

OK 72177

## WARRANTY DEED

Vol. 1481 Page 3807

KNOW ALL MEN BY THESE PRESENTS, That Richard F. Bogatay and Richard L. Garbutt hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Richard F. Bogatay Richard L. Garbutt and Robert J. Bogatay, as tenants in common, 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:

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.)

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 noted of record as of the date of this deed and those 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 \$ CORRECTION OF VESTING. 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 93.030.)

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.

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.  
January 30, 19 87.

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

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 Richard F. Bogatay and Richard L. Garbutt

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

Before me: Linda Ristole

(OFFICIAL SEAL) Notary Public for Oregon

My commission expires: 2/4/91

Richard F. Bogatay and Richard L. Garbutt

GRANTOR'S NAME AND ADDRESS

Richard F. Bogatay, Richard L. Garbutt and Robert J. Bogatay

GRANTEE'S NAME AND ADDRESS

After recording return to:  
Jerry Molatore, Attorney at Law  
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 Drive  
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 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

207 MAR 10 AM 9 35

Subject, however, to the following:

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 Northwesterly 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 3807

FEE \$13.00

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