said premises are free from all encumbrances, except as shown on Exhibit A hereto; and that he and his heirs and representatives will warrant and defend the same from all lawful claims whatsoever.

The true and actual consideration for this transfer is \$75,000.00.

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of February, 1975.

Witness:

*[Signature]*

*[Signature: Clayton Spencer Shultz]*

H. F. SMITH  
Attorney at Law  
538 Main Street  
Klamath Falls, Oregon 97601  
SEND TAX STATEMENTS TO:  
HARRY R. WAGGONER  
2600 Pershing Way P.O. Box 664  
Klamath Falls, Oregon 97601

RETURN

B17.50

STATE OF OREGON }  
County of KLAMATH } ss. \_\_\_\_\_, 19 75.

25091

Personally appeared the above-named

known to me to be the identical person described as grantor in the within Deed, and  
acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON  
My commission expires \_\_\_\_\_

STATE OF OREGON }  
County of KLAMATH } ss. \_\_\_\_\_, 19 \_\_\_\_\_

Personally appeared \_\_\_\_\_  
who, being first duly sworn, did say that he \_\_\_\_\_ the \_\_\_\_\_  
of \_\_\_\_\_

and that the foregoing Deed was signed in behalf of said corporation by authority of its  
Board of Directors; and he acknowledged said Deed to be its voluntary act and deed.

Before me:

NOTARY PUBLIC FOR OREGON  
My commission expires \_\_\_\_\_

Warranty Deed

From

To

Recording Data:

Return to:

STATE OF OREGON )  
County of KLAMATH ) February 4, 1975

Personally appeared ROBERT L. KING, JR., known to me to be the same  
person who was a subscribing witness to the foregoing Warranty Deed, who,  
being sworn, stated that he resides at Klamath Falls, Oregon, and that he  
knew Clayton Spencer Shultz, the individual described in and who executed  
the foregoing instrument, and he acknowledged said instrument to be his  
voluntary act and deed.

Before me:

  
NOTARY PUBLIC FOR OREGON  
My commission expires May 13, 1977



PARCEL 1:

EXHIBIT "A"

Page 1 **25092**

A portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Twp. 39 S., R. 9 E.W.M., more particularly described as follows:

Beginning at an iron pin on the South right-of-way line of South Sixth Street as presently located and constructed, which bears S. 0°22'15" E. a distance of 48.5 feet from the Northwest corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence Easterly, along said right-of-way line a distance of 142.5 feet to a point; thence South at right angles to said right-of-way line a distance of 460.0 feet to a point;

~~thence North along said South line a distance of 460.0 feet to the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence North along said West line a distance of 460.0 feet to the point of beginning.~~

PARCEL 2:

A tract of land situated in the SE $\frac{1}{4}$  of Sec. 3, Twp. 39 S., R. 9 E.W.M., more particularly described as follows:

Beginning at the East one-fourth corner of said Sec. 3; thence South 89°52' West 1,275.74 feet; thence South 00°21'47" East 54.10 feet to a one-half inch pipe on the Southerly right-of-way line of the Dalles-California Highway marking the Northeast corner of that parcel of land described in Deed Vol. 251 page 162, as recorded in the Klamath County Deed Records; thence continuing South 00°21'47" East along the East line of said parcel described in said Deed Vol. 251 page 162, 233.00 feet to the true point of beginning of this description; thence continuing South 00°21'47" East along said line 395.64 feet to the Northerly right-of-way line of the Oregon-California and Eastern Railway Company; thence North 67°41' West along said right-of-way line 156.57 feet (162 feet by record); thence North 00°55'30" West along the West line of said parcel described in said Deed Vol. 251 page 162, 334.24 feet; thence North 89°14' East 147.71 feet to the true point of beginning of this description, containing 1.25 acres, more or less, with bearings being based on the East line of the SE $\frac{1}{4}$  of Said Sec. 3 as being South 01°14' East.

