

1-1-74

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. 80 Page 9288

84583

KNOW ALL MEN BY THESE PRESENTS, That John E. Hess and Blossom Hess, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Fred G. Hess and Edith M. Hess, 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 SW 1/4 of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 72° 53' 24" E 4666.77 feet and the Southeast corner of a potato cellar bears N 14° 33' 30" W 22.3 feet; thence S. 49° 10' 30" W 132.51 feet to a point from which the southwest corner of said potato cellar bears S. 67° 36' W 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning.

PARCEL 2: A tract of land situated in Sections 20, 21, 28 and 29 all in Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the point of intersection of the northeasterly right of way line of State Highway No. 39 (for continuation of this legal description 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 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 \$127,559.76. However, the actual consideration consists of or includes other property or value given or promised which is the whole 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 1st day of April, 1977; 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)

JOHN E. HESS
BLOSSOM HESSBy Blossom Hess
Her Attorney-in-fact

STATE OF OREGON, County of Klamath, ss.

STATE OF OREGON,)
County of Klamath) ss.
April 19, 1977Personally appeared the above named
John E. Hess

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

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires 6/4/1977

On this the 19 day of April, 1977 personally appeared John E. Hess, who, being duly sworn, did say that he is the attorney in fact for Blossom Hess and he acknowledged said instrument to be the act and deed of said principal.

Before me:

Susan Kay Way
Notary Public for Oregon

Notary Public for Oregon

My commission expires 6/4/1977

Mr. and Mrs. John Hess
7529 1/2 Hilyard Street
Klamath Falls, Oregon 97601Mr. and Mrs. Fred G. Hess
Rt. 1 Box 631-C
Klamath Falls, Oregon 97601

After recording return to:

Mr. and Mrs. Fred G. Hess
Rt. 1 Box 631-C
Klamath Falls, Oregon 97601

NAME, ADDRESS, ZIP

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

Mr. and Mrs. Fred G. Hess
Rt. 1 Box 631-C
Klamath Falls, Oregon 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.

Recording Officer

By Deputy

SPACE RESERVED
FOR
RECORDER'S USE

(Merrill Highway) and the section line common to said Sections 28 and 29; thence northwesterly along said northeasterly right of way line to the west line of the SE 1/4 SE 1/4 of said Section 20; thence northerly along the west line of the SE 1/4 SE 1/4 of said Section 20 to the center-line of the U.S.B.R. Drain; thence easterly along said drain to the section line common to said Sections 20 and 21; thence East to the east line of the SW 1/4 SW 1/4 of said Section 21; thence southerly along the east line of the SW 1/4 SW 1/4 of said Section 21 and the east line of the W 1/2 NW 1/4 of said Section 28 to the southwesterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the south line of the NW 1/4 of said Section 28; thence westerly along the south line of the said NW 1/4 to the southwest corner of the NW 1/4 of said Section 28; thence Northerly along the west line of the NW 1/4 of said Section 28 to the point of beginning.

Subject, however, to the following:

1. Mortgage dated April 2, 1976, in favor of Oregon State V. A., which mortgage grantees hereby assume and agree to pay according to its terms and also hereby assume the obligation of John E. Hess and Blossom Hess, 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 their release from their obligations under the loan instruments. Said mortgage recorded in Book M-76, Page 4874. The present balance unpaid is \$109,077.49.
2. Mortgage dated April 2, 1976 in favor of Laurence C. Jespersen, Ruby L. Jespersen, Francis E. Jespersen and Edna Mae Jespersen, which mortgage grantees hereby assume and agree to pay according to its terms and also hereby assume the obligation of John E. Hess and Blossom Hess, husband and wife. The present balance unpaid is \$5,248.94 to Jespersen, et al.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
Filed for record at request of Klamath County Title Co.
this 21st day of May A.D. 1980 at 11:32 o'clock A. M., and
duly recorded in Vol. M80, of Deeds on Page 9280
Wm D. MILNE, County Clerk.
By Bernetha Heloach
Fee \$7.00