

60038

KNOW ALL MEN BY THESE PRESENTS, That PHILLIP A. HARBIN, JR. and MARGARET L. HARBIN, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JAMES M. McCRACKEN, 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 legal description as it appears on the reverse 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 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

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 \$ 65,000.00. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols, if not applicable, should be deleted. See ORS 93.007.)

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 7th day of March, 19 86; 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 WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON,

County of Klamath, ss.

Personally appeared the above named Phillip A. Harbin Jr. & Margaret L. Harbin

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

(OFFICIAL SEAL)

Notary Public for Oregon  
My commission expires: 11/16/87

STATE OF OREGON, County of \_\_\_\_\_, 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.

(OFFICIAL SEAL)

Notary Public for Oregon  
My commission expires:

(If executed by a corporation, affix corporate seal)

Phillip A. Harbin Jr. & Margaret L. Harbin

GRANTOR'S NAME AND ADDRESS

James M. McCracken  
P.O. Box 30  
Merrill, Oregon 97633

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 \_\_\_\_\_, ss.

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

SPACE RESERVED FOR RECORDER'S USE

A tract of land situated in Block 3, HODGES ADDITION TO MERRILL and in Tract 18, MERRILL TRACTS, in the SW $\frac{1}{2}$ SE $\frac{1}{2}$  of Section 2, Township 41 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a one-half inch iron pin on the Northeast corner of Block 3, HODGES ADDITION TO MERRILL; thence South 00°25' East along the East line of said Block 3 a distance of 125.00 feet to a one-half inch iron pin; thence West parallel with the South line of said Tract 18, MERRILL TRACTS, a distance of 120.00 feet to a one-half inch iron pin; thence North 00°25' West a distance of 125.00 feet to a one-half inch iron pin on the Westerly extension of the South line of Third Street, HODGES ADDITION TO MERRILL; thence East along said line a distance of 120.00 feet to the point of beginning.

SUBJECT TO:

1. City liens, if any, due to the City of Merrill. (None as of this date.)
2. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Irrigation District.
4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Basin Improvement District.
5. An easement for the construction and maintenance of future public utilities, irrigation and drainage along the Southerly 8 feet thereof.
6. Acceptance of Terms and Conditions of Reclamation Extension Act (Approved August 13, 1914) from N. S. Merrill to the United States, recorded in Volume 43, page 72, Records of Klamath County, Oregon.
7. An easement for drainage ditch 60 feet wide as shown by Deed from N. S. Merrill, unmarried, to the United States of America, recorded January 13, 1915 in Book 43 at page 219, Deed Records of Klamath County, Oregon.
8. Notice to Persons Intending to Plat Lands within the Klamath Basin Improvement District, recorded July 24, 1970 in Volume M70, page 6187, Microfilm Records of Klamath County, Oregon.
9. Easement for irrigation ditch along the Easterly line as disclosed by survey no. 1247 filed in the County of Klamath records.
10. Note and 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: August 31, 1979

Recorded: August 31, 1979

Volume: M79, page 20965, Microfilm Records of Klamath County, Oregon

Amount: \$58,000.00

Mortgagor: Phillip A. Harbin, Jr. and Margaret L. Harbin, husband and wife

Mortgagee: State of Oregon, represented and acting by the Director of Veterans' Affairs (P20444)

The Grantee appearing on the reverse of this deed agrees to assume said Mortgage and to pay said Mortgage in full, and further agrees to hold sellers harmless therefrom.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 9th day of \_\_\_\_\_ April \_\_\_\_\_ A.D., 19 86 at 11:22 o'clock \_\_\_\_\_ A.M., and duly recorded in Vol. \_\_\_\_\_ M86 of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 5894

FEE \$14.00

Evelyn Biehn, County Clerk  
By \_\_\_\_\_