

46406

MOUNTAIN TITLE COMPANY INC

WARRANTY DEED

Vol. 185 Page 3039

KNOW ALL MEN BY THESE PRESENTS, That HARIL W. NEWTON and ANITA L. NEWTON, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JOHN W. MORSE and CATHRYN C. MORSE, husband and wife, 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 LEGAL DESCRIPTION AS IT APPEARS ON THE REVERSE OF THIS DEED.



MOUNTAIN TITLE COMPANY INC.

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 shown on the reverse of this deed and those of record and apparent upon the land if any, as of the date of this deed

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 \$ 230,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which) (If 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 28 day of February, 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.

(If executed by a corporation, affix corporate seal)

Haril W. Newton
Haril W. Newton

Haril W. Newton as attorney in fact for Anita L. Newton
Haril W. Newton as Attorney in fact for Anita L. Newton
STATE OF OREGON, County of Klamath, 1985
Personally appeared

STATE OF OREGON,
County of Klamath, 1985

Personally appeared the above named Haril W. Newton, individually and as Attorney in fact for Anita L. Newton and acknowledged the foregoing instrument to be his voluntary act and deed.

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.

(OFFICIAL SEAL)
John W. Morse
Notary Public for Oregon
My commission expires: 7/13/85

Notary Public for Oregon
My commission expires:

(OFFICIAL SEAL)

HARIL W. & ANITA L. NEWTON

GRANTOR'S NAME AND ADDRESS
JOHN W. MORSE & CATHRYN C. MORSE
1249 Miramar Dr
Fullerton CA 92631

GRANTEE'S NAME AND ADDRESS
After recording return to:
GRANTEE
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address:
GRANTEE
NAME, ADDRESS, ZIP

STATE OF OREGON,
County of Klamath, 1985
I certify that the within instrument was received for record on the 28 day of February, 1985, at 6 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

MOUNTAIN TITLE COMPANY INC

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DESCRIPTION

3040

PARCEL ONE

A piece or parcel of land situate in the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point on the Northerly boundary of the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian from which the Northwest corner of said Section 5 bears North 33°55'20" West 812.95 feet and North 0°21'20" West 644.5 feet distant; thence North 89°48'00" East 887.5 feet along the said Northerly boundary to the Northeast corner of the said SW $\frac{1}{2}$ NW $\frac{1}{2}$; thence South 0°27'20" West along the Easterly boundary of said SW $\frac{1}{2}$ NW $\frac{1}{2}$ 1307.15 feet to a point; thence North 33°55'20" West 1571.45 feet, more or less, to the point of beginning.

PARCEL TWO

A piece or parcel of land situate in the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and being more particularly described as follows: Beginning at a point on the Easterly boundary of the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, from which the stone monument marking the South quarter section corner of said Section 5 bears South 1°18'55" West 723.9 feet distance; thence North 33°55'20" West 693.35 feet to a point on the Northerly boundary of the said SE $\frac{1}{2}$ SW $\frac{1}{2}$; thence North 89°01'40" East along the said Northerly boundary 400.35 feet to the Northeast corner of the said SE $\frac{1}{2}$ SW $\frac{1}{2}$; thence South 1°18'55" West along the Easterly boundary of the said SE $\frac{1}{2}$ SW $\frac{1}{2}$ 582.3 feet, more or less, to the point of beginning.

PARCEL THREE

Lots 11, 14, 19, 22 of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, EXCEPTING THEREFROM the following described tract: Beginning at the Northwest corner of the NE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 5, Township 36 South, Range 7 East of the Willamette Meridian, from which the stone monument marking the West quarter-section corner of said Section 5 bears South 89°40'20" West 1318.20 feet distance and the stone monument marking the center quarter-section corner of said Section 5 bears North 89°40'20" East 1318.15 feet distant; thence North 0°27'20" East along the West boundary of the SE $\frac{1}{2}$ NW $\frac{1}{2}$ 10.65 feet to a point; thence South 33°55'20" East 1588.80 feet to a point on the Southerly boundary of the said NE $\frac{1}{2}$ SW $\frac{1}{2}$; thence South 89°01'40" West along the Southerly boundary of the said NE $\frac{1}{2}$ SW $\frac{1}{2}$ 901.70 feet to the Southwest corner; thence North 0°37'50" East along the Westerly boundary of the said NE $\frac{1}{2}$ SW $\frac{1}{2}$ 1322.95 feet, more or less to the point of beginning.

