

Ac 26083

3320 Warranty Deed Vol. 75 Page 8772

This Indenture Witnesseth, That ORE-CAL GENERAL WHOLESALE, INC., a corporation, RAY BYRNES, IRENE BYRNES, HARRY R. WAGGONER, NORMA E. WAGGONER, ORRIN L. STUEMPGES, SHIRLEY A. STUEMPGES, DORMAN A. TURNER and ARLENE I. TURNER,

herein called "grantors," in consideration of / ONE MILLION TWO HUNDRED THOUSAND AND NO/100 Dollars to them paid, have bargained and sold and by these presents do grant, bargain, sell and convey to

WASHBURN ENTERPRISES, INC., an Oregon corporation,

herein called "grantee," its successors and assigns forever, ~~the following described~~ those premises, situated in Klamath County, State of Oregon,

described on Exhibit A attached hereto and by this reference made a part hereof,

together with all tenements, hereditaments and appurtenances hereunto belonging or appertaining, and all estate, right, title and interest in and to the same.

TO HAVE AND TO HOLD said premises unto grantee, its successors and assigns forever. Said grantors do covenant to and with said grantee, its successors and assigns, that they are the owners of said premises, being lawfully seized in fee simple thereof; that said premises are free from all encumbrances, except as shown on Exhibit A attached hereto, and that they and their heirs and representatives will warrant and defend the same from all lawful claims whatsoever.

The true and actual consideration for this transfer is \$1,200,000.00.

IN WITNESS WHEREOF, said grantees have caused this instrument to be executed the 31st day of May, 1972.

RAY BYRNES

By Irene M. Byrnes
His Attorney in fact

ORE-CAL GENERAL WHOLESALE, INC.

By Harry R. Waggoner

By Norma E. Waggoner

E. F. SMITH
Attorney at Law
539 Main Street
Klamath Falls, Oregon

Harry R. Waggoner
Shirley A. Stuempges
Dorman A. Turner
Arlene I. Turner

JUL 31 1975

RECEIVED

10:50 am

STATE OF OREGON

County of KLAMATH

ss. May 31, 1972.

Personally appeared the above-named HARRY R. WAGGONER, NORMA E. WAGGONER, ~~RAY BYRNES~~ IRENE BYRNES, ORRIN L. STUEMPGES, SHIRLEY A. STUEMPGES, DORMAN A. TURNER and ARLENE I. TURNER, know to me to be the identical persons described as grantors in the within Deed, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Herman J. Smith
NOTARY PUBLIC FOR OREGON
My commission expires 12-21-72

STATE OF OREGON

County of KLAMATH

ss. May 31, 1972.

Personally appeared HARRY R. WAGGONER and AMY I. WAGGONER, who, being first duly sworn, did say that they are the President and Secretary, respectively, of ORE-CAL GENERAL WHOLESALE, INC.,

and that the foregoing Deed was signed in behalf of said corporation by authority of its Board of Directors; and they acknowledged said Deed to be its voluntary act and deed.

Before me:

Herman J. Smith
NOTARY PUBLIC FOR OREGON
My commission expires 12-21-72

Warranty Deed

From

To

Recording Data:

Return to:

STATE OF OREGON
County of KLAMATH

ss. May 31, 1972

Personally appeared IRENE BYRNES, who, being first duly sworn, did say that she is the attorney in fact for RAY BYRNES and that she executed the foregoing Deed by authority of and in behalf of said principal; and she acknowledged said instrument to be the act and deed of said principal.

Before me:

Herman J. Smith
NOTARY PUBLIC FOR OREGON
My commission expires 12-21-72

PARCEL 1: A parcel of land situated in the SE $\frac{1}{4}$, Section 9, Township 39 S., R. 9 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point on the Southwesterly line of the Burlington Northern Railroad Company's right of way, said point being Northwesterly a distance of 900 feet measured along said Southwesterly right of way line from the intersection of said right of way line with the North line of that property described in Deed Volume 293, Page 359, Klamath County Deed Records (said railroad right of way line is Southwesterly a distance of 248.5 feet, measured at right angles from the centerline of the Burlington Northern main track as described in Deed Volume 321, Page 327, Klamath County Deed Records); thence Northwesterly along said Southwesterly right of way line a distance of 600 feet; thence Southwesterly at right angles to said right of way line a distance of 200 feet; thence Southeasterly parallel with said right of way line to the North line of the property described in said Deed Vol. 293, Page 359; thence Easterly along said North line to a point that is 100 feet Southwesterly, measured at right angles from said Southwesterly railroad right of way line; thence Northwesterly, parallel to and 100 feet Southwesterly from said right of way line to a point that is Southwesterly 100 feet, measured at right angles from said right of way line and from the point of beginning; thence North-easterly at right angles to the last described line 100 feet to the point of beginning, containing 4.5 acres, more or less.

