

1-1-74

43549

BARGAIN AND SALE DEED

Vol. 1497 Page 26642



KNOW ALL MEN BY THESE PRESENTS, That Albert W. Schmeck and Vada H. Schmeck, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto D. T. Matthews and Elsie P. Matthews, husband and wife hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, 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.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$25,000.00

However, you cannot continue on the reverse side of this deed. 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 28<sup>th</sup> day of July, 1978; 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)

*Albert W. Schmeck*  
*Vada H. Schmeck*

STATE OF OREGON,  
County of Klamath } ss.  
July 28<sup>th</sup>, 1978

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 \_\_\_\_\_

Personally appeared the above named Albert W. Schmeck and acknowledged the foregoing instrument to be their 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:

Before me:  
*P. N. Hammond*  
(SEAL) P. N. HAMMONDS  
Notary Public for Oregon  
My commission expires 5-1-82

Notary Public for Oregon  
My commission expires:

(SEAL)

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

After recording return to:

D.T. + Elsie P. Matthews  
PO Box 639  
McArthur, CA 96056  
NAME, ADDRESS, ZIP

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

D.T. + Elsie P. Matthews  
PO Box 639  
McArthur, CA 96056  
NAME, ADDRESS, ZIP

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 \_\_\_\_\_ on page \_\_\_\_\_ or as file/reel number \_\_\_\_\_, Record of Deeds of said county.

Witness my hand and seal of County affixed.

By \_\_\_\_\_ Recording Officer  
Deputy

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

A parcel of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  AND W $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 7, Township 38 S., R. 9 E.W.M., described as follows: That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 7 lying between the Westerly right of way of the New Dalles-California Highway and the Easterly right of way line of the Southern Pacific Railroad.

ALSO the W $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 7 lying between the Westerly right of way line of the New Dalles-California Highway and the Easterly right of way line of the Southern Pacific Railroad,

EXCEPTING that certain parcel of land described in Deed Volume 150 page 417, records of Klamath County, Oregon, and

ALSO EXCEPTING the following described parcel: Beginning at a point on the Westerly right of way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and N. 11°36' W. a distance of 93.71 feet from the West quarter corner of said Section 7; thence S. 78°24' W. at right angles to said highway a distance of 200.0 feet; thence S. 11°36' E., parallel with said highway, a distance of 600.0 feet; thence South 78°24' West a distance of 242.0 feet; thence South 0°06' East a distance of 303.7 feet; thence South 69°29' East a distance of 448.8 feet; thence South 11°36' East a distance of 213.8 feet; thence North 78°24' East a distance of 122.0 feet to a point on the Westerly right of way line of said highway; thence North 11°36' West along said right of way line a distance of 1350.0 feet, more or less, to the point of beginning.

ALSO EXCEPTING the following two parcels of land:

**PARCEL 1:**

Beginning at a point on the Westerly right-of-way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and N. 11°36' W. a distance of 93.71 feet from the West quarter corner of said Section 7; thence S. 78°24' W. at right angles to said highway, a distance of 200.0 feet; thence N. 11°36' W., parallel with said highway, to the North line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 7; thence East along said North line to the Westerly line of said highway; thence S. 11°36' W. along said Westerly line to the point of beginning.

**PARCEL 2;**

Beginning at a point on the Westerly right-of-way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and S. 11°36' E. a distance of 1256.29 feet from the West quarter corner of said Section 7, said point of beginning being the Southeasterly corner of parcel described in deed from Steven H. Ewert, et ux to Donald Vanderhoff, et ux, recorded November 15, 1977 in Volume M77, page 22220, records of Klamath County, Oregon; thence S. 78°24' W. a distance of 300.0 feet; thence Southeasterly parallel with the Westerly line of said highway and 300 feet Westerly at right angles thereto to a point on the South line of said Section 7; thence East on said South line to the Westerly line of said highway; thence Northerly along said Westerly line to the point of beginning.

TOGETHER WITH: That certain easement agreement between Authur Andrew Rickbeil and Annie Helen Rickbeil and Jerry A. Short and Lorena L. Short recorded in Klamath County deed records, volume 266, page 565.

EXHIBIT "A" - Page 1



## SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; pending proceedings for vacating, opening or changing of streets or highways preceding entry of the ordinance or order therefor.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possessions thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records; unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. 1978-79 taxes are now a lien but not yet payable.
6. Rights of the public in and to any portion of the described property lying within the limits of any roads or highways.
7. Easements and rights, including the terms and provisions thereof, given by Abner Weed, et ux, to Oregon Eastern Railway Company by deed dated March 21, 1908 recorded April 3, 1908 in Vol. 24, page 50, and Vol. 27, page 279, deed records of Klamath County, Oregon.
8. Transmission line easement, including the terms and provisions thereof, given by Albert W. Schmeck, et al, to The California Oregon Power Company, dated December 22, 1950 recorded January 4, 1951, in Vol. 244, page 355, deed records of Klamath County, Oregon.
9. Right of way for Transmission line, including the terms and provisions thereof, given by Albert W. Schmeck, et al, to the California Oregon Power Company, dated May 29, 1953 recorded June 3, 1953 in Vol. 261, page 211, deed records of Klamath County, Oregon.

EXHIBIT "A" - Page 2

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title the 14th day  
 of August A.D., 19 97 at 10:48 o'clock A. M., and duly recorded in Vol. M97,  
 of Deeds on Page 26642.

FEE \$40.00

By Bernetha G. Letsch, County Clerk  
Hedden Ross