PARCEL FOUR

Lots 25, 26, 31, 32 in Section 5, Township 36 South, Range 7 East of the Willamette Meridian, and the N $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 8, Township 36 South, Range 7 East of the Willamette Meridian, EXCEPTING THEREFROM the following described tract: Beginning at a stone marking the quarter-section corner common to Sections 5 and 8, said Township and Range; thence North 1°18'55" East along the North-South centerline of said Section 5, 723.9 feet to an iron pin; thence South 1°09'50" East 1768.3 feet to deep water; thence West 52.55 feet to a point on the North-South centerline of said Section 8; thence North along the North-South centerline of said Section 8; 1044.2 feet, more or less, to the point of beginning.

(CONTINUED)

Government Lots 3,4,5, and 6, Section 5, Township 36 South, Range 7 East of the Willamette Meridian, SAVING AND EXCEPTING a strip of land 30 feet in width lying parallel with and immediately adjacent to the line marking the Northerly boundary of Lots 3 and 4 of the said Section 5, and extending Westerly from the the line marking the Easterly boundary of the said Lot 3 to the line marking the Westerly boundary of the said Lot 4 of the said Section 5, ALSO SAVING AND EXCEPTING Beginning at a point from which the Northwest corner of said Section 5 bears North 0°17' West 672.1 feet distance; thence South 33°41' 2/3' East 778.2 feet; thence South 89°52' West 428.5 feet; thence North 0°17' West 648.5 feet, more or less, to the point of beginning. ALSO SAVING AND EXCEPTING Beginning at a point on the Westerly boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 5, from which the Northwest corner of said Section 5 bears North 0°21'20" West 644.5 feet distant; thence South 33°55'20" East 812.95 feet to a point on the Southerly boundary of the NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South 89°48'00" West along the said Southerly boundary 21.05 feet to the Southeast corner of that parcel of land conveyed by Deed dated August 29, 1955 and recorded on page 88, Volume 277, Deed Records of Klamath County; thence North 33°46 $\frac{1}{2}$ ' West along the Easterly boundary of said parcel of land 778.2 feet to a point on the Westerly boundary of the said NW $\frac{1}{4}$ NW $\frac{1}{4}$; thence North 0°21'20" West 27.55 feet, more or less, to the point of beginning.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for hte special assessment under the statute, an additional tax may be levied; and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. Regulations, including levies, liens, assessments, rights of way and easements of Modoc Point Irrigation.
3. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Modoc Point Irrigation District.
4. Reservations and restrictions contained in the Deed recorded April 7, 1948 in Volume 219, page 47, Klamath County Deed Records.
(Affects Parcel 1)
5. Agreement, including the terms and provisions thereof, recorded July 28, 1948 in Volume 223, page 245, Klamath County Deed Records.
6. Reservations including the terms and conditions thereof, as contained in Deed recorded March 28, 1957 in Volume 290, page 495, Klamath County Deed Records, to wit:
"all subsurface rights, except water are hereby reserved, in trust, for the heirs of Andrew White, deceased Klamath allottee No. 1308.:
(Affects a portion of Parcel 3 - Lots 19 and 22)
7. Reservations, including the terms and conditions thereof, as contained in Deed recorded March 28, 1957 in Volume 290, page 497, Klamath County Deed Records, to wit:
"all subsurface rights, except water are hereby reserved in trust for the heirs of Florence Otol, deceased Klamath allottee No. 1225."
(Affects a portion of Parcel 3 - Lots 11 and 14)
8. Reservations, including the terms and conditions thereof, as contained in Deed recorded June 9, 1958 in Volume 300, page 33, Klamath County Deed Records, to wit:
"all subsurface rights, except water, are hereby reserved, in trust for the heirs of Dick White, deceased Klamath Allottee No. 1310."
(Affects Parcel 2 - Lot 27)

9. 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 2, 1978

Recorded: December 6, 1978

Volume: M78, page 27431, Microfilm Records of Klamath County, Oregon.

Amount: \$150,756.00

Mortgagor: Haril W. Newton and Anita L. Newton, husband and wife

Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs

The Grantees as they appear on the reverse of this deed agree to assume said Mortgage and to pay said Mortgage in full.

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.

STATE OF OREGON,)

County of Klamath)

Filed for record at request of

on this 28th day of February A.D. 19 85
at 4:29 o'clock P M, and duly
recorded in Vol. M85 of Deeds
Page 3039

EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee 17.00