

K-28037

Aspen

TITLE & ESCROW, INC.

WARRANTY DEED (INDIVIDUAL)

LLOYD VERNON HOWARD (AKA) LLOYD VERNON HOWARD, JR., and CHERYL HOWARD (AKA) CHERYL A. HOWARD, as tenants by the entirety, hereinafter called grantor, convey(s) to KENNETH L. JOHNSTON and WENDY J. JOHNSTON, husband and wife all that real property situated in the County of Klamath, State of Oregon, described as:

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

"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."

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.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except THOSE CONTAINED IN EXHIBIT "A"

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is \$ 79,500.00. ~~However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration which is not indicated by the above recited sum.~~ Indicate which State between symbols is not applicable. See ORS 93.030.

In construing this deed and where the context so requires, the singular includes the plural. IN WITNESS WHEREOF, the grantor has executed this instrument this 8th day of April, 19 86.

Lloyd Vernon Howard
Lloyd Vernon Howard aka Lloyd Vernon Howard, Jr.
Cheryl Howard
Cheryl Howard aka Cheryl A. Howard

STATE OF TEXAS, County of HARRIS ss.

On this 11th day of April, 19 86.

Personally appeared the above named LLOYD VERNON HOWARD aka LLOYD VERNON HOWARD, JR. and CHERYL HOWARD aka CHERYL A. HOWARD, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

DANIEL RICHARD WEATHERS Before me:
Notary Public in and for Harris County, TEXAS
My Commission Expires May 31, 1989

Daniel Richard Weatherly
Notary Public for HARRIS COUNTY
My Commission Expires: May 31, 1989

Lloyd Vernon Howard aka Lloyd Vernon Howard, Jr.
Cheryl Howard aka Cheryl A. Howard

GRANTOR'S NAME AND ADDRESS

Kenneth L. Johnston
Wendy J. Johnston

GRANTEE'S NAME AND ADDRESS

After recording return to:

Kenneth L. and Wendy J. Johnston
P.O. Box 579
Keno, OR 97627

Until a change is requested all tax statements shall be sent to the following address.

Kenneth L. and Wendy J. Johnston
P.O. Box 579
Keno, OR 97627

NAME, ADDRESS, ZIP

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 document/fee/file/instrument/microfilm No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By _____

Deputy

PARCEL 1:

A tract of land situated in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 7, Township 40 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin which is located North 28° 36' 18" West 1987.99 feet from the Southeast corner of said Section 7; thence South 74° 15' 20" West 157.77 feet to a 5/8" iron pin in an existing fence line; thence South 15° 44' 40" East along said fence line 194.5 feet to a fence corner; thence leaving said fence line and continuing South 15° 44' 40" East to the South line of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 7; thence Easterly along the South line of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 7 to a point that bears South 15° 44' 40" East from the point of beginning; thence North 15° 44' 40" West to the point of beginning.

TOGETHER WITH

A strip of land 30 feet in width for road easement purposes, for ingress and egress to the above described tract of land, said easement being situated in the SE $\frac{1}{4}$ of Section 7, and the SW $\frac{1}{4}$ of Section 8, Township 40 South, Range 8 East of the Willamette Meridian, said strip of land being 15 feet each side of, measured at right angles to the following described centerline:

Beginning at a point on the Easterly line of the above described tract of land, said point being situated North 28° 36' 18" West 1987.99 feet and South 15° 44' 40" East 70.42 feet from the Southeast corner of said Section 7; thence North 70° 14' 50" East 102.17 feet; thence South 65° 44' 20" East 111.88 feet; thence South 87° 00' 30" East 358.12 feet; thence North 67° 52' 30" East 122.99 feet; thence North 30° 20' 50" East 109.81 feet; thence North 59° 09' 30" East 285.17 feet, more or less, to the centerline of the Keno-Worden County Road, EXCEPTING THEREFROM that portion within the county road right of way.

PARCEL 2:

A tract of land situated in the SE $\frac{1}{4}$ of Section 7, Township 40 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a 5/8" iron pin which is located North 24° 22' 20" West a distance of 2137.93 feet from the Southeast corner of said Section 7; thence North 26° 02' 00" West 416.00 feet to a 5/8 inch iron pin; thence South 63° 58' 00" West 208.00 feet to a 5/8 inch iron pin; thence South 26° 02' 00" East 416.00 feet to a 5/8 inch iron pin; thence North 63° 58' 00" East 208.00 feet to the point of beginning, with the bearings based on recorded Survey No. 1356 as recorded in the office of the Klamath County Surveyor.

