

WARRANTY DEED - TENANTS BY ENTIRETY

Vol. m81 Page 561KNOW ALL MEN BY THESE PRESENTS, That Franz S. Achleithner and Emma C. Achleithner, husband and wife,hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by John P. Mikkelsen and Jane E. Mikkelsen,

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 ap-

pertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

A parcel of land situated in the SW1/4 of the SE1/4 of Section 13, Township 37 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows: Beginning at a 5/8 inch iron rod on the Southerly right-of-way of the Algoma County Road from which the brass cap marking the Southeast corner of Section 37, Township 37 South, Range 8 East of the Willamette Meridian bears South 00° 02' 14" West, 594.03 feet and South 89° 52' 58" East, 2119.04 feet, thence South 00° 02' 14" West, 223.01 feet to a 5/8 inch iron rod, thence South 80° 30' 44" West 311.22 feet to a 5/8 inch iron rod, thence North 00° 02' 14" East, 203.89 feet to a 5/8 inch iron rod on the Southerly right-of-way line of said Algoma County Road, thence North 71° 13' 41" East, 42.20 feet along said Southerly right-of-way line to a point, thence along the arc of a 1115.25 foot radius curve to the right 220.71 feet to a point, (the long chord of which bears North 76° 53' 04" East (for continuation of this legal see reverse side of this document)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the en-

tirety, 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, to affirm and 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 \$6,000.00. 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 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 7th 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)

Franz S. Achleithner

Emma C. Achleithner

Emma C. Achleithner

STATE OF OREGON,

STATE OF OREGON, County of Klamath,County of Klamath,

February 7, 1980.

Personally appeared

Personally appeared the above named Franz S. Achleithner and Emma C. Achleithner, husband and wife,

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

NOTARIAL PUBLIC

My commission expires May 20, 1983

Notary Public for Oregon

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, a Notary Public for Oregon, in Book 61 at page 60, (OFFICIAL SEAL)

Notary Public for Oregon

My commission expires

STATE OF OREGON,

County of Klamath,

I certify that the within instrument was received for record on the 7th day of February, 1980, at 10 o'clock A.M., and recorded in book/reel/volume No. 561 on page 561 or as document/tee/file/instrument/microfilm No. 561

Record of Deeds of said county.

Witness my hand and seal of Klamath County, affixed

By Notary Public Deputy

NAME, ADDRESS, ZIP

NAME, ADDRESS, ZIP

220.36 feet), thence North 82° 34' 03" East, 52.86 feet to the point of beginning.

SUBJECT TO an easement 30.00 feet in width for ingress, egress and utilities, in and over a strip of land, the centerline of which is described as follows:

Beginning at a point on the Westerly boundary of the above described parcel, from which the most Northwesterly corner thereof bears North 00° 02' 14" East, 78.85 feet, thence North 80° 57' 12" East, 49.00 feet, thence South 85° 24' 56" East, 201.01 feet, thence South 12° 29' 38" East, 54.46 feet, thence South 67° 45' 07" West, 89.07 feet to a point on the Southerly boundary of the above described parcel from which the Southeast corner thereof bears North 80° 30' 44" East, 130.57 feet.

TOGETHER WITH an easement 30.00 feet in width for ingress, egress and utilities in and over a strip of land, the centerline of which is described as follows:

Beginning at a point on the Westerly boundary of the first above described parcel from which the most Northwesterly corner thereof bears North 00° 02' 14" East, 78.85 feet, thence South 80° 57' 12" West, 122.55 feet, thence North 79° 04' 37" West, 250.56 feet, thence North 72° 25' 02" West, 311.16 feet, thence North 43° 43' 22" West, 187.27 feet, thence North 45° 39' 03" East, 1.48 feet to the Southwesterly right-of-way line of the Algoma County Road.

Basis of bearings: Recorded Survey No. 3076 as filed with the Klamath County Surveyor's Office.

Subject, however, to the following:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. Rights of the public and of governmental bodies in that portion of the above described property lying below the high water mark of Upper Klamath Lake and the ownership of the State of Oregon in that portion lying below the high water mark thereof.
3. Terms and provisions as contained in Deed between John Hagelstein and Mary Hagelstein to Oregon Eastern Railway Company, dated February 13, 1909, recorded July 22, 1909 in Book 26 at page 392, Deed Records.
4. Reservations, including the terms and provisions thereof, and easement as contained in Book 33 at page 181, Deed Records, dated June 24, 1911, recorded June 28, 1911, between John Hagelstein and Mary Hagelstein to D. B. Campbell.
5. An Agreement, including the terms and provisions thereof, dated May 22, 1915, recorded July 24, 1915 in Volume 45, page 7, Deed Records, between John Hagelstein and Mary Hagelstein to Algoma Lumber Company.
6. Rights of the United States for easement for flowage and seepage of Lots 2, 3, 4, 7, Section 24, Township 37 South, Range 8 East of the Willamette Meridian, as contained in Deed Book 50 at page 560, dated October 9, 1919, recorded October 29, 1919, between August Kruger to the United States of America.
7. A grant of right of way between Algoma Lumber Company and California Oregon Power Company, dated November 22, 1921, recorded February 23, 1922 in Book 58 at page 86, Deed Records, for distribution and transmission of electricity.
8. A grant of right of way between Peter Peterstiener and California Oregon Power Company for the transmission and distribution of electricity, as contained in Book 61 at page 69, Deed Records, dated April 7, 1923, recorded April 13, 1923.
9. An Agreement, including the terms and provisions thereof, between Algoma Lumber Company and Union Bank and Trust Company of Los Angeles, dated December 20, 1939, recorded January 27, 1940 in Book 126 at page 575, Deed Records, for the regulating, controlling the waters, shores and beds of Upper Klamath Lake.
10. Reservations, including the terms and provisions thereof, as contained in Deed Book 147 at page 361, dated January 8, 1942, recorded February 14, 1942 between Hans Uhrman and The State Highway Commission.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.

this 26th day of March A.D. 1981 at 3:38 clock P.M., and

duly recorded in Vol. M81, of Deeds on Page 5461

EVELYN BIEHN, County Clerk

By Debra A. Jansyn