

10330 MTC 1396

Vol. 282 3821 3826

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS:

That DARR LEE GOSS and BARBARA H. GOSS, husband and wife, and ROSE LARIE GOSS NICHOLAS, formerly known as ROSE LARIE GOSS, hereinafter called the "GRANTORS", for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto JOHN L. GOSS and ROSE D. GOSS, husband and wife, also known as JOHN L. GROSS and ROSE D. GROSS, husband and wife, hereinafter called "GRANTEES", and unto GRANTEES' heirs, successors, and assigns all of the GRANTORS' right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

A tract of land situated in the SE 1/4 NE 1/4 of Section 3, Twp. 36 S., R. 6, E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the SE 1/4 NE 1/4 of said Section 3, thence, West along the North line of said SE 1/4 NE 1/4 of said Section 3 a distance of 350 feet to an iron pin set in concrete and located on said North line of said SE 1/4 NE 1/4 and which is a corner of the Tract of Land conveyed to C. T. Darley by deed recorded in Vol. 342 at page 209 of Klamath County, Oregon Deed Records, and which is the true point of beginning of this description; Thence, South 2° 17' East along the West line of said Tract conveyed to C.T. Darley by said deed recorded in Vol. 342 at page 209 a distance of 160 feet, more or less, to a pipe set in concrete; Thence, North 84° 42' West a distance of 75.75 feet to an iron pin; Thence, North 2° 17' West a distance of 150 feet to a 3/4" iron pipe located on the North line of said SE 1/4 NE 1/4 of said Section 3; Thence, East on said North line of said SE 1/4 NE 1/4 of said Section 3 a distance of 75 feet to the point of beginning;

TOGETHER WITH full right of ingress and egress to and from the West Side Highway by means of a Private 20 foot wide Roadway, the center line of which said Roadway is more particularly described as follows, to-wit:

Commencing at the pipe set in concrete which marks the

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W. C. MCKINNEY
ATTORNEY AT LAW
402 FRANKLIN BUILDING, 495 STATE STREET
SALEM, OREGON 97301
(503) 585-7500

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Southeast corner of the above described Tract of Land herein conveyed, which said pipe is situated on the Easterly line of said Roadway and marks the Northeast corner thereof; Thence, North 84° 42' West a distance of 10.00 feet along the South line of the above described Tract of Land to a point which is the Point of Beginning of the said center line of said Private 20 foot wide Roadway; Thence, running along the said center line of said Roadway as follows: South 10° 55' West 77.8 feet (said course and distance being described as North 10° 57' East 76.2 feet in the deed to C. T. Darley recorded in Vol. 342 at page 209 of Klamath County, Oregon Deed Records) to the most Southwest corner of the Tract of Land conveyed to C. T. Darley by said Deed recorded in Vol. 342 at page 209 of Deed Records; Thence, South 11° 03' West 77.6 feet to the Northwest corner of the Tract of Land conveyed to Terence L. Boyer et ux. by Deed recorded in Vol. M65 at page 3936 of Klamath County, Oregon Deed Records; Thence, South 30° 49' West along the West line of said Boyer Tract a distance of 34.9 feet, more or less, to the Northeast corner of the Tract of Land conveyed to Freeman Kelley et ux. by Deed recorded in Vol. 355 at page 495 of Klamath County, Oregon Deed Records; Thence, South 47° 20' West along the Northerly line of said Kelley Tract a distance of 37.5 feet to the Northwest corner of said Kelley Tract, which point is also the Northeast corner of the Tract of Land conveyed to Thomas Bownass et ux. by Deed recorded in Vol. 341 at page 414 of Klamath County, Oregon Deed Records; Thence, South 67° 27' 30" West along the Northerly line of said Bownass Tract a distance of 38.6 feet to the Northwest corner of said Bownass Tract, which point is also the Northeast corner of the Tract of Land conveyed to Harold A. Ricks et ux. by Deed recorded in Vol. 336 at page 45 of Klamath County, Oregon Deed Records; Thence, South 78° 29' West a distance of 54.2 feet along the Northerly line of said Ricks Tract to the Northwest corner of said Ricks Tract, which said point is also the Northeast corner of that certain Tract of Land described as Parcel 5 in that certain Deed to Dick Reeder recorded in Vol. M66 at page 6186 of Klamath County, Oregon Deed Records; thence, South 81° 01' West along the North line of said Parcel 5 to the Northwest corner of said Parcel, which point is also the Northeast corner of that certain Tract of Land described as Parcel 4 in said Reeder Deed; Thence, North 70° 22' West along the North line of said Parcel 4 a distance of 40.0 feet, more or less, to the Northwest corner of said Parcel, which point is also the most Easterly corner of that certain Tract of Land described as Parcel 3 in said Reeder Deed; Thence, North 52° 13' 30" West (said course being described as North 52° 12' 30" West in said Reeder Deed) along the Easterly line of said Parcel 3 a distance of 44.0 feet, more or less, to the most Northerly corner of said Parcel, which point is

