

31751

WARRANTY DEED
MTC-13188-L

Vol. 1482 Page 21677

KNOW ALL MEN BY THESE PRESENTS, That

PATRICIA E. SMIGEL who acquired title

as PATRICIA E. JIMENEZ

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by

RUSSELL L. PENMAN and SYLVIA L. PENMAN, 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:

All that portion of real property situated in the NW 1/4 of Section 20, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Commencing at the Northwest corner of Lot 4, Block 5, TRACT NO. 1083, CEDAR TRAILS, a subdivision recorded in the official records of Klamath County, Oregon, said corner being marked by a 1/2 inch diameter iron pin; thence South 00°02'50" East along the line common to Lots 4 and 5, Block 5 of said subdivision 421.63 feet to a 1/2 inch diameter iron pin and the true point of beginning for the herein described property, thence continuing along the line common to Lots 4 and 5, South 00°02'50" East 210.81 feet to a 1/2 inch diameter iron pin on the North line of a 60.00 foot roadway

MOUNTAIN TITLE COMPANY INC.

right of way known as Cedar Trail; thence along the North line of Cedar Trail, North 89° 45'08" East 345.00 feet to a 1/2 inch diameter iron pin marking the Southeast corner of Lot 4; thence along the line common to Lots 3 and 4, 00°02'50" West 210.89 feet; thence

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE) (continued on reverse)

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 \$ 54,754.61

~~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 14th day of November, 1983; 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.

Patricia E. Smigel
PATRICIA E. SMIGEL

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Klamath, ss.
November 14, 1983

Personally appeared the above named
PATRICIA E. SMIGEL
and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:
Kristi L. Garrison
Notary Public for Oregon
My commission expires: 6/19/87

STATE OF OREGON, County of _____, ss.
19____

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 be-
half 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:

Patricia Smigel

GRANTOR'S NAME AND ADDRESS

Mr. & Mrs. Russell L. Penman
P.O. Box 55
Keno, OR 97627

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 instru-
ment 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 -

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South 89°44'20" West, 345.00 feet to the true point of beginning.

TOGETHER WITH a 60 foot non-exclusive easement for the purpose of ingress, egress, and public utilities, described as follows:
Beginning at the Northeast corner of said Lot 5, Block 5; thence South 00°02'50" East along the Easterly line of said Lot 5, Block 5, 632.44 feet to the Southeast corner of said Lot, Block 5; thence South 89°45'08" West along the South line of said Lot 5, Block 5, 60.00 feet; thence North 00°02'50" West 60.00 feet Westerly at right angles and parallel to the East line of said Lot 5, Block 5, 632.40 feet to the Northerly line of said Lot 5, Block 5; thence North 89°42'52" East along the Northerly line of said Lot 5, Block 5, 60.00 feet to the point of beginning.

TOGETHER WITH a 1/3 interest in well, pump, and pumphouse located on a parcel of land situated in Lot 4, Block 5, TRACT 1083, CEDAR TRAILS, Section 20, T. 40 S., R. 8 E.W.M., more particularly described as follows:
Beginning at a point on the Westerly line of Lot 4, Block 5, said point beginning South 00°02'50" East 210.82 feet from the Northwest corner of Lot 4, Block 5; thence from said point of beginning North 89°43'35" 345.00 feet to a point on the Easterly line of Lot 4, Block 5; thence South 00°02'50" East along the Easterly line of Lot 4, Block 5, 210.89 feet to a point; thence North 89°44'20" West 345.00 feet to a point on the Westerly line of Lot 4, Block 5; thence North 00°02'50" West along the Westerly boundary of Lot 4, Block 5, 210.81 feet to the point of beginning.

"This instrument does not guarantee that any particular use may be made of the property described in this instrument. A buyer should check with the appropriate city or county planning department to verify approved uses."

SUBJECT TO:

1. Reservations and restrictions as contained in plat dedication, to wit: "said plat subject to (1) public utilities easement as shown on the annexed plat; (2) Building setback lines as shown on the annexed plat, (3) Drain easements as shown on the annexed plat, (4) Additional restrictions as provided in any recorded protective covenants."
2. Declaration of Restrictions, but omitting restrictions, if any, based on race, color, religion, or national origin, imposed by instrument, including the terms and provisions thereof, recorded July 3, 1978, in Volume M78, page 19200, Microfilm Records of Klamath County, Oregon.
3. A 45 foot building setback line as shown on dedicated plat.
4. Conditions and restrictions as contained in Deed from E. J. Shipsey to Bruce Ray Gilinsky, recorded in Volume M80, page 24828, Microfilm Records of Klamath County, Oregon, including, but not limited to the following:
"Described property herein, along with access to said well from described property herein for the purpose of establishing a pipeline and for the purpose of maintaining said pipeline, said one-third interest to the above described well and the above described easement shall be for the benefit of said described property herein and shall run with the land. ALSO, said one-third interest and easement described herein shall be contingent upon the resident of said described property herein whomever he or she may be, contributing to one-third of the cost of repairing, maintaining, and operating said well, pump, and pumphouse and it is meant by this conveyance that all subsequent purchasers of said described property herein shall be bound by the terms of this conveyance and that their rights in said well, pump, pumphouse, and easement shall be contingent upon their so sharing in the expenses described therein."
5. 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 30, 1981
Recorded: June 30, 1981
Volume: M81, page 11839, Microfilm Records of Klamath County, Oregon
Amount: \$50,000.00
Mortgagor: Bruce Ray Gilinsky and Elizabeth Marie Gilinsky, husband and wife
Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs (L-P56448)

The Grantees named herein hereby agreed to assume and pay the above Mortgage.

STATE OF OREGON: COUNTY OF KLAMATH: ss
I hereby certify that the within instrument was received and filed for record on the 20th day of December A.D., 1983 at 1:38 o'clock P.M., and duly recorded in Vol M83, of Deeds on page 21677.

Fee \$ 8.00

EVELYN BIEHN, COUNTY CLERK
by *[Signature]* deputy