

4935

WARRANTY DEED

Vol. m95 Page 22535

KNOW ALL MEN BY THESE PRESENTS, That DONALD B. SARUTZKI and AGNES SARUTZKI, husband and wife,

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by GEORGE E. THOMPSON and ALICE J. THOMPSON, husband and wife, 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 attached Exhibit A

(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

See attached Exhibit A

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 \$ 370,000.00. 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 November, 1979; 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.

(If executed by a corporation, affix corporate seal)

Donald B. Sarutzki  
Agnes Sarutzki

STATE OF OREGON, }  
County of KLAMATH } ss.  
November 26, 1979

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

Personally appeared the above named Donald B. Sarutzki and Agnes Sarutzki

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

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires: 8.5.83

Notary Public for Oregon

My commission expires:

Sarutzki

GRANTOR'S NAME AND ADDRESS

Thompson

GRANTEE'S NAME AND ADDRESS

After recording return to:

Klamath County Title Co.  
422 Main St.  
Klamath Falls, OR

NAME, ADDRESS, ZIP

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

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 \_\_\_\_\_ on page \_\_\_\_\_ or as file/reel number \_\_\_\_\_

Record of Deeds of said county.

Witness my hand and seal of County affixed.

Recording Officer

By \_\_\_\_\_ Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

## WARRANTY DEED

DONALD B. SARUTZKI and AGNES SARUTZKI, Grantors  
 GEORGE E. THOMPSON AND ALICE J. THOMPSON, Grantees

EXHIBIT ALegal Description:

All the following described real property situate in Klamath County, Oregon, to-wit:

Beginning at the Southeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, Township 39 South, Range 10 East of the Willamette Meridian; running thence West on the South line of said Section 31 to the West line of Lot 7 said Section 31; thence North with meander line on the East side of Lost River to a point on said meander line 7 chains and 68 links North of said Section line; thence in an Easterly direction to the Northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 31; thence South 20 chains to the place of beginning, being a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  and Lot 7, Section 31, in Township 39 South, Range 10 East of the Willamette Meridian,

EXCEPTING therefrom such portions as have been heretofore deeded to the United States of America for canal rights of way,

ALSO EXCEPTING that portion thereof deeded to Great Northern Railway Company for railroad rights of way by deed dated June 10, 1931, and recorded on June 13, 1931, in Volume 95, page 454, records of Klamath County, Oregon.

SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, Township 39 South, Range 10 East of the Willamette Meridian,

SAVING AND EXCEPTING that portion lying within the right of way of the "G" Canal.

NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Lots 7, 8 and 9 in Section 6, Township 40 South, Range 10 East of the Willamette Meridian,

SAVING AND EXCEPTING those portions deeded to the United States of America for canal purposes and to Great Northern Railway Company for railroad rights of way.

ALSO SAVING AND EXCEPTING that portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 10 East of the Willamette Meridian lying East of the "G" Canal.

TOGETHER with an easement for purposes of ingress and egress twenty feet (20') in width along the Westerly portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, Township 40 South, Range 10 East of the Willamette Meridian lying East of the "G" Canal extending on the North from Hill Road east of and along the "G" Canal to the South line of the above-mentioned NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Subject to:

1. The assessment roll and the tax roll disclose that the within-described premises were specially assessed as farm land. Taxes for the year 1978-79 and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest, are due and payable when said reason for the deferment no longer exists.
2. Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder.
3. Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
4. Rights of the Federal Government, the State of Oregon and the general public in any portion of the herein-described premises lying below the high water line of Lost River.

EXHIBIT A  
WARRANTY DEED

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DONALD B. SARUTZKI and AGNES SARUTZKI, Grantors  
GEORGE E. THOMPSON and ALICE J. THOMPSON, Grantees

5. Agreement, including the terms and provisions thereof, by and between Stephen H. Griffith and Grace T. Griffith, and William E. Griffith and Ella G. Griffith to United States of America, dated October 26, 1908, and September 7, 1906, and recorded October 26, 1908 and October 4, 1906, in Deed Volume 25, page 322 and Deed Volume 21, page 252, Deed Records of Klamath County, Oregon, regarding releases of claims for damages during building or maintaining canals.

6. Waiver of Riparian Rights, including the terms and provisions thereof, given by John B. Griffith to the United States of America and Stephen H. Griffith to United States of America dated May 7, 1909, recorded Deed Records of Klamath County, Oregon.

7. Grant of Right of Way, including the terms and provisions thereof, given by W. E. Griffith, et al to Keno Power Co., dated August 2, 1926, recorded August 25, 1926, in Volume 72, page 271, Deed Records of Klamath County, Oregon.

8. Reservations and restrictions in deed from Stephen H. Griffith and Grace T. Griffith, his wife, to G. B. Cozad, recorded in Volume 40, page 153, Deed Records of Klamath County, Oregon, as follows: "The grantors also reserve a private right of way covering not to exceed 20 feet in width extending from the northeast corner of the above-named section, south along the section line to the county road for the use of themselves and their employees."

9. Right of Way for pole line, including the terms and provisions thereof, given by Harry C. Chase et al to the California Oregon Power Company by deed dated February 6, 1929, recorded March 29, 1929, in Volume 85, page 485, Deed Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Company the 22nd day  
of August A.D., 19 95 at 11:28 o'clock A M., and duly recorded in Vol. M95,  
of Deeds on Page 22535.

FEE \$40.00

Bernetha G. Letsch, County Clerk  
By Annette Mueller