

1-1-74

72176

BARGAIN AND SALE DEED

Vol. 1487 Page

3804

KNOW ALL MEN BY THESE PRESENTS, That Fred W. Stilwell

hereinafter called grantor, Richard L. Garbutt

hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

The Easterly 45 feet of Lot 1 of Block 15 of Original Town of Linkville, now City of Klamath Falls, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, more particularly described as follows:

Beginning at the Southeasterly corner of Lot 1 in Block 15 of the City of Klamath Falls (Formerly Linkville) at the corner of Main and Seventh Street; thence Northerly along the Easterly boundary of said Lot a distance of 105 feet; thence Westerly at right angles with Seventh Street a distance of 45 feet; thence Southerly parallel with Seventh Street a distance of 105 feet to the boundary line of Main Street; thence Easterly along Main Street 45 feet to the place of beginning.

See attached Exhibit "A" for continuation of this deed, and by this reference incorporated herein.

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.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ OTHER

However, the actual consideration consists of or includes other property or value given or promised which is the whole or 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 30 day of January, 19 87; 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.

Fred W. Stilwell
FRED W. STILWELL

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, ss.
County of Klamath
January 30, 19 87

Personally appeared the above named Fred W. Stilwell

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

Notary Public for Oregon
My commission expires 2/4/91

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

a corporation, 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:

Fred W. Stilwell

GRANTOR'S NAME AND ADDRESS

Richard L. Garbutt

GRANTEE'S NAME AND ADDRESS

After recording return to:

Jerry Molatore
426 Main Street
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

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

Richard Bogatay
621 Loma Linda
Klamath Falls, OR 97601

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

SPACE RESERVED
FOR
RECORDER'S USE

907 MAR 10 AM 9 35

Subject, however, to the following:

3805

1. Taxes for the fiscal year 1986-1987, a lien, due and payable.
Amount: Unavailable Account No. 3809 032AB 05500
Key No. 412734

2. Party Wall Agreement, including the terms and provisions thereof, from Clarence H. Underwood and Eunitia Gertrude Underwood, husband and wife, to Edgar H. Lawrence and Alice Lawrence and Reba Kelsey, dated December 17, 1946, recorded December 23, 1946, Volume 209, page 175, Records of Klamath County, Oregon. Assignment, including the terms and provisions thereof, from Edgard H. Lawrence and Alice Lawrence and Reba Kelsey to Albert W. Schmeck and Vada H. Schmeck, husband and wife, and Harry D. Boivin and Vivian Boivin, husband and wife, dated February 16, 1950, recorded March 2, 1950, Volume 237, page 142, Records of Klamath County, Oregon.
(In said Party Wall Agreement the wall is described as the outer wall or the Northwestern side of the "Underwood Building", whereas said wall is actually the Southwesterly wall thereof.)

3. Lease, including the terms and provisions thereof,
Dated: September 20, 1974
Recorded: September 20, 1974
Volume: M74, page 12459, Microfilm Records of Klamath County, Oregon
Lessor: W. V. Meade and Lois Hout Holley and Glen W. Hout and Lois Hout, deceased
Lessee: J. Anthony Giacomini

Modification and Extension, including the terms and provisions thereof,
Dated: June 16, 1975
Recorded: June 25, 1975
Volume: M75, page 7229, Microfilm Records of Klamath County, Oregon
Lessor: W. V. Meade, Lois Hout Holley, and Glen W. Hout and Lois Hout Holley as Trustee under the Will of Vera L. Hout, deceased
Lessee: J. Anthony Giacomini

Assignment, including the terms and provisions thereof,
Dated: May 1, 1978
Recorded May 18, 1978
Volume: M78, page 10379, Microfilm Records of Klamath County, Oregon
From: Facilities Leasing Corporation, an Oregon Corporation
To: Giacomini, Jones & Zamsky, Attorneys at Law

Assignment, including the terms and provisions thereof,
Dated: May 1, 1978
Recorded: May 18, 1978
Volume: M78, page 10379, Microfilm Records of Klamath County, Oregon
From: Facilities Leasing Corporation, an Oregon Corporation
To: Giacomini, Jones & Zamsky, Attorneys at Law

Extension of Lease, including the terms and provisions thereof,
Dated: September 29, 1980
Recorded: October 13, 1980
Volume: M80, Page 19904, Microfilm Records of Klamath County, Oregon

Assignment, including the terms and provisions thereof,
Dated: November 30, 1981
Recorded: December 1, 1981
Volume: M81, page 20651, Microfilm Records of Klamath County, Oregon
Assignor: WM. V. Meade and Wm. Jack Meade initial Trustees UTA dated September 15, 1976, and United States National Bank of Oregon, Trustee
Assignee: Richard F. Bogatay and Fred W. Stilwell

Assignment, including the terms and provisions thereof,

Dated: November 30, 1981

Recorded: December 1, 1981

Volume: M81, page 20668, Microfilm Records of Klamath County,
Oregon

Assignor: Wm. V. Meade, Wm. Jack Meade, Initial Trustees UTA
dated September 15, 1976, and United States National
Bank of Oregon

Assignee: Richard F. Bogatay and Fred W. Stilwell

Notice of Exercise of Option to Renew or Extend Term of Lease,
including the terms and provisions thereof,

Dated: February 13, 1985

Recorded: February 13, 1985

Volume: M85, page 2270, Microfilm Records of Klamath County,
Oregon

To: Richard F. Bogatay, Fred W. Stilwell, Wm. V. Meade, Wm.
Jack Meade, Initial Trustees UTA dated September 14, 1976,
Hout Holley and United States National Bank of Oregon

Notice of Exercise Option to Review or Extend Term or Lease,
including the terms and provisions thereof,

Dated: April 4, 1986

Recorded: April 28, 1986

Volume: M86, page 7173, Microfilm Records of Klamath County,
Oregon

4. Lease, including the terms and provisions thereof,

Dated: December 1, 1981

Recorded: December 1, 1981

Volume: M81, page 20674, Microfilm Records of Klamath County,
Oregon

Lessor: Richard F. Bogatay, Fred W. Stilwell

Lessee: William V. Meade

5. Financing Statement

Recorded: December 29, 1983

Volume: M83, page 22176, Microfilm Records of Klamath County,
Oregon

Debtor: Facilities Leasing Corporation

Secured Party: Giacomini, Jones & Associates, Attorneys at Law,
a P.C. Employees Pension Plan and Trust

6. Subject to any unrecorded leases or tenancies not of record.

7. Trust Deed, 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 29, 1986

Recorded: January 14, 1987

Volume: M87, page 591, Microfilm Records of Klamath County,
Oregon

Amount: \$163,000.00

Grantor: An undivided one-third interest in Richard Garbutt, and
an undivided two-thirds in Richard F. Bogatay and Robert
J. Bogatay

Trustee: William P. Brandsness

Beneficiary: South Valley State Bank

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the 10th day
of March A.D., 19 87 at 9:35 o'clock A M., and duly recorded in Vol. M87
of Deeds on Page 3804

FEE \$18.00

Evelyn Biehn,
By _____

County Clerk