

41233

MOUNTAIN TITLE COMPANY INC.

WARRANTY DEED

Vol. 189 Page 15972

KNOW ALL MEN BY THESE PRESENTS, That PETER A. KIRK and REBECCA A. KIRK, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by NORMAN G. ESPENLAUB and CHERYL J. ESPENLAUB, 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:

SEE REVERSE SIDE FOR LEGAL DESCRIPTION

"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 \$ 59,000.00

THE WHOLE OF THE ABOVE DESCRIBED PREMISES IS HEREBY GIVEN OR GRANTED BY THE GRANTOR TO THE GRANTEE FOR THE PURPOSES AND IN THE MANNER HEREIN SPECIFIED. (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 12 day of September, 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)

PETER A. KIRK

REBECCA A. KIRK

STATE OF OREGON, County of Multnomah ss.

Personally appeared \_\_\_\_\_, 19\_\_\_\_, 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 \_\_\_\_\_

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.

Notary Public for Oregon  
My commission expires: \_\_\_\_\_

(OFFICIAL SEAL)

STATE OF OREGON

County of Multnomah ss.  
September 12, 1984

Personally appeared the above named PETER A. KIRK and REBECCA A. KIRK, husband and wife

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

Before me: \_\_\_\_\_  
Notary Public for Oregon  
My commission expires: 12/27/85

Peter A. Kirk and Rebecca A. Kirk  
P.O. Box 1360  
Gresham, OR 97030  
GRANTOR'S NAME AND ADDRESS  
Norman G. Espenlaub and Cheryl J. Espenlaub  
4406 Bristol  
Klamath Falls, OR 97603  
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/real number \_\_\_\_\_  
Record of Deeds of said county.  
Witness my hand and seal of County affixed.

By \_\_\_\_\_ Recording Officer  
Deputy

MOUNTAIN TITLE COMPANY INC.

- continued from the reverse side of this deed -

## LEGAL DESCRIPTION:

A portion of the S 1/2 S 1/2 NW 1/4 SW 1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the South boundary of Bristol Avenue with the Easterly right of way line of the A-3-C lateral of the Klamath Irrigation District, which point is North 89° 38' East 596.76 feet and thence South 10° 28' East 30.48 feet from the Northwest corner of said S 1/2 S 1/2 NW 1/4 SW 1/4 of said Section 11; thence North 89° 38' East along said South boundary of Bristol Avenue, a distance of 205.43 feet; thence South 0° 22' East 241.8 feet, more or less, to the North-easterly boundary of said A-3-C lateral of the Klamath Irrigation District; thence North 59° 18' West along said North-easterly boundary, a distance of 172.62 feet; thence Northwesterly along the arc of a circle to the right, the radius of which circle 87.5 feet and the long chord of which bears North 34° 53' West 72.34 feet; thence North 10° 28' West along said North-easterly boundary, a distance of 94.58 feet, more or less, to the point of beginning.

## SUBJECT TO:

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. The premises herein described are within and subject to the statutory powers, including the power of assessment of Klamath Irrigation District.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment of South Suburban Sanitary District.
4. Reservations contained in the Deed from H. F. Exell, a single man, to Reinhold Klatt, et ux, recorded April 3, 1929, in Book 86 at page 216, Deed Records of Klamath County, Oregon.
5. The effect, if any, of an easement created by instrument, including the terms and provisions thereof, recorded January 14, 1949, in Book 228, page 61, in favor of The California Oregon Power Company.
6. 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: December 12, 1979

Recorded: December 20, 1979

Volume: M79, page 29282, Microfilm Records of Klamath County, Oregon

Amount: \$49,875.00

Mortgagor: Peter A. Kirk and Rebecca A. Kirk, husband and wife

Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs (L-P27627)

The Grantees/<sup>named herein</sup>hereby agree to assume and pay in full the above described Mortgage.

STATE OF OREGON, )

County of Klamath )

Filed for record at request of

on this 14 day of Sept. A.D. 19 84at 4:05 o'clock P M, and dulyrecorded in Vol. M84 of DeedsPage 15972

EVELYN BIEHN, County Clerk

By [Signature] DeputyFee 8.00