TOGETHER WITH

A strip of land, thirty feet in width for road easement purposes, for ingress and egress to the above described tract of land, said easement being situated in the SE $\frac{1}{4}$ of Section 7 and the SW $\frac{1}{4}$ of Section 8, Township 40 South, Range 8 East of the Willamette Meridian, said strip of land being 15 feet each side of, measured at right angles to the following described centerline:

Beginning at a point on the Southerly line of the above described tract of land, said point being situated North 24° 22' 20" West a distance of 2137.93 feet and South 63° 58' 00" West a distance of 125.02 feet from the Southeast corner of said Section 7; thence South 21° 47' 30" East 154.15 feet; thence South 15° 44' 40" East 69.19 feet; thence North 70° 14' 50" East 87.13 feet; thence South 65° 44' 20" East 111.88 feet; thence South 87° 00' 30" East 358.12 feet; thence North 67° 52' 30" East 122.99 feet; thence North 30° 20' 50" East 109.81 feet; thence North 59° 09' 30" East 285.17 feet; more or less, to the centerline of the Keno-Worden County Road; EXCEPTING THEREFROM that portion within the County Road right of way.

SUBJECT TO:

1. The rights of the public in and to that portion of the above property lying within the limits of roads and highways.
2. An easement, created by instrument, including the terms and provisions thereof,
 - Recorded : Book: 171 Page: 319
 - In favor of : The California Oregon Power Company, a California Corporation
 - Over : Part of Lot 3, Section 7, Twp 40 S., R8 EWM
 - For : Transmission and distribution of electricity
3. An easement created by instrument, including the terms and provisions thereof:
 - Recorded : September 12, 1967 Book: M-67 Page: 7068
 - In favor of : Pacific Power & Light Company, a corporation
 - For : Pole line over the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 7 and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 40 South, Range 8 East of the Willamette Meridian, paralleling the existing private road.
4. An easement created by instrument, including the terms and provisions thereof,
 - Dated : April 29, 1969
 - Recorded : June 20, 1969 Book: M-69 Page: 5656
 - In favor of : Glenn M. Howard
 - For : a 30 foot easement over the SE $\frac{1}{4}$ of Section 7 and SW $\frac{1}{4}$ of Section 8, for ingress and egress
5. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land
6. An easement created by instrument, including the terms and provisions thereof,
 - Dated : October 30, 1971
 - Recorded : October 29, 1971 Book: M-71 Page: 11356
 - In favor of : Pacific Power & Light Company, a corporation
 - For : Electric transmission and distribution line of one or more wires and all necessary or desirable appurtenances
7. As easement created by instrument, including the terms and provisions thereof,
 - Dated : October 8, 1972
 - Recorded : October 16, 1972 Book: M-72 Page 11857
 - Between : Lloyd V. Howard and Lethe Waive Howard, husband and wife, and L. Vern Howard and Cheryl A. Howard, husband and wife
 - For : Road Purposes
8. An easement created by instrument, including the terms and provisions thereof,
 - Dated : October 8, 1972
 - Recorded : October 16, 1972 Book: M-72 Page 11861
 - Between : Lloyd V. Howard and Letha Waive Howard, husband and wife and L. Vern Howard and Cheryl A. Howard, husband and wife
 - For : Pipe Line Purposes
9. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$70,200.00
 - Dated : September 5, 1973
 - Recorded : September 5, 1973 Book: M-73 Page: 11931
 - Mortgagor : Lloyd Vernon Howard, Jr. and Cheryl A. Howard, husband and wife
 - Mortgagee : State of Oregon, represented and acting by the Director of Veterans' Affairs.
10. Mortgage, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$29,192.00
 - Dated : September 29, 1978
 - Recorded : September 29, 1978 Book: M-78 Page: 21796
 - Mortgagor : Lloyd Vernon Howard, Jr. and Cheryl A. Howard, husband and wife
 - Mortgagee : State of Oregon, represented and acting by the Director of Veterans' Affairs.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 16th day
 of April A.D. 19 86 at 4:10 o'clock P M., and duly recorded in Vol. M86
 of Deeds on Page 6560

FEE \$18.00

By Evelyn Biehn,

County Clerk