

57667

WARRANTY DEED—SURVIVORSHIP

Vol. 1188 Page 1486

KNOW ALL MEN BY THESE PRESENTS, That Ore. Cal General Wholesale, Inc.

for the consideration hereinafter stated to the grantor paid by L. A. Swetland, M. D.P.C. Pension & Profit Sharing Trust, R.H. Otteman, M.D. P.C. Pension & Profit Sharing Trust, & Garret D. Hilyard & Betty Jean Hilyard  
hereinafter called grantees, hereby grants, bargains, sells and conveys unto the said grantees, not as tenants in common but with the right of survivorship, their assigns and the heirs of the survivor of said grantees, all of the following described real property with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, situated in the County of Klamath, State of Oregon, to-wit:

\*\*See Attached Exhibit A\*\*

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)  
TO HAVE AND TO HOLD the above described and granted premises unto the said grantees, their assigns and the heirs of such survivor, forever; provided that the grantees herein do not take the title in common but with the right of survivorship, that is, that the fee shall vest absolutely in the survivor of the grantees.

And the grantor above named hereby covenants to and with the above named grantees, their heirs and assigns, that grantor is lawfully seized in fee simple of said premises, that same are free from all encumbrances

except encumbrances of record and those apparent upon the land 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 \$  
However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols ①, 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 \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; 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 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.

*[Signature]*  
Notary Public for Oregon  
My commission expires: 5/14/88

STATE OF OREGON, )  
County of \_\_\_\_\_ ) ss.  
\_\_\_\_\_, 19\_\_\_\_

STATE OF OREGON, County of Klamath, )  
Dec 31, 19 85 ) ss.  
Personally appeared \_\_\_\_\_ and \_\_\_\_\_

Personally appeared the above named \_\_\_\_\_

\_\_\_\_\_, 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 Ore. Cal General Wholesale, Inc.

and acknowledged the foregoing instrument to be \_\_\_\_\_ voluntary act and deed.

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 \_\_\_\_\_

Before me:  
*[Signature]*  
Notary Public for Oregon  
My commission expires: 5/14/88

(OFFICIAL SEAL)  
NOTARY  
(It executed by a corporation, affix corporate seal)

Ore. Cal General Wholesale, Inc.

GRANTOR'S NAME AND ADDRESS

AFTER RECORDING RETURN TO:  
Mike Bean  
325 main st.  
K.F. Ore 97601

97601  
ADDRESS  
97601  
ZIP

Until a change is requested all tax statements shall be sent to the following address.  
L. A. Swetland  
1915 DeMoro  
Klamath Falls, Oregon 97601  
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

#25.00 ch.

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

**PARCEL 1:** A tract of land situated in the NE $\frac{1}{4}$  of Section 13, Township 39 South, Range 9 E., W.M., more particularly described as follows:  
Beginning at a 5/8 inch iron pin on the Southerly line of the property described in Deed Volume 244 page 51, as recorded in the Klamath County Deed Records; said point being S. 00°12'57" W. 1059.29 feet and S. 72°58'03" W. 256.42 feet from the Northeast corner of said Section 13; thence along the Westerly line of the Enterprise Irrigation District Ditch, S. 08°50'27" E. 119.67 feet to a 5/8 inch iron pin, along the arc of a curve to the left (radius is 300.00 feet, central angle is 33°10'47") 173.73 feet to a 5/8 inch iron pin, S. 42°01'14" E. 173.52 feet to a 5/8 inch iron pin on the Westerly right of way line of State Highway No. 39; thence along said right-of-way S. 00°09'44" W. 600.00 feet to a 5/8 inch iron pin; thence N. 89°50'16" W. 397.50 feet to a 5/8 inch iron pin; thence N. 28°36'17" W. 919.58 feet to a 5/8 inch iron pin on the Southerly line of the property described in said Deed Volume 244 page 51; thence along said Southerly line N. 72°58'03" E. 488.25 feet to a Transformer property; thence bounding said property, S. 00°11'43" W. 226.84 feet, S. 89°48'17" E. 150.00 feet, N. 00°11'43" E. 273.35 feet to a 5/8 inch iron pin on the Southerly line of the property described in Deed Volume 244 page 51; thence N. 72°58'03" E. 15.00 feet to the point of beginning, containing 11.65 acres, with bearings based on recorded Survey No. 1751, as recorded in the Klamath County Surveyor's Office.

