

90043

KNOW ALL MEN BY THESE PRESENTS, That Robert E. Fitzgerald and Beverly G. Fitzgerald, Husband and Wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Robert W. West and Gwendolyn F. West, Husband and Wife, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

SEE LEGAL DESCRIPTION AS IT APPEARS ON THE REVERSE OF THIS DEED

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as stated on the reverse of this deed or 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 \$ 53,500.00. 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 OBS 91030.)

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 20 day of September, 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)

STATE OF OREGON,) ss.
County of Klamath
September 20, 1980

Personally appeared the above named Robert E. Fitzgerald and Beverly G. Fitzgerald and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: My Commission Expires July 13, 1981

Robert E. Fitzgerald and Beverly G. Fitzgerald

GRANTOR'S NAME AND ADDRESS

Robert W. West
4350 Barry Ave.
Klamath Falls, Oregon 97601

GRANTEE'S NAME AND ADDRESS

After recording return to:

as above

NAME, ADDRESS, ZIP

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

as above

NAME, ADDRESS, ZIP

STATE OF OREGON, County of) ss.
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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:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

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

Portion of Lots 2 and 3, Block 2, of FIRST ADDITION TO TONATEE HOMES, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, said portion being more particularly described as follows:

Beginning at the most Easterly corner of Lot 3 in Block 2 of FIRST ADDITION TO TONATEE HOMES, thence South $47^{\circ} 42'$ West 10.00 feet along the Southeasterly line of said Lot 3 to an iron pin marking the true point of beginning; thence South $47^{\circ} 42'$ West 87.40 feet continuing along the Southeasterly line of said Lot 3 to the angle therein; thence West 31.09 feet along the South line of said plat to a point marked by an iron pin; thence North $18^{\circ} 27' 40''$ West 128.75 feet to a point on the Southerly margin of Barry Avenue marked by an iron pin; thence along the arc of a curve to the left having a radius of 125.00 feet to a point which bears North $65^{\circ} 15' 34''$ East 61.21 feet from the last described point; thence South $42^{\circ} 18'$ East 120.22 feet to the true point of beginning.

1. Assessments, if any, due to the City of Klamath Falls for water use.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of South Suburban Sanitary District.
4. Restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, as shown on recorded plat of First Addition to Tonatee Homes: "subject to a building set-back as shown along all streets, a 7.5 foot side line setback along all lots, and an easement along the back of all lots as shown on the annexed plat for present and future public utilities, drainage and perpetual right of way for ditches to convey irrigation water, said easement to provide ingress and egress for construction and maintenance of such utilities with no structures being permitted thereon and any plantings being placed thereon at the risk of the owner."
5. A 20 foot building setback line as shown on dedicated plat.
6. A 10 foot utility easement and irrigation easement along rear lot line as shown on dedicated plat.
7. Covenants, conditions and restrictions, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof, recorded October 5, 1959 in Volume 316, page 326, and corrected by instrument recorded in Volume 332, page 660, Deed Records of Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Mountain Title Co.

this 22nd day of September A. D. 1980 at 3:18 o'clock P.M., am.

duly recorded in Vol. M80, of Deeds on Page 18092

Wm D. MILNE, County Clerk

Fee \$7.00

By Barbara J. Heltsch