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also the Southeasterly corner of that certain Tract of Land described as Parcel 2 in said Reeder Deed; Thence, North 36° 14' West along the Easterly line of said Parcel 2 a distance of 69.15 feet, more or less, to the most Northerly corner of said Parcel, which said point is also the Southeasterly corner of the Tract of Land conveyed to Terence L. Boyer et ux. by Deed recorded in Vol. M65 at page 3939 of Klamath County, Oregon Deed Records; Thence, running North 8° 01' West 65 feet and North 4° 29' East 78 feet along the East line of said Boyer Tract to the Northeast corner thereof, which point is also the Southeast corner of the Tract of Land conveyed to Robert A. Scott et ux, by Deed recorded in Vol. M65 at page 3934 of Klamath County, Oregon Deed Records; Thence, North 13° 59' West along the East line of said Scott Tract a distance of 75.0 feet, more or less, to the Northeast corner of said Scott Tract; Thence, North 1° 04' West a distance of 300.5 feet, more or less, to the Northwest corner of Lot 1 of Harriman Park, Klamath County, Oregon, said Private 20 foot wide Roadway being bounded at its Westerly Terminus by the Westerly Lot lines of Lots 1 and 2 of said Harriman Park and intersecting with the Southerly Terminus of Dugout Lane, a dedicated Public Road, and being bounded at its Easterly Terminus by the South Line of the above described Tract of Land herein conveyed to said John L. Gross and Rose D. Gross, husband and wife, and being situated 10 feet on each side of the above described center line.

Together with two perpetual non-exclusive easements and rights of way for road purposes and also for access to Harriman Creek over and across the following described premises situate in Klamath County, Oregon, to-wit:

Easement No. I

Beginning at the most Southwesterly corner of the Tract of Land conveyed to C. T. Darley by deed recorded in Vol. 342 at page 209 of Klamath County, Oregon Deed Records, which said point is also the Southeasterly corner of the Tract of Land conveyed to said Clifford Daniel Miller by Vivian N. Todd by deed dated October 13, 1966 and recorded October 21, 1966, in Vol. M66 at page 11211 of Klamath County, Oregon Deed Records; thence, North 10° 55' East along the Westerly line of said Tract of Land conveyed to C. T. Darley a distance of 77.8 feet, more or less (said Course and Distance being described as North 10° 57' East 76.2 feet in said Darley Deed) said line also being the East line of said Tract of Land conveyed to said Clifford Daniel Miller to the South line of the Tract of Land conveyed to said John L. Goss and Rose D. Goss, husband and wife, (the names of said grantees being misspelled as Gross in said Deed) by Vivian N. Todd by Deed dated October 12, 1966 and recorded October 20, 1966,

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in Vol. M66 at page 10168 of Klamath County, Oregon Deed Records;
 Thence, South $84^{\circ} 42'$ East along the South line of said Goss Tract a distance of 10 feet to an iron pipe set in concrete which marks the Southeast corner of the Tract of Land conveyed to said John L. Goss and Rose D. Goss, husband and wife, and which is also situate on the West line of said Tract of Land conveyed to C. T. Darley and which pipe is situated on the Easterly line of the Private 20 foot wide Roadway described in said Deed to John L. Goss and Rose D. Goss, husband and wife, and marks the Northeast corner thereof;
 Thence, Southerly on a line parallel to and 10 feet East of the East line of said Tract of Land conveyed to said Clifford Daniel Miller which said line is on the East line of said Private 20 foot wide Roadway to the Northwest corner of the Tract of Land conveyed to Walter L. Clink et ux. by Deed recorded in Vol. 332 at page 533 of Klamath County, Oregon Deed Records, which said point is situate on the South line of said Tract of Land conveyed to C. T. Darley;
 Thence, North $81^{\circ} 45'$ West on the South line of said Darley Tract to the point of beginning.