PARCEL 2: A portion of Lot 3, all of Lots 4, 5 and 6, and a portion of Lot 7, Block 4, THIRD ADDITION TO ALTAMONT ACRES, Klamath County, Oregon, and a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 10, Township 39 S., R. 9 E.W.M., Klamath County, Oregon, described as follows: Beginning at the Southwest corner of that certain tract of land conveyed to Fremont Glass & Millwork Co., recorded in Volume M-70, Page 1756, Klamath County Deed Records; thence South along the East right of way line of Washburn Way 200 feet to the true point of beginning; (said point being the Southwest corner of that certain tract of land being conveyed by H. M. Mallory, et ux, to John T. Bowers, et ux); thence continuing South along the East line of Washburn Way to a point that is 327 feet North of the intersection of the North line of Laverne Street and the East line of Washburn Way; (said point being the Northwest corner of that certain tract of land being conveyed by H. M. Mallory, et ux, to John W. Quinn and Walter Franklin); thence East parallel to the North line of Laverne Street to the West right of way line of Avalon Street; thence North along said right of way line to a point on the East line of Lot 3, Block 4, Third Addition to Altamont Acres, which is South 94.55 feet from the Northeast corner of said lot; (said point being the Southeast corner of that certain tract of land being conveyed by H. M. Mallory, et ux, to John T. Bowers, et ux); thence West parallel to the South line of that certain tract of land conveyed to Fremont Glass & Millwork Co., recorded in Volume M-70, Page 1756, to the true point of beginning. SAVING AND EXCEPTING from the above-described property that portion thereof described as follows: Beginning at the Southwest corner of that certain tract of land conveyed to Fremont Glass & Millwork Co., recorded in Volume M-70, Page 1756, Klamath County Deed Records; thence South along the East right of way line of Washburn Way 200 feet to the true point of beginning; (said point being the Southwest corner of that certain tract of land conveyed by H. M. Mallory, et ux, to John T. Bowers and Darlene M. Bowers); thence continuing South along the East line of Washburn Way to a point that is 327 feet North of the intersection of the North line of Laverne Street and the East line of Washburn Way; (said point being the Northwest corner of that certain tract of land conveyed by H. M. Mallory, et ux, to John W. Quinn and Walter Franklin); thence East parallel to the North line of Laverne Street a distance of 175 feet; thence North 00°02'15" West parallel with Washburn Way a distance of 567.81 feet, more or less, to a 5/8 inch iron pin; thence North 89°30'00" West a distance of 175 feet to the point of beginning.

PARCEL 3: Beginning at an iron pin which marks the intersection of the Southerly right of way line of O.C. & E. Railroad and the Westerly right of way line of the State Secondary Highway No. 420 and which lies North 0°46' West along the section line a distance of 862.1 feet and North 67°47' West along the Southerly right of way line of the O.C. & E. Railroad a distance of 32.6 feet from the Brass Cap Monument which marks the quarter corner common to Sections 3 and 4, Township 39 S., R. 9 E.W.M., and running thence continuing North 67°47' West along the Southerly right of way line of the O.C. & E. Railroad a distance of 197.8 feet to an iron pin; thence South 0°46' East parallel to the section line a distance of 277.6 feet to an iron pin; thence North 89°14' East a distance of 182 feet to an iron pin which lies on the Westerly right of way line of the State Secondary Highway No. 420, 30 feet at right angles Westerly from the center line thereof; thence North 0°46' West along the Westerly right of way line of the State Secondary Highway No. 420 a distance of 200 feet, more or less, to the point of beginning, being in and a part of Tract 50 of Enterprise Tracts, according to the official plat thereof on file in Klamath County, Oregon.

PARCEL 4: A tract of land in the E½, Section 4, Township 39 S., R. 9 E.W.M., lying in Tracts 48, 49, 50, 68, 69, 70, 75, 76, 81, 82 and 88, ENTERPRISE TRACTS, described as follows: Beginning at the most Northerly corner of the tract of land deeded to South Suburban Sanitary District by deed recorded in Deed Book 306, Page 84, which point is 330 feet East of the West line of said Tract 81 and 800 feet distant at right angles from the Southwesterly right of way line of O.C. & E. Railway, and from said point running North parallel to and 330 feet East from the West line of said Tracts 81 and 76 to the Southwesterly right of way line of said railway; thence Southeasterly along said right of way line to the East line of said Section 4; thence South on said East section line to the Southeast corner of said Section 4; thence West on the South line of Section 4, 830 feet, more or less, to the East line of the said tract deeded to South Suburban Sanitary District; thence North on said East line 830 feet distant from and parallel to the East line of Section 4 to a point 800 feet distant at right angles from the Southwesterly right of way line of O.C. & E. Railway, which is the Northeast corner of said South Suburban Sanitary District tract; thence Northwesterly along the Northeasterly boundary of said South Suburban Sanitary District tract to the point of beginning. EXCEPTING from the above tract the part thereof lying within the North 349.6 feet of Tract 50, Enterprise Tracts. ALSO EXCEPTING therefrom the part of Tract 50, Enterprise Tracts, deeded to Carlton Wodecki in Deed Book 198, Page 57. AND FURTHER EXCEPTING the part thereof lying within the right of way of Washburn Way.