**PARCEL 2:** A tract of land situated in the S $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 13, Township 39 S.R. 9 E., W.M., described as follows:  
Beginning at a point on the Southerly line of Parcel described in Deed Volume 244 page 51, which bears S. 0°12'57" W., 1059.29 feet, and S. 72°58'03" W. 916.72 feet from the Northeast corner of said Section 13, said Beginning Point being the most Westerly corner of tract described in Memorandum of Agreement recorded in Volume M77 page 24109, Deed Records of Klamath County, Oregon; thence continuing along the Southerly line of parcel described in Deed Volume 244 page 51, S. 72°58'03" W. a distance of 729.63 feet, more or less, to an angle point; thence S. 18°30' E., 30.9 feet, thence S. 71°43' W. along said Southerly line to the Northeasterly right-of-way line of the U.S.B.R. "A" Canal; thence Southeasterly along said right-of-way line to its intersection with the West line of the Klamath Falls-Malin Highway; thence North along said West line to a point which bears West 30 feet and S. 0°12'57" W. a distance of 2136.37 feet from the Northeast corner of said Section 13; said point being the Southeast corner of tract described in Volume M77 page 24109; thence following the boundary of said tract, N. 89°50'16" W. 397.5 feet and N. 28°36'17" W. 919.58 feet to the Point of Beginning, containing 52.4 acres.  
EXCEPT therefrom the following: A tract of land situated in the E $\frac{1}{2}$ E $\frac{1}{2}$  of Section 13, Township 39 South, Range 9 E.W.M., described as follows: Beginning



at a fence corner located West 30.0 feet and South 2370.8 feet from the Northeasterly corner of said Section 13, said point being on the Westerly side or boundary of the Klamath Falls-Merrill Highway as now located (1960); thence Westerly along a fence line a distance of 235 feet; thence Southerly along a fence line a distance of 280 feet; thence Easterly along a fence line a distance of 235 feet to the Westerly side or boundary of the Klamath Falls-Merrill Highway; thence Northerly along the Westerly boundary of said highway a distance of 280 feet, more or less to the point of beginning.

PARCEL 3: A parcel of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 39 South, Range 9 E., W.M., more particularly described as follows:

Beginning at a 5/8 inch iron pin marking the intersection of the West line of the NE $\frac{1}{4}$  of said Section 13 with the Northeasterly right-of-way line of the U.S.B.R. "A" Canal, said point being S. 00°23'49" W a distance of 807.84 feet from the North one-quarter corner of said Section 13; thence along said Northeasterly right of way line the following courses and distances: along the arc of a curve to the right, having a radius of 1220.92 feet and a central angle of 07°50'06", a distance of 166.96 feet; thence S. 21°57'00" E. a distance of 560.2 feet; thence along the arc of a curve to the left, having a radius of 497.96 feet and a central angle of 24°14'30" a distance of 210.69 feet to the True Point of Beginning of this description; thence leaving said right of way line, N. 72°58'03" E. a distance of 699.66 feet to a 5/8 inch iron pin; thence S. 75°46'50" E. a distance of 128.10 feet to a 5/8 inch iron pin on the Northerly line of parcel described in Deed Volume 308 page 618; thence S. 71°43' W. along the Northerly line of said parcel a distance of 107.5 feet, more or less, to the most Westerly corner thereof; thence N. 18°30' W. a distance of 13.5 feet to a point; thence N. 89°17' W. a distance of 50.5 feet to a point; thence S. 72°25' W. a distance of 291.0 feet to a point; thence S. 74°05' W. a distance of 310 feet, more or less, to the Northeasterly right-of-way line of the U.S.B.R. "A" Canal; thence Northwesterly along said right-of-way to the True Point of Beginning.

