

1-1-74

81101

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 80 Page 3612



KNOW ALL MEN BY THESE PRESENTS, That James A. Bingham and Bernadine K. Bingham, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by John A. Davidson and Jo Ann Davidson, 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:

A tract of land situated in Section 5, Township 40 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the most Northwesterly corner of a tract of real property, which corner lies at the intersection of the Easterly right of way boundary of the Burlington Northern Inc. railroad and the Easterly right of way boundary of U.S. G-1 Lateral irrigation canal; thence along said irrigation canal right of way boundary as follows: North 41°29'30" West 383.44 feet; thence North 78°16'00" East 311.64 feet to a 1/2" galvanized iron pipe marking the true point of beginning; thence continuing along above said canal right of way boundary North 35°58'00" East 478.25 feet, more or less, to the Southerly right of way boundary of U.S. G. canal; thence along said boundary as follows: South 56°23'30" East 223.80 feet; (For continuation of this document, see reverse side of this deed.)

(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 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, 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 \$138,500.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole or 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 22 day of February, 1980; 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)

James A. Bingham  
Bernadine K. Bingham

STATE OF OREGON, } ss.  
County of Klamath }  
February 22, 1980

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 \_\_\_\_\_

Personally appeared the above named James A. Bingham and Bernadine K. Bingham, husband and wife,

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires \_\_\_\_\_

Notary Public for Oregon

My commission expires \_\_\_\_\_

Karla Bennett (OFFICIAL SEAL)  
KARLA BENNETT  
NOTARY PUBLIC-OREGON  
My Commission Expires 4/24/84

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/reel/volume No. \_\_\_\_\_ on

page \_\_\_\_\_ or as document/fee/file/instrument/microfilm No. \_\_\_\_\_

Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

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

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to: Mr. & Mrs. John Davidson  
9425 Dabinger  
Klamath Falls

NAME, ADDRESS, ZIP

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

same as now listed  
Department of Veterans' Affairs

NAME, ADDRESS, ZIP

SPACE RESERVED  
FOR  
RECORDER'S USE

thence South 58°36'00" East 366.50 feet; thence South 86°24'00" East 317.60 feet to a ½" galvanized iron pipe in alignment with an existing North-South fence line; thence along said fence alignment as follows: South 05°55'30" West 1098.40 feet; thence South 00°48'30" East 72.20 feet, more or less, to a point on the North boundary extended of that parcel of real property described and recorded in M-70 at page 9929, of Deed Records of Klamath County, Oregon, and distant 60.35 feet from the Northeast corner thereof; thence South 83°01'45" West along said boundary and boundary extended a distance of 992.05 feet, more or less, to a ½" galvanized pipe which is distant 153.70 feet Easterly from the most Northwesterly corner of aforesaid parcel of real property; thence North 1232.84 feet to the true point of beginning.

EXCEPTING THEREFROM a parcel of land, being more particularly described as follows:

Beginning at a ½" iron rod on the Easterly boundary of the above described parcel from which a ½" iron pipe marking the true point of beginning of said above described parcel bears North 676.45 feet; thence North 83°01'45" East 980.72 feet to a ½" iron rod; thence South 5°55'30" West 484.72 feet to a ½" iron rod; thence South 00°48'40" East 82.18 feet to a ½" iron pipe; thence South 83°01'45" West 931.70 feet to a ½" iron pipe; thence North 556.39 feet to the true point of beginning.

Subject, however, to the following:

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District.
2. Easement Agreement, including the terms and provisions thereof, between Obil S. Collman and Berniece Collman, and Harvey E. Wise and Vivian Wise, across the SW¼ of Section 5, Township 40 South, Range 10 East of the Willamette Meridian, recorded December 31, 1964 in Book 358 at page 417, Deed Records, for purpose of carrying and conducting irrigation water.
3. Subject to a 20 foot easement as disclosed by Agreement between Obil S. Collman, et ux., and Charles I. Collins, et ux., dated July 12, 1972, recorded June 2, 1977 in Book M-77 at page 9631, Microfilm Records, for ingress and egress across Obil S. Collman's adjacent property.
4. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$93,100.00

Dated : March 13, 1978  
 Recorded : March 13, 1978 Book: M-78 Page: 4764  
 Mortgagor : James A. Bingham and Bernadine K. Bingham, husband and wife,  
 Mortgagee : State of Oregon, represented and acting by the Director of Veterans' Affairs, which mortgage grantee hereby assumes and agrees to pay according to its terms and also hereby assumes the obligation of James A. Bingham and Bernadine K. Bingham, husband and wife, under the terms of the instruments creating the loan to indemnify the VA to the extent of any claim payment arising from the guaranty or insurance of the indebtedness above-mentioned, and consents to his release from his obligations under the loan instruments, with a present balance due and owing to State of Oregon in the sum of \$90,697.91 with interest paid to February 22, 1980.

5. Agreement and Easement, including the terms and provisions thereof, dated January 6, 1979, recorded January 25, 1979, in Book M-79 at page 2159, Microfilm Records, between Charles I. Collins and Shirley J. Collins, husband and wife, Obil S. Collman and Berniece Collman, husband and wife, and James A. Bingham and Bernadine K. Bingham, husband and wife.

6. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.

this 22nd day of February A. D. 1980 at 4:51 P M, and

fully recorded in Vol. N80 of Deeds on Page 3612

Wm D. MILNE, County Clerk

By Bernetha H. Hetsch

Fee \$7.00