

14572

Vol. m90 Page 8705
**Aspen**  
 TITLE & ESCROW, INC.

# 5034952

WARRANTY DEED

AFTER RECORDING RETURN TO:

ERWIN C. MC NEILLY

SUSAN K. MC NEILLY

3503 Summers Lane  
Klamath Falls, OR 97603

 UNTIL A CHANGE IS REQUESTED ALL TAX  
 STATEMENTS TO THE FOLLOWING ADDRESS:  
 SAME AS ABOVE

 WILLIAM J. KLEIN AND FLORENCE M. KLEIN, HUSBAND AND WIFE  
 hereinafter called GRANTOR(S), convey(s) to ERWIN C. MC NEILLY  
 AND SUSAN K. MC NEILLY, HUSBAND AND WIFE hereinafter called  
 GRANTEE(S), all that real property situated in the County of  
 KLAMATH, State of Oregon, described as:

SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION

 "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."

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except 1) Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District. 2) Regulations including levies, liens, assessments, rights of way and easements of the South Suburban Sanitary District, and as per Ordinance No. 29, recorded May 24, 1983 in Book M-83 at page 8062 and as per Ordinance No. 30, recorded May 30, 1986 in Book M-86 at page 9346 and as per Ordinance No. 31, recorded January 6, 1988 in Book M-88 at page 207. 3) Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways. 4) Conditions and restrictions imposed by instrument, including the terms and provisions thereof, recorded July 16, 1947 in Book 208 at page 463 and instrument recorded April 28, 1939 in Book 130 at page 503, as follows: "(1) subject to an easement for one-half of the right of way of the above mentioned 60 foot roadway, (2) An easement for ditches and/or pipe lines to convey water for irrigation and domestic use, and for drainage purposes, for the benefit of adjoining property owners. (3) That no dwelling house shall be placed upon said land to cost less than \$1,000.00; that such dwelling shall be finished in a workmanlike manner and shall be painted outside; that all buildings shall be setback at least 60 feet from the center line of the above mentioned roadway." 5) Subject to the right of way for the 1-C-9-A Drain. 6) Contract, including the terms and provisions thereof: Vendor: The Administrator of Veterans Affairs, an Officer of the United States of America, Vendee: Carson S. Kendall and Sharon A. Kendall, husband and wife, dated March 30, 1984, recorded March 30, 1984 in Book M-84 at page 5042. The Vendee's interest thereunder was assigned to: William J. Klein and Florence M. Klein, husband and wife, recorded June 19, 1986 in Book M-86 at page 10644. 7) Order regarding variance issued by Klamath County Planning Department, recorded August 14, 1986 in Book M-86 at page 14376.

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

 The true and actual consideration for this transfer is  
 \$17,678.72.

In construing this deed and where the context so requires, the singular includes the plural.

 IN WITNESS WHEREOF, the grantor has executed this instrument  
 this 26th day of April, 1990.

Continued on next page

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8100

WARRANTY DEED  
PAGE 2

x William J. Klein  
WILLIAM J. KLEIN

x Florence M. Klein  
FLORENCE M. KLEIN

STATE OF Oregon, County of Clatsop ss.

May 2, 1990.

Personally appeared the above named WILLIAM J. KLEIN AND FLORENCE M. KLEIN and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon  
Sandra Handscher  
Commission Expires: 7/23/93

THE STATE OF OREGON, County of CLATSOP, ss.  
I, Sandra Handscher, Notary Public for the State of Oregon, do hereby certify that the foregoing instrument was acknowledged before me by the persons whose names are subscribed to the same, and that they acknowledged the same to be their voluntary act and deed.

WITNESS my hand and the seal of my office this 2nd day of May, 1990.

Notary Public for the State of Oregon

CLATSOP COUNTY, OREGON  
NOTARY PUBLIC  
Sandra Handscher

WITTE & ESCOBOW INC  
WAS

NOTARY PUBLIC  
ACTED IN 1990 8202

## EXHIBIT "A"

A piece or parcel of land situate in the N1/2 SW1/4 NW1/4 of Section 11, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point in the Westerly boundary of said Section 11, from which the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 9 East of the Willamette Meridian, and as marked on the ground by an iron pin driven therein, bears North 0 degrees 13 1/2 minutes West 1662.5 feet distant and running thence South 0 degrees 13 1/2 minutes East along the said Westerly boundary of Section 11, 107.5 feet; thence North 89 degrees 42 minutes East 240 feet more or less to a point in the center line of the U. S. Klamath Project No. 1 C 9A Drain; thence Northerly along the center line of said drain to its intersection with the center line of a 60 foot roadway; thence South 89 degrees 44 1/2 minutes West along the center line of the said roadway 214.3 feet more or less to the point of beginning.

EXCEPTING THEREFROM that portion lying within the right of way of Denver Avenue.

ALSO EXCEPTING THEREFROM that portion lying within the right of way of Summers Lane.

Tax Acct. No.: 041 - 3909-11BC-1600 Key No.: 551352

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 8th day  
of May A.D., 19 90 at 11:03 o'clock AM., and duly recorded in Vol. M90  
of Deeds on Page 8705.

FEE \$38.00

Evelyn Biehn County Clerk

By Pauline Muelendare