PARCEL 3:

A portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Sec. 3, Twp. 39 S., R. 9 E.W.M., more particularly described as follows:

Beginning at a one-half inch iron pin on the South right-of-way line of South Sixth Street, as the same is presently located and constructed, said point being on the West line of tract of land deeded to Miller by deed Vol. 251 page 162 and the East line of a tract of land deeded to Wheeler by deed Vol. 142 page 349, Klamath County Deed Records; thence S. 0°55'30" E. along the line between the two above described tracts a distance of 291.6 feet to a 5/8 inch iron pin marking the Southeast corner of a tract of land deeded to United States National Bank of Oregon by deed recorded in Vol. M67, page 4075, Microfilm Records of Klamath County, Oregon, and the True Point of Beginning of this description; thence continuing S. 0°35'30" E. a distance of 275.64 feet, more or less, to the Northeasterly right-of-way line of the O.C. & E. Railroad; thence N. 67°41' W. along said right-of-way line a distance of 148.11 feet to the Southwest corner of said Wheeler tract; thence N. 0°55'30" W. along the West line of said Wheeler tract, a distance of 217.58 feet to the Southwest corner of said United States National Bank tract; thence N. 89°14' E. along the South line of said tract, a distance of 136.09 feet to the point of beginning.

EXCEPTING THEREFROM:

The following described real property situate in Klamath County, Oregon:

A portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 39 South, Range 9 East of the Willamette Meridian more particularly described as follows:

Beginning at a one-half inch iron pin on the South right of way line of South Sixth Street, as the same is presently located and constructed, said point being on the West line of tract of land deeded to Miller by deed Volume 251, page 162 and the East line of tract of land deeded to Wheeler by deed Volume 142, page 349, Klamath County deed records; thence South 0°55'30" East along the line between the two above described tracts a distance of 291.6 feet to a 5/8 inch iron pin marking the Southeast corner of tract of land deeded to United States National Bank of Oregon by deed recorded in Volume M67, page 4075, Microfilm records of Klamath County, Oregon and the true point of beginning of this description; thence continuing South 0°55'30" East a distance of 50.0 feet to a point; thence South 89°14' West a distance of 136.09 feet to a point; thence North 0°55'30" West a distance of 50.0 feet to the Southwest corner of said parcel described in Volume M67, page 4075; thence North 89°14' East, along the South line of said parcel, a distance of 136.09 feet, more or less, to the point of beginning.

## Parcel 4:

A tract of land situate in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 39 South, Range 9, E.W.M. described as follows:

Beginning at a  $\frac{1}{2}$ " iron pin which bears S.  $89^{\circ}52'$  W. a distance of 745.73 feet and S.  $0^{\circ}20'55''$  E. a distance of 220.16 feet from the brass cap monument marking the East  $\frac{1}{4}$  corner of Section 3, Township 39 South, Range 9, E.W.M., said beginning point also being on the South line of tract described as Parcel #1 in deed from Klamath County School District to Klamath County, recorded in Vol. 295, page 135, deed records of Klamath County, Oregon; thence continuing from said beginning point S.  $0^{\circ}20'55''$  E, along a line parallel to and 4.0 feet distant Easterly, when measured at right angles to, from the existing Easterly wall of the Payless Drug Store building as the same is presently located and constructed, a distance of 402.04 feet to a  $\frac{1}{2}$ " iron pipe; thence S.  $53^{\circ}42'15''$  W. a distance of 304.44 feet, more or less, to a  $\frac{1}{2}$ " iron pipe on the Northeasterly boundary of the O. C. & E. Railroad right-of-way as the same is presently located and constructed, and from which point the aforesaid monument marking the East  $\frac{1}{4}$  corner of said Section 3 bears N.  $50^{\circ}50'20''$  E. a distance of 1273.34 feet; thence Northwesterly along said Northeasterly boundary of the O. C. & E. Railroad right-of-way a distance of 299.5 feet, more or less, to the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ ; thence North along said West line a distance of 186.5 feet, more or less, to a point on said West line which bears S.  $0^{\circ}22'15''$  E. a distance of 460.0 feet from the Southerly boundary line of the relocated right-of-way of the Klamath Falls-Lakeview Highway; thence Easterly, parallel with said Highway right-of-way line, a distance of 142.5 feet to a point; thence North, parallel with the West line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ , a distance of 460.0 feet, more or less, to the Southerly boundary of said relocated Highway right-of-way; thence Easterly along said relocated right-of-way line a distance of 387.7 feet, more or less, to a point which bears N.  $0^{\circ}20'55''$  W. from the point of beginning; thence S.  $0^{\circ}20'55''$  E. a distance of 174.66 feet, more or less, to the point of beginning.