PARCEL 4: A tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 S. R. 10 E., W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. 2192.47 feet; thence S. 89°51'42" E. 1293.84 feet to the true point of beginning of this description; thence S. 00°02'03" E. 465.00 feet to the South line of the NW $\frac{1}{4}$ , said Section 18; thence N. 89°51'42" W., along said line, 468.50 feet; thence N. 00°02'03" W. 260.00 feet; thence N. 89°51'42" W., 800.00 feet to the Easterly right of way line of State Highway No. 39; thence N. 00°02'03" W. 205.00 feet; thence S. 89°51'42" E. 1268.50 feet to the true point of beginning, containing 8.76 acres, more or less, with bearings based on Survey No. 2026, recorded in the Klamath County Surveyor's office.

EXCEPTING THEREFROM A portion of that land described in Volume M78 page 23635, recorded October 20, 1978, Deed records of Klamath County, Oregon, said tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Commencing at the Northwest corner of said Section 18; thence S. 00°01'10" W. 2192.47 feet; thence S. 89°51'42" E. 575.34 feet to the

true point of beginning of this description; thence S.  $00^{\circ}02'03''$  E. 205.00 feet; thence N.  $89^{\circ}51'42''$  W. 250.00 feet; thence N.  $00^{\circ}02'03''$  W. 205.00 feet; thence S.  $89^{\circ}51'42''$  E. 250.00 feet to the true point of beginning, containing 2.35 acres, more or less.

PARCEL 5: A tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence S.  $00^{\circ}01'10''$  W. 2132.47 feet; thence S.  $89^{\circ}51'42''$  E. 569.83 feet to the true point of beginning of this description; thence N.  $00^{\circ}02'42''$  W. 382.09 feet; thence N.  $64^{\circ}56'14''$  W. 219.53 feet; thence N.  $79^{\circ}13'44''$  W. 136.41 feet; thence along the arc of a curve to the right (radius = 380.00 feet, central angle =  $20^{\circ}13'30''$ ) 134.14 feet; thence N.  $59^{\circ}00'14''$  W. 101.65 feet to the Easterly right of way line of State Highway No. 39; thence S.  $00^{\circ}02'42''$  E, along said right of way line, 599.18 feet; thence S.  $89^{\circ}51'42''$  E. 544.51 feet to the true point of beginning, containing 6.08 acres, more or less, and with bearings based on Survey No. 2026, as recorded in the Klamath County Surveyor's office.

PARCEL 6: A tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of said Section 18, thence S.  $00^{\circ}01'10''$  W. 2132.47 feet; thence S.  $89^{\circ}51'42''$  E. 629.83 feet to the true point of beginning of this description; thence N.  $00^{\circ}02'42''$  W. 354.17 feet; thence S.  $64^{\circ}56'14''$  E. 116.01 feet; thence S.  $42^{\circ}55'14''$  E. 339.64 feet; thence Easterly along the arc of a curve to the left radius = 100 feet, central angle  $113^{\circ}45'00''$ ) 198.53 feet; thence N.  $23^{\circ}19'46''$  E. 74.72 feet; thence Northeasterly along the arc of curve to the right (radius = 135.77 feet, central angle =  $42^{\circ}41'30''$ ) 101.16 feet; thence N.  $66^{\circ}01'16''$  E. 91.43 feet; thence Northeasterly along the arc of curve to the left (radius = 400 feet, central angle =  $26^{\circ}15'37''$ ) 183.33 feet; thence S.  $89^{\circ}55'23''$  E. 66.79 feet; thence S.  $00^{\circ}00'22''$  W. 372.55 feet; thence N.  $89^{\circ}51'42''$  W. 895.45 feet to the true point of beginning, containing 4.47 acres, more or less, with bearings based on Survey No. 2026, as recorded in the Klamath County Surveyor's office.

