

27956

MTC 12621

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That DONALD E. MERRITT and SHEILA A. MERRITT, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JOHN F. NIKOLA and CLAUDIA J. NIKOLA, 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:

A tract of land situated in the NE 1/4 of Section 19, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a County Surveyor brasscapped monument marking the Northeast corner of said Section 19; thence South 00°14'22" West along the East line of said Section 19, 333.00 feet to a 5/8 inch iron pin; thence West 1289.21 feet to a 5/8 inch iron pin on the Easterly right of way line of the County Road; thence following said Easterly line, North 10°07'20" West 136.50 feet to a 5/8 inch iron pin; thence along a curve to the right (central angle 08°58'41" and radius 1250 feet) 195.87 feet to a 5/8 inch iron pin on the North line of said Section 19; thence North 89°49'58" East along the North line of said

MOUNTAIN TITLE COMPANY INC.

Section 19, 1333.80 feet to the point of beginning.

- continued on the reverse side 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 side 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 \$ 78,500.00

However, the actual consideration consists of other property or value given or produced which is part of the consideration (delete 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 September, 19 83; 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 1, 19 83.

Personally appeared the above named SHEILA A. MERRITT for herself and as attorney-in-fact for DONALD E. MERRITT and acknowledged the foregoing instrument to be their voluntary act and deed.

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: 6/19/87

Donald E. Merritt
DONALD E. MERRITT

Sheila A. Merritt
SHEILA A. MERRITT

STATE OF OREGON, County of _____, ss.

Personally appeared _____, 19 _____, and

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.

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires:

Mr. & Mrs. Donald E. Merritt

GRANTOR'S NAME AND ADDRESS

Mr. & Mrs. John T. Nikola
Rt. 1 Box 217
Brazoria, OR 97623

GRANTEE'S NAME AND ADDRESS

After recording return to:

SAME AS GRANTEE

NAME, ADDRESS, ZIP

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

SAME AS GRANTEE

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.

By

Recording Officer
Deputy

- continued from the reverse side of this deed -

PARCEL 2: The following described real property situate in Klamath County, Oregon:

A tract of land situated in the NW 1/4 NW 1/4 of Section 20, Township 39 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the northwest corner of said Section 20, marked by a Klamath County Surveyor Brass Capped Monument; thence South 89°40'49" East along the northerly boundary of said Section 20, 170.94 feet to a 5/8 inch iron pin; thence continuing South 89°40'49" East 14.0 feet to the westerly bank of Lost River; thence along the westerly bank of Lost River South 05°50'44" West 333.71 feet; thence West 152.34 feet to the west boundary of said Section 20; thence North 00°14'22" East, along the west boundary of Section 20, 333.00 feet to the point of beginning.

SUBJECT TO:

1. Taxes for the fiscal year 1983-1984, a lien, not yet due and payable.
2. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads, or highways.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Horsefly Irrigation District.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Lost River.
(Affects Parcel 2)
5. An easement created by instrument, including the terms and provisions thereof,
Dated: March 2, 1931
Recorded: April 15, 1931
Volume: 95, page 111, Deed Records of Klamath County, Oregon
In favor of: The Claifornia Oregon Power Company
For: 10 feet wide
Affects: Exact location not disclosed, as to Parcel 1
6. A right of way created by instrument, including the terms and provisions thereof,
Dated: March 23, 1953
Recorded: March 26, 1953
Volume: 259, page 608, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Transmission and distribution lines (Exact location not disclosed as to Parcel 1)
7. Right of way, including the terms and provisions thereof, in favor of Horsefly Irrigation District by instrument recorded in Book 7 of Miscellaneous Records, page 343, Records of Klamath County, Oregon.
8. Mortgage, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.
Dated: June 1, 1976
Recorded: June 2, 1976
Volume: M76, page 8154, Microfilm Records of Klamath County, Oregon
Amount: \$37,600.00
Mortgagor: Willard F. Nelson and Constance B. Nelson, husband and wife
Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs (M42147) (Affects Parcel 1)

The Grantee named on the reverse side of this deed hereby agrees to assume and pay the above described Mortgage.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record

this 8th day of September A.D. 19 83 at 11:06 o'clock AM, and
duly recorded in Vol. M83, of Needs on Page 15284

EVELYN BIEHN, County Clerk
By Shereth A. DeLoach

Fee \$8.00