

KNOW ALL MEN BY THESE PRESENTS, That ROBERT ARTHUR MILLARD

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by STEVEN G. FABIANEK and JAMIE M. FABIANEK, 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:

Lot 9, KALINA ADDITION TO THE CITY OF MALIN, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

"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."

## MOUNTAIN TITLE COMPANY INC.

- 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 \$53,000.00. ~~HOWEVER, THE ACTUAL CONSIDERATION CONSISTS OF OR INCLUDES OTHER PROPERTY OR VALUE GIVEN OR PROMISED, WHICH IS THE WHOLE OR PART OF THE CONSIDERATION IN THIS DEED, WHICH IS~~ 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 \_\_\_\_\_ day of \_\_\_\_\_, 1984; 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)

Robert Arthur Millard  
ROBERT ARTHUR MILLARD

STATE OF OREGON, CALIFORNIA } ss.  
County of SANTA CLARA }  
APRIL 3, 1984

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 \_\_\_\_\_

Personally appeared the above named ROBERT ARTHUR MILLARD and acknowledged the foregoing instrument to be his voluntary act and deed.

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:

Before me, JANE SULLIVAN, Notary Public for Oregon, My commission expires Aug. 8, 1984

Notary Public for Oregon

My commission expires:

(OFFICIAL SEAL)

Mr. Robert Arthur Millard  
3245 Machado  
Santa Clara, CA 95081  
GRANTOR'S NAME AND ADDRESS

Mr. & Mrs. Steven G. Fabianek  
P.O. Box 529  
Malin, OR 97632  
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,

County of \_\_\_\_\_ ss.

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.

Recording Officer

By \_\_\_\_\_ Deputy

- continued from the reverse side of this deed -

SUBJECT TO:

1. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Malin Irrigation District.
2. A 20 foot building setback from street as shown on dedicated plat.
3. A 10 foot irrigation easement along front and Westerly lot lines as shown on dedicated plat.
4. Reservations as contained in plat dedication, to wit:  
 "Subject to building setback lines as shown, easements for public utilities, irrigation, and drainage, as shown and additional restrictions as shown in any recorded protective covenants; no changes will be made in the irrigation ditches without the consent of the Malin Irrigation District, its successors, or assigns. This plat is approved subject to the following conditions: (1) The owners of the land within this subdivision, their heirs, and assigns in whom title may be vested shall always at their own expense property install, maintain, and operate such irrigation system. (2) The Malin Irrigation District, its successors, and assigns, and the United States, person, firm, or corporation operating the irrigation works of the District, shall never be liable for damage caused by improper construction, operation, or care of such system or for lack of sufficient water for irrigation. (3) The liability of the operators of the District shall be limited to the delivery of water of established outlets of the U.S.B.R. canal. (4) The lands will always be subject to irrigation assessments whether or not the irrigation water is furnished."
5. Restrictions as set out in deed by Louis Kalina, Jr. et ux, grantor and Robert Arthur Millard, grantee, recorded August 1, 1978, in Volume M78, page 16689, to wit:  
 "No dwelling other than a single family unit shall be erected on this property and this residence must be a minimum floor area of 1200 square feet. This covenant shall run with the land."
6. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.  
 Dated: May 23, 1979  
 Recorded: May 24, 1979  
 Volume: M79, page 11869, Microfilm Records of Klamath County, Oregon  
 Amount: \$35,000.00  
 Grantor: Robert Arthur Millard  
 Trustee: William Sisemore  
 Beneficiary: Klamath First Federal Savings & Loan Association

The Grantees named herein hereby agree to assume and pay the above described Trust Deed.

STATE OF OREGON: COUNTY OF KLAMATH:ss  
 I hereby certify that the within instrument was received and filed for record on the 5th day of April A.D., 1984 at 11:09 o'clock A. M., and duly recorded in Vol M84, of Deeds on page 5541.

Fee: \$ 8.00

EVELYN BIEHN, COUNTY CLERK

by: Pam Smith, Deputy