

45523

WARRANTY DEED

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KNOW ALL MEN BY THESE PRESENTS, That EASTPORT EQUITIES CORPORATION, an Oregon corporation

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by KENNETH L. TUTTLE

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 1 and the Northerly 27 feet of Lot 2 Block 6, TRACT 1163, CAMPUS VIEW, according to the official plat thereof on file in the office of the 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 \$ 46,359.50

~~AND WHEREBY THE GRANTOR COVENANTS TO AND WITH THE GRANTEE AND GRANTEE'S HEIRS, SUCCESSORS AND ASSIGNS, THAT THE 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~~

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 28<sup>th</sup> day of January, 1985; 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.

By Kerry Gilbert  
KERRY GILBERT, PRESIDENT

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,

County of \_\_\_\_\_

STATE OF OREGON, County of Multnomah ss. January 28, 1985

Personally appeared KERRY GILBERT and

Personally appeared the above named \_\_\_\_\_

each for himself ~~and~~ who, being duly sworn, did say that ~~he~~ is the president ~~and~~ of ~~EASTPORT EQUITIES CORPORATION~~

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

~~EASTPORT EQUITIES CORPORATION~~, 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)

Before me:

Notary Public for Oregon

My commission expires: \_\_\_\_\_

Notary Public for Oregon

My commission expires: 5/1/87

(OFFICIAL SEAL)

MILES ROGER NEWMARK  
NOTARY PUBLIC-OREGON

My Commission Expires 3/1/87

Eastport Equities Corporation  
c/o Gilbert Brothers Attn: Kerry Gilbert  
1099 SW Columbia Street, Portland, OR  
GRANTOR'S NAME AND ADDRESS 97201

KENNETH L. TUTTLE  
3680-C Klamath Rd.  
Klamath Falls, OR 97601  
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

SPACE RESERVED  
FOR  
RECORDER'S USE

STATE OF OREGON,

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 -

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SUBJECT TO:

1. Sewer and water use charges, if any, due to the City of Klamath Falls.
2. Reservations and restrictions as contained in plat dedication, to wit: "said plat being subject to: (1) Public utility easement as shown on the annexed map; (2) Slope easements as shown on the annexed map; (3) 1 ft. reserve strips as shown on the annexed map to be dedicated to the City of Klamath Falls and later released by resolution of the common council when adjoining property is properly developed; (4) Jogging trail easement as shown on the annexed map. Restrictions to deeds for lots within Campus View are filed in Klamath County Records Volume M79, page 19843, and Volume M79, page 22295, Microfilm Records of Klamath County, Oregon."
3. Declaration of Restrictions of Campus View Subdivision, including the terms and provisions thereof, but omitting restrictions, if any, based on race, color, religion, or national origin, recorded August 21, 1979, in Volume M79, page 19843, Microfilm Records of Klamath County, Oregon, and Addendum thereto recorded September 19, 1979, in Volume M79, page 22295, Microfilm Records of Klamath County, Oregon.
4. Declaration of Restrictive Covenant, dated December 22, 1980, and recorded April 27, 1981, in Volume M81, page 7566, Microfilm Records of Klamath County, Oregon, wherein Eastport Equities agrees that property will not be used as a fast food hamburger style restaurant purpose for a period of twenty years.  
Affects: Block 2 "Campus View" Subdivision Lots 1,2,3,4,5,6  
Block 3 "Campus View" Subdivision Lots 2,3,4,5  
Block 4 "Campus View" Subdivision Lots 1,2,3,4,5  
(Lots 1 and 2 of Block 4 are subject property)  
Block 5 "Campus View" Subdivision Lots 1,2,3,4,5,6,7,8,9,12  
Block 6 "Campus View" Subdivision Lots 1,2,3,4,5,6

Additional property adjacent to "Campus View" to be used for future development located SE of a Northerly extension of the West boundary of Campus View and a Westerly extension of the north boundary of Campus View.

STATE OF OREGON, )  
County of Klamath )

Filed for record at request of

on this 31st day of January A.D. 19 85  
at 1:36 o'clock P M, and duly  
recorded in Vol. M85 of Deeds  
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EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee 9.00