

85378

WARRANTY DEED

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3861

KNOW ALL MEN BY THESE PRESENTS, That Melvne D. Nitschelm

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by George H. Nitschelm and H. Gael Nitschelm

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 ap-

pertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

A tract of land situated in Lot 3, Block 6 Tract 1080, Washburn Park, a duly recorded plat, more particularly described as follows: Beginning at the Northeast corner of said Lot 3 as marked by a 1/2 inch iron pin; thence S 00° 04' 50" W, along the Westerly right of way line of Washburn Way 7.7 feet to the Point of Beginning, thence continuing S 00° 04' 50" W 212.3 feet; thence N 89° 55' 10" W, parallel to the North line of said Lot 3, 250.00 feet; thence N 00° 04' 50" E 212.3 feet, which point is 7.7 feet South of the North line of Lot 3; thence S 89° 55' 10" E, parallel to the North line of said Lot 3, 250.00 feet to the Point of beginning, on the Westerly right of way line of said Washburn Way, with bearings based on said Tract 1080, Washburn Park.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

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 \$12,800.00

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 18th day of March, 1988; 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,)
Country of Klamath) ss.
18 March, 1988

Personally appeared the above named Melvne D. Nitschelm

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

STATE OF OREGON, County of) ss.
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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)

Melvne D. Nitschelm
Melvne D. Nitschelm

GRANTOR'S NAME AND ADDRESS

George H. Nitschelm and
H. Gael Nitschelm

GRANTEE'S NAME AND ADDRESS

After recording return to:
As Below

NAME, ADDRESS, ZIP

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

George H. Nitschelm and
H. Gael Nitschelm
5329 Bryant Street, Klamath Falls, OR 97603

SPACE RESERVED FOR RECORDER'S USE

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

SUBJECT TO: (1) Rules, regulations and assessments of South Suburban Sanitary District. (2) Easement for transmission line, including the terms and provisions thereof, given by Samuel S. Johnson, et ux, to Pacific Power & Light Company, a corporation, dated August 22, 1966, recorded August 22 1966, in Volume M-66, Page 8536, Microfilm Records of Klamath County, Oregon. (3) Right of way easement, including the terms and provisions thereof, given by Harry R. Waggoner, et ux, to California Pacific Utilities Company, dated November 10, 1970, recorded November 30, 1970, in Volume M-70, Page 10618, Microfilm Records of Klamath County, Oregon. (4) Right of Way easement, including the terms and provisions thereof, given by Washburn Enterprises, Inc. to California Pacific Utilities Company, dated January 4, 1973, recorded January 5, 1973, in Volume M-73, Page 166, Microfilm Records of Klamath County, Oregon. (5) Reservations and restrictions contained in the dedication of Washburn Park. (6) A mutual and reciprocal driveway easement including the terms and provisions thereof, as recorded March 2, 1979, in Vol. M-79 page 5731 Microfilm Records of Klamath County, Oregon.

This grant is made subject to the following conditions and restrictions: (a) Grantees, and any one claiming by, through or under grantees, shall not cause or permit any permanent building, structure or other obstruction, other than signs, gasoline pumps or similar service facilities, to be placed or located on the easterly 70 feet of said parcel parallel with Washburn Way. Said 70-foot strip shall be maintained in such manner as to permit vehicular traffic to pass on either side of such permitted service facilities in the most direct northerly and southerly direction. (b) Said 70-foot strip shall be reserved for the use of the owners and occupants of the above-described property and the owners and occupants of adjoining properties bordering on Washburn Way upon which similar conditions and restrictions are imposed for the use and enjoyment of the owners and occupants, their customers, employees and invitees, for parking of automobiles and access to and egress from said parcels. (c) Grantees, in consideration of the reservation or granting of similar conditions and restrictions upon adjoining properties, agree to maintain said 70-foot strip in a safe and suitable condition for the uses and purposes herein recited. (d) The foregoing reservation and conditions are deemed to be appurtenant to the parcel herein conveyed for the use and benefit of the owners and occupants, their employees, customers and invitees, of the subject property and the owners and occupants, their customers, employees and invitees, of the adjoining properties similarly restricted.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____ the _____ 18th day
of _____ March A.D. 19 88 at 3:12 o'clock P M., and duly recorded in Vol. M88
of _____ Deeds _____ on Page 3861.

FEE \$15.00

Evelyn Biehn, County Clerk
By _____ *[Signature]*