Easement No. II

Beginning at the iron pipe located on the North bank of Harriman Creek, Klamath County, Oregon, which marks the Northeast corner of said Tract of Land conveyed to Walter L. Clink et ux. by said Deed recorded in Vol. 332 at page 533 of Klamath County, Oregon Deed Records;
 Thence, North $81^{\circ} 45'$ West a distance of 142.6 feet, more or less, along the North line of said Clink Tract, which said line is also the South line of said Tract of Land conveyed to C. T. Darley by said Deed recorded in Vol. 342 at page 209 of Klamath County, Oregon Deed Records, to the Northwest corner of said Clink Tract, which said point is also the Northeast corner of the Tract of Land conveyed to Charles Joseph Miller by Deed dated October 14, 1966 and recorded October 26, 1966 in Vol. M66 at page 11300 of Klamath County, Oregon Deed Records;
 Thence, continuing North $81^{\circ} 45'$ West on the South line of said Darley Tract, which is also the North line of said Charles Joseph Miller Tract, a distance of 10 feet, more or less, to the most Southwesterly corner of said Darley Tract, which said point is also the Southeast corner of the Tract of Land conveyed to Clifford Daniel Miller by deed recorded in Vol. M66 at page 1121 of Klamath County, Oregon Deed Records;
 Thence, North $10^{\circ} 55'$ East along the Easterly line of said Clifford Daniel Miller Tract (being the Westerly line of said Darley Tract but with said course being described as North $10^{\circ} 57'$ East in said Darley Deed) a distance of 25 feet;

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W. C. McKINNEY
 ATTORNEY AT LAW
 402 FRANKLIN BUILDING, 405 STATE STREET
 SALEM, OREGON 97301
 (503) 512-7500

Thence, South 81° 45' East on a line parallel to the North line of said Clink Tract (also being the South line of said Darley Tract) to the North Bank of Harriman Creek; Thence, Southwesterly along the North Bank of Harriman Creek to the point of beginning. The foregoing easement shall also include the perpetual, but non-exclusive right, to construct, excavate, develop and maintain docks and boat landing and launching facilities on and along Harriman Creek on the above described land.

Said Easements shall be appurtenant to and for the benefit of said Tract of Land conveyed to said John L. Goss and Rose D. Goss, husband and wife, by Vivian N. Todd by said Deed recorded in Vol. M66 at page 10168 and also to be appurtenant to and for the benefit of said Tract of Land conveyed to said Clifford Daniel Miller by Vivian N. Todd by said Deed recorded in Vol. M66 at page 11211; and also appurtenant to and for the benefit of said Tract of Land conveyed to said Charles Joseph Miller by deed recorded in Vol. M66 at page 11300 of Klamath County, Oregon Deed Records.

SAVING AND RESERVING unto the C. T. Darley, his heirs, grantees and assigns, the right to use said roadways, docks and boat landing and launching facilities for the benefit of all of his lands in the NE 1/4 of Section 3, Twp. 36 S., R. 6 E.W.M., Klamath County, Oregon, and each and every part and parcel thereof forever, as the same now are and also as they may hereafter be subdivided and conveyed.

TOGETHER WITH an easement for utilities 5 feet in width along the edge of said Roadway as more particularly described in the recorded Deeds hereinbefore referred to.

