



**2016-013411**

**Klamath County, Oregon**

**12/16/2016 12:47:01 PM**

**Fee: \$57.00**

THIS SPACE RESERVE

After recording return to:

Kelly W. McCarty

5089 Sumac Ave

Klamath Falls, OR 97603

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

Kelly W. McCarty

5089 Sumac Ave

Klamath Falls, OR 97603

File No. 134642AM

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### STATUTORY WARRANTY DEED

**Kerns Brothers, Inc., an Oregon Corporation,**

Grantor(s), hereby convey and warrant to

**Kelly W. McCarty ,**

Grantee(s), the following described real property in the County of Klamath and State of Oregon free of encumbrances except as specifically set forth herein:

**See Attached Exhibit 'A'**

The true and actual consideration for this conveyance is **\$350,000.00.**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 6<sup>th</sup> day of December, 2014.

Kerns Brothers, Inc., an Oregon Corporation

By: Judith L. Brosterhous  
Judith L. Brosterhous, President

State of Oregon } ss  
County of Klamath }

On this 6<sup>th</sup> day of Dec., 2016, before me, Heather Sciurba a Notary Public in and for said state, personally appeared Judith L. Brosterhous, President for Kerns Brothers, Inc., an Oregon Corporation, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Heather Sciurba

Notary Public for the State of Oregon  
Residing at: Klamath County  
Commission Expires: January 9, 2018

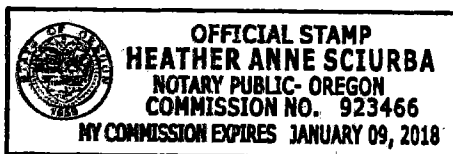


EXHIBIT 'A'

File No. 134642AM

PARCEL 1:

A tract of land situated in Tract 33A of Enterprise Tracts Subdivision, being in the Nw1/4 of Section 3, T39S, R9EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of said Section 3; thence S00°00'30"E, along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the center line of South Sixth Street as the same is now located and constructed; said parallel line being also the Northerly right of way line of said street; thence S55°52'30"E, along said parallel line 1741.84 feet to a 5/8 inch iron pin marking the Easterly right of way line of Austin Street with the location of said point being in conformance with record of Survey No. 939 as filed in the office of the Klamath County Surveyor, which contains the original Owner's Certification of Original Property Corners; thence N34°07'30"E at right angles to said South Sixth Street and along the Easterly right of way of said Austin Street a distance of 250.00 feet to the Northwest corner of that tract of land described in Deed Volume M69 Page 10247, and being the true point of beginning of the description; thence S55°52'30"E 256.51 feet; thence N34°07'30"E, generally along the Northwesterly edge of the Kerns Village Cleaners existing wall, 154.27 feet; thence N55°52'30"W 256.51 feet; thence S34°07'30"W 154.27 feet to the true point of beginning, containing 39,572 square feet and with bearings based on record of Survey NO. 3672.

TOGETHER WITH: a 4-foot roof overhand and sidewalk easement Northeasterly of and parallel to the following described line; Beginning at a point on the Northeasterly line of said tract from which the Northwest corner bears N55°52'30"W 115.00 feet; thence S55°52'30"E 140.00 feet.

SUBJECT TO: A 4-foot sidewalk easement Southwesterly of and being adjacent with and parallel to the above described easement.

PARCEL 2:

A tract of land situated in Tract 33A of Enterprise Tracts Subdivision, being in the NW1/4 of Section 3, T39S, R9EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of said Section 3; thence S00°00'30"E, along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the center line of South Sixth Street as the same is now located and constructed; said parallel line being also the Northerly right of way line of said street; thence S55°52'30"E, along said parallel line 1741.84 feet to a 5/8 inch iron pin marking the Easterly right of way line of Austin Street with the location of said point being in conformance with record of Survey No. 939 as filed in the office of the Klamath County Surveyor, which contains the original Owner's Certification of Original Property corners; thence N34°07'30"E at right angles to said South Sixth Street and along the Easterly right of way of said Austin Street a distance of 250.00 feet to the Northwest corner of that tract of land described in Deed Volume M69 page 10247; thence S55°52'30"E 256.51 feet to the true point of beginning of this description; thence N34°07'30"E, along the Northwesterly edge of the Kerns Village Cleaners existing wall, 154.27 feet; thence S55°52'30"E 98.06 feet to a point on the Easterly line of said Tract 33A; thence S00°21'15"W, along said Easterly line, 173.79 feet, thence S34°07'30"W 9.80 feet; thence N55°52'30"W 194.67 feet to the true point of beginning, containing 23,051 square feet and with bearings based on record of Survey No. 3672.