

48431

K-37670
WARRANTY DEED

Vol. 185 Page 6623

KNOW ALL MEN BY THESE PRESENTS, That JAMES WILLIAM KERNS, ROBERT BENJAMIN KERNS and JOHN PAUL KERNS hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by KLAMATH RADIOLOGY PENSION & PROFIT SHARING PLAN & TRUST, 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 ATTACHED EXHIBIT 'A' FOR LEGAL DESCRIPTION

(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

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 \$ 75,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the 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 1st day of May, 19 85; 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.

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) ss.
May 3, 19 85.

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 _____

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:

(OFFICIAL SEAL)

Notary Public for Oregon
My commission expires: _____

(If executed by a corporation, affix corporate seal)

Personally appeared the above named

James William Kerns, Robert Benjamin Kerns & John Paul Kerns

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

Before me:

Notary Public for Oregon

My commission expires: 6/24/85

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

Klamath Radiology Pension & Profit Sharing Plan & Trust
2600 Campus Dr., Klamath Falls, OR
NAME, ADDRESS, ZIP 97601

Until a change is requested all tax statements shall be sent to the following address:
same as above

NAME, ADDRESS, ZIP

SPACE RESERVED
FOR
RECORDER'S USE

STATE OF OREGON,) ss.

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/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____ Deputy

A parcel of land situated in Sections 2 and 3, Township 40 South, Range 8 East, Willamette Meridian, in Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8 inch iron rod, at the intersection of the mean high water line on the right bank of Klamath River and the centerline of an existing drain canal, from which the Brass Capped iron pipe marking the corner common to Sections 34 and 35, Township 39 South, Range 8 East Willamette Meridian, and Sections 2 and 3, Township 40 South Range 8 East, Willamette Meridian, bears N. 59°51'02" W. 319.26 feet; thence S. 59°36'06" W. 803.06 feet along the centerline of said existing drain canal to a point from which a 5/8 inch iron rod on the south bank of said drain canal bears S. 37°09'39" E. 30.21 feet; thence S. 37°09'39" E. 30.21 feet to said 5/8 inch iron rod; thence continuing S. 37°09'39" E. 752.42 feet to a 5/8 inch iron rod; thence N. 68°34'03" E. 405.47 feet to a 5/8 inch iron rod; thence S. 58°32'07" E., 499.93 feet to a 5/8 inch iron rod; thence S. 01°51'33" E., 449.12 feet to a 5/8 inch iron rod on the northeasterly bank of an existing drain ditch; thence, southeasterly, along the northeasterly bank of said existing drain ditch as follows: Thence S. 87°03'54" E., 447.50 feet to a 5/8 inch iron rod; thence S. 73°43'58" E., 215.77 feet to a 5/8 inch iron rod; Thence S. 55°05'24" E., 297.62 feet to a 5/8 inch iron rod; Thence S. 28°39'12" E., 256.72 feet to a 5/8 inch iron rod; Thence S. 39°49'20" E., 275.92 feet to a 5/8 inch iron rod; Thence S. 12°12'22" E., 236.87 feet to a 5/8 inch iron rod on an old existing East-West fence line, and on the North boundary of that tract of land described in Volume M-66 page 3295 of Deed Records of Klamath County, Oregon; Thence S. 89°17'47" E., 739.09 feet along said East-West fence line to a 5/8 inch iron rod at the mean high water line on the right bank of Klamath River; thence, upstream, along said mean high water line as follows: Thence N. 32°00'50" W., 744.92 feet; Thence N. 36°22'46" W., 110.95 feet; Thence N. 46°29'59" W., 435.80 feet; Thence N. 51°16'05" W. 527.85 feet; Thence N. 54°06'46" W., 818.63 feet; Thence N. 03°21'52" W., 60.01 feet; thence N. 82°35'19" W., 112.06 feet; Thence N. 55°36'10" W., 178.76 feet; Thence N. 42°22'54" W., 699.59 feet to the point of beginning, containing 49.21 acres, more or less, together with an ***

SUBJECT TO easements and rights of way of record and apparent on the land; said land is specially assessed as farm land and all deferred taxes will be due and payable when the reason for deferrment no longer exists; acreage and use limitations under provisions of United States Statutes and regulations issued thereunder; liens and assessments of the Keno Irrigation District and or the Emmitt Improvement District; rights of the Federal Government, the State of Oregon, and the general public in any portion of the herein described premises lying below the high water line of Klamath River; reservations and restrictions in deed from R. H. Howell and Eliza S. Howell to B. S. Kerns, recorded September 7, 1901, in Volume 14 page 65, Deed records of Klamath County, Oregon; release of damages given by B. E. Kerns, et al, to The California Oregon Power Company, recorded January 15, 1932, in Volume 96 page 617, Deed records of Klamath County, Oregon; and Agreement relative to dredging the channel of Klamath River, by and between John Paul Kerns et al, and Pacific Power and Light Company, recorded December 18, 1967, in Volume M-67 on page 9862, Deed records of Klamath County, Oregon.

*** easement, 40 feet in width, for ingress and egress along the North boundary of Sections 3 and 2, Township 40 South, Range 8 East Willamette Meridian, to the mean high water line of Klamath River; thence downstream along said mean high water line to the north boundary of the above parcel.

STATE OF OREGON: COUNTY OF KLAMATH:ss

I hereby certify that the within instrument was received and filed for record on the 6th day of May A.D., 1985 at 11:25 o'clock A M, and duly recorded in Vol M85, of Deeds on page 6623.

Fee: \$9.00

EVELYN BIEHN, COUNTY CLERK

by: Bernetha J. Ketch, Deputy

No Record

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