SUBJECT TO: Easements and rights of way of record and those apparent on the land; Agreements relative to the raising and lowering of the waters of Upper Klamath Lake; Agreement recorded December 19, 1952, in Vol. 258 at page 287 of Klamath County, Oregon Deed Records, as corrected by Agreement recorded December 27, 1955 in Vol. 280 at page 146 of said Deed Records, prohibiting the use of said premises for any resort or competing commercial use as more specifically defined in said Agreement, for a period of 30 years from the date of said Agreement; and also to the following building and use restrictions which grantees, their heirs, grantees and assigns covenant and agree to observe and comply with, and which shall run with and bind the land herein conveyed and for the benefit of the lands in Sec. 3, Twp. 36 S., R. 6 E.W.M., Klamath County, Oregon heretofore conveyed by either Vivian N. Todd (who was formerly Vivian N. Johnson) or William K. Johnson and also for the benefit of the land in said Section 3 now owned by said Vivian N. Todd or said William K. Johnson, and for the benefit of every part and

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parcel of said lands, to-wit:

- (1) That said premises will be used solely as a residence or summer home site;
- (2) That said premises shall never be subdivided nor shall any less portion than the whole thereof ever be sold, leased or conveyed;
- (3) That no building, except one residence or summer home and the usual and necessary outbuildings incidental thereto, shall ever be erected thereon; that the ground floor of such residence or summer home, exclusive of open porches and garages, shall not be less than 400 square feet; that all construction, finish and materials shall be of first class quality; that all structures, except those finished in shingles, shakes, or logs, shall be painted with at least two coats of paint, varnish or stain. External construction of all structures, including the painting thereof, shall be fully completed within two years from the start of said construction;
- (4) That no building shall be erected within ten feet of any exterior property line;
- (5) That no unlawful, noxious or offensive activity shall be carried on upon said premises, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood;
- (6) That trash, garbage or other waste shall not be kept except in sanitary containers; that incinerators or other equipment for the storage or disposal of materials shall be kept in a clean and sanitary condition; that lavatories and toilets shall be built indoors and connected with outside septic tanks and shall be constructed, used and maintained in conformity with and so as to comply with all applicable laws and regulations;
- (7) That the foregoing covenants and restrictions shall be incorporated in and made a part of every deed or conveyance hereafter executed for the purpose of conveying these premises.

To Have and to Hold the same unto said GRANTEES and GRANTEES' heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -0-. However, the actual

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consideration consists of love and affection which is the whole consideration.

In Witness Whereof, said GRANTORS have executed this instrument this 12th day of March, 1982.

Darr Lee Goss
Darr Lee Goss

Barbara H. Goss
Barbara H. Goss

Rose Larie Goss Nicholas
Rose Larie Goss Nicholas

STATE OF OREGON)
County of Marion) ss.
March 12th, 1982.

Personally appeared the above named Darr Lee Goss and Barbara H. Goss, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Louis L. Quance
Notary Public for Oregon
My Commission Expires: July 1, 1982

STATE OF OREGON)
County of Marion) ss.
March 12, 1982.

Personally appeared the above named Rose Larie Goss Nicholas, formerly known as Rose Larie Goss and acknowledged the foregoing instrument to be her voluntary act and deed.

Robert J. Dean
Notary Public for Oregon
My Commission Expires: 4-07-85

BARGAIN AND SALE DEED

W. C. MANNING
ATTORNEY AT LAW
402 FRANKLIN BUILDING, 408 STATE STREET
SALEM, OREGON 97301
(503) 585-7900

GRANTORS' NAMES AND ADDRESSES:

Darr Lee Goss and Barbara H. Goss, husband and wife, GRANTORS
542 N. 11th
Aumsville, OR 97325

Rose Larie Goss Nicholas, GRANTOR
320 23rd St., S.E.
Salem, OR 97301

GRANTEES' NAMES AND ADDRESS:

John L. Goss and Rose D. Goss
1510 Gossamere Ln.
Stayton, OR 97383

AFTER RECORDING RETURN TO:

John L. and Rose D. Goss
1510 Gossamere Ln.
Stayton, OR 97383

UNTIL A CHANGE IS REQUESTED ALL TAX
STATEMENTS TO BE SENT TO:

John L. and Rose D. Goss
1510 Gossamere Ln.
Stayton, OR 97383

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for recording

this 29 day of March

A. D. 1982

at 2:09 o'clock A.M.

duly recorded in Vol. M82

of Deeds

Fee \$32.00

on Page 3826

EV. LYN BIEHAR County

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W. C. McKINNEY
ATTORNEY AT LAW
401 FRANKLIN BUILDING, 85 STATE STREET
SALEM, OREGON 97301
(503) 585-7530