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K-39073

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## WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, made this 30th day of October, 1986, that RICHARD G. BEANE and AGNES M. BEANE, husband and wife, Grantors, for the consideration hereafter stated, have bargained and sold and by these presents do hereby grant, bargain, sell and convey unto J. KURT SCHMIDT and LEAH L. SCHMIDT, Grantees, the following described premises in Klamath County, Oregon, to wit:

All of lot 48, and the following described portion of Lot 49 in Loma Linda Heights, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon:

Beginning at the most Westerly corner of said Lot 49; running thence South 21°14' East along the Westerly line of said Lot 49, a distance of 40 feet; thence Northeasterly parallel to the Northwestern line of said Lot 49, a distance of 139.1 feet to the Northeasterly line of said Lot 49; thence North 21°14' West along said Northeasterly line a distance of 40 feet; thence Southwesterly along the Northwestern line of said Lot 49 a distance of 139.1 feet to the point of beginning.

## SUBJECT TO:

1. Zoning Ordinances, Covenants, Conditions and Restrictions, Building and Use Restrictions, Utility Easements of Record and those apparent on the land.

2. Reservations in the dedication of Loma Linda Heights as follows: "Subject to a 20 foot minimum set-back line as shown, said set-back line being variable subject to the approval of the City of Klamath Falls Planning Commission; also subject to a six-foot easement along the back of each lot for future sanitary sewers and public utilities.

3. Declaration of Conditions and restrictions, executed by John F. Glubrecht and Leah B. Glubrecht, first parties, to the Public, dated August 4, 1955, recorded August 4, 1955, in Volume 276 page 330, Deed records of Klamath County, Oregon.

4. As amended by Agreement to Declaration of Conditions and Restrictions, executed by John F. Glubrecht, et al, dated December 1, 1955, recorded January 5, 1956, in Volume 280 page 263, Deed records of Klamath County, Oregon.

5. Right of Way, including the terms and provisions thereof, by and between Richard G. Beane and Agnes M. Beane, husband and wife to the California Oregon Power Company, a California corporation, dated October 17, 1956, recorded December 17, 1956 in Volume 288 page 500, Deed records of Klamath County, Oregon.

6. Agreement, including the terms and provisions thereof, between R. G. Beane and Agnes M. Beane, husband and wife, and Richard F. Bogatay and Tamyra L. Bogatay, husband and wife, dated November 7, 1974, recorded November 8, 1974, in Volume M74 page 14468, Deed records of Klamath County, Oregon, for a hot water well.

## AND ALSO SUBJECT TO THE FOLLOWING LAW:

"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

WM. GANONG (SR.)  
LAWYER  
OSB No. 68030  
P.O. BOX 57  
KLAMATH FALLS, OREGON  
97601-0057  
PHONE: (503) 882-7228

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1 PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT  
2 TO VERIFY APPROVED USES." ORS 93.040

3 The true and actual consideration for this transfer is \$123,000.00.

4 TO HAVE AND TO HOLD the premises with their appurtenances unto the said  
5 Grantees, their heirs, devisees, grantees, and assigns forever.

6 The Grantors hereby covenant that as of this date they are the owners in  
7 fee simple of said premises; that they are free of all encumbrances except  
8 those above set forth, and that they will warrant and defend the same from all  
9 lawful claims except those above set forth, which the Grantees have agreed to  
10 take subject to.

11 WITNESS the hands of the Grantors the day and year first herein written.

12  
13 Richard G. Beane  
14 Richard G. Beane

15 Agnes M. Beane  
16 Agnes M. Beane

17 STATE OF OREGON )  
18 ) SS  
19 County of Klamath )

20 On this 31<sup>st</sup> day of October, 1986, personally appeared the above named  
21 Richard G. Beane and Agnes M. Beane, husband and wife, and acknowledged the  
22 foregoing instrument to be their voluntary act and deed.

23 (SEAL)

24 Darlene J. Tucker  
25 Notary Public for Oregon  
26 My commission expires: 6-16-88

27 Until a change is requested all Tax statements shall be sent to the following  
28 address: Klamath 1<sup>st</sup> Fed.

29 After recording return to:

30 Klamath 1<sup>st</sup> Fed  
31 540 Main St  
32 Klamath Falls, OR 97601

WM. GANONG (SR.)  
LAWYER  
OSB No. 48030  
P.O. BOX 57  
KLAMATH FALLS, OREGON  
97601-0003  
PHONE: (503) 882-7228

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 31<sup>st</sup> day  
of October A.D., 19 86 at 1:37 o'clock P.M., and duly recorded in Vol. MS6  
of \_\_\_\_\_ Deeds on Page 19717

FEE \$14.00

Evelyn Biehn, County Clerk  
By Sam Smith