

72638

WARRANTY DEED—TENANTS BY ENTIRETY

Vol. M99 Page. 670

KNOW ALL MEN BY THESE PRESENTS, That Orville A. Kirkpatrick aka O. A. Kirkpatrick and Carol M. Kirkpatrick, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated to the grantor paid by Clarence Kirkpatrick and Jane E. Kirkpatrick, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the grantees, as tenants by the entirety, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit:

PARCEL 1:

All that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying South of the center line of the U. S. R. S. "D" Canal, AND ALSO the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and Lot 1 of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, less the following described portion: All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and of Lot 1, Section 7, Township 41 South, Range 12 East of the Willamette Meridian, which lies North of the North line of the right of way of the "D" Canal of the U.S.R.S. running in a general East and West direction across said subdivision, which excepted portion was conveyed by Clarence M. Kirkpatrick et ux, to Rudolph Cacka by Deed recorded in Book 139, page 380, Deed Records of Klamath County, ALSO, part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, Township 41 South, Range 11 East of the Willamette Meridian, described as follows:  
(For continuation of this document, see reverse side of this deed.)

To Have and to Hold the above described and granted premises unto the said grantees, as tenants by the entirety, their heirs and assigns forever.

And grantor hereby covenants to and with grantees and the heirs of the survivor and their assigns, that grantor is lawfully seised in fee simple of the above granted premises, free from all encumbrances, except as noted of record as of the date of this deed and those apparent upon the land, if any, as of the date of this deed,

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 \$260,000.00. 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 24th day of December, 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)

*Orville A. Kirkpatrick*  
*O. A. Kirkpatrick*  
Orville A. Kirkpatrick aka  
O. A. Kirkpatrick  
*Carol M. Kirkpatrick*  
Carol M. Kirkpatrick

STATE OF OREGON,

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

County of Klamath  
December 24, 1979

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)

*Theresa L. Hickey*  
Theresa L. Hickey  
Notary Public for Oregon  
My commission expires 3-1-81

Notary Public for Oregon

My commission expires:

AMERITELE has recorded this instrument by request as an accommodation only, and has not examined for regularity and sufficiency or as to its effect upon the title to any real property that may be described therein.

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.

Recording Officer

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

GRANTEE'S NAME AND ADDRESS

After recording return to:

KIRKPATRICK POTATOES & GRAIN, INC.

27623 Hicks Rd.

Malin, Or. 97632

NAME, ADDRESS, ZIP

Check if change is requested all tax statements shall be sent to the following address:

same - no change

NAME, ADDRESS, ZIP

Beginning at the Southeast corner of the Northeast Quarter of said Section 1, thence West on the South line of said Section, 440 feet, thence North to the Adams Canal as now located across the said SE $\frac{1}{4}$ NE $\frac{1}{4}$ , thence East along said Canal to the East line of said Section 1, thence South along said Section line to the place of beginning and being the same land described in Deed from Lakeside Company, a corporation, to Albert Krotochvil, recorded March 21, 1910, in Book 28 of Deeds, page 499, records of Klamath County, Oregon.

PARCEL 2: The S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 6, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, less the following described portion:

All that part of the S $\frac{1}{2}$  of SE $\frac{1}{4}$  of Section 6, Township 41 South, Range 12 East of the Willamette Meridian, described as follows: Beginning at the Northwest corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ , thence South along the West line of S $\frac{1}{2}$ SE $\frac{1}{4}$  920 feet, more or less, to the North bank of the irrigation ditch running Easterly across said S $\frac{1}{2}$ SE $\frac{1}{4}$  as now located and constructed, thence Easterly following the said North bank of said irrigation ditch as now located and constructed across the said S $\frac{1}{2}$ SE $\frac{1}{4}$  to the East line of the S $\frac{1}{2}$ SE $\frac{1}{4}$ , thence North on the East line of said S $\frac{1}{2}$ SE $\frac{1}{4}$  to the Northeast corner of said S $\frac{1}{2}$ SE $\frac{1}{4}$ , thence West along the North line thereof, 2640 feet, more or less, to the point of beginning, which excepted portion was conveyed by Clarence M. Kirkpatrick, et ux, to Luther T. and Gladys A. Hansen by Deed recorded in Book 172, at page 305, Deed Records of Klamath County, AND ALSO all that portion of the NE $\frac{1}{4}$  of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, lying North of the centerline of the U.S.R.S. "D" Canal.

Subject, however, to the following:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
3. The premises herein described are within and subject to the statutory powers including the power of assessment, of Klamath Irrigation District.
4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Shasta View Irrigation District.
5. Reservations, restrictions and easements as contained in Deeds recorded March 21, 1910 in Volume 28, page 499 and Volume 28, page 500, Deed Records of Klamath County, Oregon, as follows:  
"except county roads, telephone canal and other rights of way heretofore acquired, reserved or granted thereon."
6. Grant of Right of Way, including the terms and provisions thereof, in favor of the California Oregon Power Company for pole and wire lines, recorded in Volume 139, page 193, Records of Klamath County, Oregon. (Affects NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Sec. 7, T. 41 S., R. 12 E. W. M.)
7. Grant of Right of Way, including the terms and provisions thereof, in favor of The California Oregon Power Company, for pole and wire lines, recorded in Volume 143, page 420, Records of Klamath County, Oregon. (Affects the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Sec. 7, T. 41 S., R. 12 E. W. M.)
8. An Easement, including the terms and provisions thereof, as contained in Deed recorded in Volume 255, page 596, Records of Klamath County, Oregon, for perpetual right and easement to draw water through a certain covered irrigation ditch over the North  $\frac{1}{2}$  of Section 7, T. 41 S., R. 12 E. W. M. and for the benefit of the South  $\frac{1}{2}$  of Sec. 6, T. 41 S., R. 12 E. W. M.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 8th day  
of January A.D. 19 99 at 11:14 o'clock A. M., and duly recorded in Vol. M99  
of Deeds on Page 670

FEE \$35.00

Linda Smith, County Clerk  
By Kodman Ross