PARCEL 7: A tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at the Northwest corner of said Section 18, thence S.  $00^{\circ}01'10''$  W. 2132.47 feet; thence S.  $89^{\circ}51'42''$  E. 1525.28 feet to the true point of beginning of this description: thence N.  $00^{\circ}00'22''$  E. 372.55 feet; thence S.  $89^{\circ}55'23''$  E. 509.62 feet; thence S.  $00^{\circ}00'23''$  W. 373.10 feet; thence N.  $89^{\circ}51'42''$  W. 509.62 feet to the true point of beginning, containing 4.36 acres, more or less, with bearings based on Survey No. 2026, recorded in the Klamath County Surveyor's office.



PARCEL 8: A tract of land situated in the NW $\frac{1}{4}$  of Section 18, Township 39 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. along the West line of said Section 18, 2132.47 feet; thence S. 89°51'42" E. 2034.90 feet; thence N. 00°00'23" E. 404.05 feet to the True Point of Beginning of this description; thence N. 00°00'23" E. 404.05 feet to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 18; thence S. 89°59'04" E. along said line, 538.50 feet to a point N. 89°59'04" W. 30.00 feet from the C-N 1/16 corner of said Section 18; thence S. 00°00'23" W. parallel to the East line of the NW $\frac{1}{4}$  of said Section 18, 404.63 feet; thence N. 89°55'23" W. 538.50 feet to the True Point of Beginning, containing 5.00 acres, more or less, and with bearings based on Survey No. 2026, as recorded in the Klamath County Surveyor's Office.

PARCELS 4 thru 8 are subject to the following:

TOGETHER WITH AND SUBJECT TO easements for delivery of Irrigation water from the Enterprise Irrigation District Canal and all other rights of way and easements of record or apparent.

TOGETHER WITH an easement for a buried irrigation ditch 10 feet in width extending from the North boundary of the above-described property across the common use road to the existing concrete lined irrigation ditch.

ALSO TOGETHER WITH the right of ingress and egress over the following described roads:

60 foot strips of land situated in the N $\frac{1}{2}$ , Section 18, Township 39 S., R. 10 E.W.M., Klamath County, Oregon, being 30 feet on either side of, measured at right angles from, the following described center lines:

Beginning at a point on the easterly right of way line of State Highway 39, said point being S. 00°01'10" W. 2162.47 feet and S. 89°51'42" E. 25.31 feet from the Northwest corner of said Section 18; thence S. 89°51'42" E. 2548.10 feet to a point, N. 89°51'42" W. 30.00 feet from the East line of the NW $\frac{1}{4}$ , said Section 18.

ALSO, beginning at the center  $\frac{1}{2}$  corner of said Section 18; thence N. 00°00'23" E. 1334.32 feet to the C-N 1/16 corner, said Section 18.

ALSO, beginning at a point S. 00°01'10" W. 2192.47 feet and S. 89°51'42" E. 1323.84 feet from the Northwest corner of said Section 18; thence S. 00°02'03" E. 465.00 feet to the South line of the NW $\frac{1}{4}$ , said Section 18.

ALSO, beginning at a point S. 00°01'10" W. 2132.47 feet and S. 89°51'42" E. 599.83 feet from the Northwest corner, said Section 18; thence N. 00°02'42" W. 409.32 feet; thence S. 89°59'04" E. 132.38 feet; thence on the arc of a curve to the right (radius = 250.00 feet, central angle = 47°03'50") 205.35 feet; thence S. 42°55'14" E. 81.00 feet; thence on the arc of a curve to the left (radius = 175.06 feet, central angle = 71°03'30") 217.11 feet; thence N. 66°01'16" E. 144.49 feet; thence on the arc of a curve to the left (radius = 370.00 feet, central angle = 69°18'42") 447.60 feet; thence N. 03°17'26" W. 157.53 feet to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , said Section 18.

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STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ day  
of \_\_\_\_\_ January \_\_\_\_\_ A.D., 19 88 at 3:22 o'clock \_\_\_\_\_ P. M., and duly recorded in Vol. \_\_\_\_\_ M88  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 177.

FEE \$25.00

Evelyn Biehn, County Clerk  
By Ann Smith