**PARCEL 5:** A parcel of land lying in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 39 South, Range 9 E.W.M., in Klamath County, Oregon, and more particularly described as follows:

Beginning at a point which is South 55.03 feet and South 89°14' West 630 feet from the quarter section corner common to Section 2 and 3, Township 39 South, Range 9 E.W.M. which point is also South of (when measured at right angles to) the relocated center line of the Klamath Falls-Malin Highway; thence continuing South 89°14' West 79.4 feet to the Northwest corner of this description; thence South 0°18' East 137 feet; thence North 89°14' East 81.9 feet; thence North 0°18' West 137 feet to the point of beginning.

EXCEPTING from the above described parcel a strip of land 8 feet wide running North and South on the West side of said above described parcel of land reserved for sidewalk purposes.

**PARCEL 6:** A tract of land described as follows: Beginning at an iron pin which lies on the Southerly right of way line of the Dalles-California Highway, 40 feet Southerly at right angles from the center line thereof, and which lies South 89°51' West a distance of 30 feet along the East-West quarter line and South 1°14' East parallel to the East Section line a distance of 42.03 feet, and South 89°14' West along the Southerly right of way line of the Dalles-California Highway 40 feet Southerly at right angles from the center line thereof, a distance of 550 feet from the brass plug in the pavement which marks the one-quarter section corner common to sections 2 and 3, Township 39 South, Range 9 E.W.M., Klamath County, Oregon, and running thence: continuing South 89°14' West along the Southerly right of way line of the Dalles-California Highway 40 feet Southerly at right angles from the Center line thereof, a distance of 50 feet to an iron pin; thence South 1°14' East parallel to the Section line a distance of 150 feet to an iron pin; thence North 89°14' East parallel to the center line of the Dalles-California Highway a distance of 50 feet to an iron pin; thence North 1°14' West parallel to said Section line, a distance of 150 feet, more or less, to the point of beginning, said tract being a portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 3, Township 39 South, Range 9 E.W.M.

EXCEPTING THEREFROM that portion deeded to the State of Oregon by and through its State Highway Commission by deed dated April 16, 1946, recorded April 21, 1946 on page 218 of Volume 188 of Deeds, records of Klamath County, Oregon.

SUBJECT TO: (1) Mortgage, including the terms and provisions thereof, executed by Harry R. Waggoner, et ux, and Walter B. Waggoner, et ux, to The First National Bank of Oregon, Portland, a national banking association, dated January 7, 1969, recorded January 7, 1969, in Volume M-69, Page 175, Microfilm Records of Klamath County, Oregon, to secure the payment of \$1,000,000.00. (2) Mortgage, including the terms and provisions thereof, executed by Harry R. Waggoner, et ux, and Walter B. Waggoner, et ux, to First National Bank of Oregon, a national banking association, dated July 7, 1972, recorded July 7, 1972, in Volume M-72, Page 7415, Microfilm records of Klamath County, Oregon, to secure the payment of \$490,000.00.

STATE OF OREGON, COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 25th day of October A.D., 19 79 at 11:22 o'clock A M., and duly recorded in Vol. N79, of Deeds on Page 25090.

FEE \$17.50

WM. D. MILNE, County Clerk

By Bernetha H. Hutsch Deputy