

1-1-74

K-32854

41667

WARRANTY DEED—TENANTS BY ENTIRETY

1780 page

4484



KNOW ALL MEN BY THESE PRESENTS, That Steve C. Josse and Mary Ann Josse, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Nicolau Morgado and Judith Morgado, 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:

PARCEL 1:

A tract of land situated in the NE $\frac{1}{4}$ of Section 19, Township 39 South, Range 11 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin situated S 00°14'22" W 333.00 feet from the northeast corner of said Section 19, marked by a County Surveyor brass capped monument; thence S 00°14'22" W 776.83 feet to a 5/8 inch iron pin; thence S 11°36'09" W 87.28 feet to a 5/8 inch iron pin; thence N 85°39'29" W 1035.29 feet to a 5/8 inch iron pin on the easterly right of way line of the County Road; thence along the said easterly right of way line N 41°01'05" W 15.74 feet to a 5/8 inch iron pin; thence along the arc of a curve to the right (central angle = 30°53'45", radius = 610.00 feet) 328.93 feet to a 5/8 inch iron pin; thence N 10°07'20" W 486.51 feet to a 5/8 inch iron pin; thence leaving said right of way line East 1289.21 feet (For continuation of this document, see reverse side of this deed.)

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,

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 \$ 148,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols $\textcircled{1}$, 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 1 day of March, 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)

Steve C. Josse
Mary Ann Josse

By: Steve C. Josse
Her Attorney-in-fact

STATE OF OREGON, County of Klamath, 19 80.

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 _____

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: 8-5-83

Notary Public for Oregon
My commission expires 8-5-83

Personally appeared the above named Steve C. Josse

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

Before me:

(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Mr. and Mrs. Nic Morgado

Et 1 By 2165 Bonanza 9 97628

NAME, ADDRESS, ZIP

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

Same

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 _____, 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

SPACE RESERVED FOR RECORDER'S USE

feet to the point of beginning, containing 22.64 acres, more or less.

PARCEL 2:

A tract of land situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 39 South, Range 11 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point on the west line of said Section 20, said point being S 00°14'22" W 333.00 feet from the north-west corner of said Section 20; thence East 152.34 feet to the westerly bank of Lost River; thence southerly along the West bank of said Lost River S 05°50'44" W 319.04 feet and S 14°59'54" W 475.63 feet to the west line of said Section 20; thence N 00°14'22" E along said west line 776.83 feet to the point of beginning, containing 1.63 acres, more or less.

SAVING AND EXCEPTING therefrom the following described property: A strip of land 60 feet wide and 750 feet long, measured on the centerline, said centerline being more particularly described as follows: Beginning at a point 760.0 feet West and 1180.0 feet South of the section corner common to Sections 17, 18, 19 and 20, Township 39 South, Range 11 East of the Willamette Meridian, said point being on the East bank of the Horsefly Irrigation Canal; thence East a distance of 750.0 feet to the West bank of Lost River, the above described tract of land containing one acre, more or less, recorded in Deed Volume 258 page 85, Deed Records of Klamath County, Oregon.

Subject, however, to the following:

1. Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder.
 2. Liens and assessments of Klamath Project and Horsefly Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
 3. Rights of the Federal Government, the State of Oregon, and the general public in any portion of the herein described premises lying below the high water line of Lost River.
 4. Reservations and restrictions in deed from State of Oregon, as follows: "Subject, however, to right of way for ditches, canals and reservoir sites for irrigation purposes, constructed or which may be constructed by authority of the United States or otherwise, which right of way is hereby expressly reserved." Affects Parcel 2.
 5. Grant of right of way, including the terms and provisions thereof, from Ronald V. Ketcham and Madeline M. Ketcham, husband and wife, to the California Oregon Power Company, a California corporation, dated March 23, 1953, recorded March 26, 1953, in Volume 259 page 608, Deed Records of Klamath County, Oregon, for construction and maintenance of power lines. Affects Parcel 1.
 6. Grant of right of way, including the terms and provisions thereof, given by the Horsefly Irrigation District to the California Oregon Power Company, a California corporation, dated March 26, 1931, recorded April 15, 1931, in Volume 95, page 111, Deed records of Klamath County, Oregon, for construction and maintenance of power lines. Affects Parcel 1.
 7. Rights granted to the Horsefly Irrigation District by instrument recorded in Volume 7 page 343, Miscellaneous records of Klamath County, Oregon, affects Parcel 2.
 8. Right of way, including the terms and provisions thereof, given by Homer M. Holt and Carol M. Holt, husband and wife, to The California Oregon Power Company, dated June 22, 1950, recorded June 23, 1950, in Volume 239 page 653, Deed records of Klamath County, Oregon. Affects Parcel 2.
 9. Right of way agreement, including the terms and provisions thereof, given by Homer M. Holt and Carol M. Holt, husband and wife, to Pacific Gas Transmission Company, a California corporation, dated February 6, 1960, recorded March 21, 1960, in Volume 319 page 590, and described in Notice of Location, dated September 18, 1961, recorded September 21, 1961, in Volume 332 page 414, Deed records of Klamath County, Oregon. Affects Parcel 2.
 10. Easement and right of way for gas pipe line, including the terms and provisions thereof, given by Ronald V. Ketcham and Madeline M. Ketcham, husband and wife, to El Paso Natural Gas Co., a corporation, dated January 10, 1961, recorded January 30, 1961, in Volume 327 page 115, Deed records of Klamath County, Oregon. Affects Parcel 1.
- (See attached Exhibit "A" and by this reference incorporated herein as if fully set forth herein.)

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11. Mortgage, including the terms and provisions thereof, executed by Steven C. Josse and Mary Ann Josse, husband and wife, Nicolas A. Morgado and Judith L. Morgado, husband and wife, to The Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated December 21, 1979, recorded January 10, 1980, in Volume M-80 page 527, Mortgage Records of Klamath County, Oregon, to secure the payment of \$90,000.00, which Grantees herein agree to assume and pay, the unpaid principal balance of which is \$89,823. with interest paid to 4/1/80.

FORM No. 152—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

STATE OF OREGON,

County of Klamath } ss.

On this the 10th day of March, 19 80 personally appeared Steve C. Josse who, being duly sworn (or affirmed), did say that he is the attorney in fact for Mary Ann Josse and that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:

(Official Seal)

(Signature)

My commission expires 8-5-83

(Title of Officer)

STATE OF OREGON; COUNTY OF KLAMATH; ss.

led for record at request of Klamath County Title Co.

on 10th day of March A. D. 1980 at 2:37 o'clock P.M., and duly recorded in Vol. 1130, of Deeds on Page 4484

Fee \$10.50

Wm D. MILNE, County Clerk

By *[Signature]* Notary

EXHIBIT "A"