

OK 633

WARRANTY DEED

Vol. m89 Page 9143

KNOW ALL MEN BY THESE PRESENTS, That RICHARD F. BOGATAY, an individual hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by DAVID C. ELLIOTT and RICHARD S. LEDGERWOOD, 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:

See Exhibit "A" attached hereto and, by this reference, made a part hereof.

SUBJECT TO: An Agreement for Easement, including terms and provisions thereof, between James F. Maquire, Jr., Charles B. Maquire, H. R. Maquire, Gertrude Maquire Smith and John R. Maquire to the California Oregon Power Company, a California corporation, dated July 28, 1953, recorded July 20, 1953, Deed Records of Klamath County, Oregon.

(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 except reservations, restrictions, rights-of-way, easements 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 \$ 75,000.00

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 25 day of May, 19 89; 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.

RICHARD F. BOGATAY

STATE OF OREGON, } ss.  
County of Klamath  
May 25, 19 89

STATE OF OREGON, County of \_\_\_\_\_, 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:

(If executed by a corporation, affix corporate seal)

Personally appeared the above named RICHARD F. BOGATAY

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

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 12-19-92

RICHARD F. BOGATAY  
621 Loma Linda Drive  
Klamath Falls, OR 97601  
GRANTOR'S NAME AND ADDRESS  
DAVID C. ELLIOTT and RICHARD S. LEDGERWOOD  
810 Main Street  
Klamath Falls, OR 97601  
GRANTEE'S NAME AND ADDRESS

After recording return to:  
DAVID C. ELLIOTT and RICHARD S. LEDGERWOOD  
810 Main Street  
Klamath Falls, OR 97601  
NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.  
DAVID C. ELLIOTT and RICHARD S. LEDGERWOOD  
810 Main Street  
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

89 MAY 26 AM 9 59

## EXHIBIT "A"

## DESCRIPTION OF PROPERTY

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

A portion of Lots 5 and 6, Block 40, "Plat of Linkville", Original Town of Klamath Falls, Oregon, more particularly described as follows:

Commencing at the most westerly corner of Lot 5, Block 40, said Plat of Linkville, said corner being the intersection of the northerly right of way line of Eighth Street and the easterly right of way line of Main Street; thence N. 38°54'44" E., 47.40 feet along said Main Street right of way and the northwesterly line of said Lot 5, to the True Point of Beginning of this description; thence S. 51°05'16" E., 107.25 feet along the middle of a common wall, said common wall being two 2x4 stud walls constructed parallel and contiguous; thence N. 38°54'44" E., 11.31 feet along the northwesterly side of a 2x4 stud wall; thence S. 51°05'16" E., along the northeasterly side of a 2x4 stud wall, a distance of 12.75 feet to a point on the southeasterly line of said Lot 5; thence N. 38°54'44" E., 33.36 feet to a point on the southeasterly line of Lot 6, said Block 40; said point being the most southerly corner of that property described in Deed Volume M89 at page 3, deed records of Klamath County, Oregon; thence N. 51°08'28" W., 120.00 feet along a line parallel with and 27.0 feet northeasterly from the southwesterly line of Lot 6, to a point on the northwesterly line of said Lot 6; thence S. 38°54'44" W., 44.56 feet to the True Point of Beginning. Containing 5209 square feet more or less, with bearings and distances based on record of survey No. 2860 on file in the office of the Klamath County Surveyor.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Titel Co. the 26th day  
of May A.D., 19 89 at 9:59 o'clock A M., and duly recorded in Vol. M89,  
of Deeds on Page 9143.

FEE \$13.00

Evelyn Biehn County Clerk

By Pauline Mullendar