PARCEL 5: A parcel of land lying in the NE¼, Section 9, Township 39 S., R. 9 E.W.M., being in Tracts 46, 47, 53, 54 and 62 of ENTERPRISE TRACTS described as follows: Beginning at a point where the East boundary of the tract of land deeded to the South Suburban Sanitary District in Deed Book 306, Page 84, intersects the North line of said Section 9 and running thence South along the East line of said South Suburban Sanitary District tract to a point 630 feet North at right angles from the South boundary of said Tract 53; thence West along the South line of said South Suburban Sanitary District Tract 630 feet, more or less, to the Northwest corner of the tract of land deeded to California Oregon Power Company in Deed Book 104, Page 353; thence South along the East line of said power company tract 630 feet to the South line of Tract 54, Enterprise Tracts; thence East along the South boundary of Tracts 54, 53 and 46, Enterprise Tracts, 1420 feet to the Southeast corner of said Tract 46; thence North along the East boundary of Tracts 46 and 47 to the North line of Section 9; thence West along said North line to the point of beginning. EXCEPTING from said parcel the part thereof lying within the right of way of Washburn Way and Reames Way including the widening thereof by Deed to the State of Oregon recorded in Deed Book 271, Page 304, and by final judgment in Condemnation Suit No. 65-176 L.

PARCEL 6: A parcel of land situated in the $W\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$, Section 3, Township 39 S., R. 9 E.W.M., more particularly described as follows: Beginning at a point on the South line of the $W\frac{1}{2}N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$ 60 feet West from the Southeast corner thereof; thence West on the South line of said subdivision 550 feet, more or less, to the East line of Washburn Way; thence North on said line to the North line of the $W\frac{1}{2}N\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$; thence East on said North line 610 feet, more or less, to the Northeast corner of said subdivision; thence South along the East line of the $W\frac{1}{2}S\frac{1}{2}SW\frac{1}{4}$ to the North line of Hilyard Avenue; thence West on said line 60 feet to a point due South from the point of beginning; thence North 310 feet, more or less, to the point of beginning. SAVING AND EXCEPTING therefrom any portion lying within the right of way of Washburn Way or Hilliard Avenue.

PARCEL 7: A tract of land situated in the $SE\frac{1}{4}SE\frac{1}{4}$, Section 9, Township 39 S., R. 9 E.W.M., more particularly described as follows: Beginning at the intersection of the Southwesterly right of way line of the Great Northern Railroad Company's right of way and the North line of Deed recorded August 2, 1957, Volume 293, Page 359, records of Klamath County, Oregon; thence Northwesterly 900 feet along said Southwesterly right of way line and 248.5 feet at right angles from the center line of Great Northern's railroad right of way, said Southwesterly right of way line is also the Southwesterly line of deed recorded May 23, 1960, in Volume 321, Page 327, Deed Records of Klamath County, Oregon; thence Southwest at right angles 100 feet; thence Southeast and parallel to said Southwesterly right of way line to the Northwesterly line of deed recorded in Volume 293, Page 359, Deed Records of Klamath County, Oregon; thence East to the point of beginning.

PARCEL 8: The $N\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$, Section 3, Township 39 S., R. 9 E.W.M., lying between the East line of Washburn Way and the West line of the O.C. & E. spur track. ALSO a portion of the $SW\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$, Section 3, Township 39 S., R. 9 E.W.M., more particularly described as follows: Beginning at a point on the East line of Washburn Way which bears South $0^{\circ}46'$ East a distance of 2204.25 feet and North $89^{\circ}14'$ East a distance of 50 feet from the iron pin marking the Northwest corner of said Section 3; thence South $0^{\circ}46'$ East along the East line of Washburn Way a distance of 905 feet to the South line of Crosby Avenue as conveyed to Klamath County by deed recorded in Volume M-70, Page 1457-A, Microfilm records of Klamath County, Oregon; thence South $89^{\circ}52'40''$ East along the South line of Crosby Avenue a distance of 320 feet to a point; thence South $0^{\circ}22'50''$ East a distance of 250 feet to a point; thence North $89^{\circ}52'40''$ West a distance of 320 feet to the East line of Washburn Way; thence South $0^{\circ}46'$ East along the East line of Washburn Way a distance of 600.35 feet to the South line of the $NW\frac{1}{4}SW\frac{1}{4}$ of said Section 3; thence North $89^{\circ}54'$ East along said South line a distance of 1221.4 feet to the West right of way line of the O.C. & E. spur track; thence North $0^{\circ}37'$ West along said right of way line a distance of 855 feet to a point; thence South $89^{\circ}14'$ West a distance of 60 feet to a point; thence North $0^{\circ}35'$ West a distance of 315.2 feet to a point; thence South $89^{\circ}14'$ West a distance of 764.3 feet to a point; thence North $0^{\circ}46'$ West a distance of 602.5 feet to the North line of vacated Railroad Terminal Tracts; thence South $89^{\circ}14'$ West along said North line a distance of 400 feet to the point of beginning. SAVING AND EXCEPTING therefrom that portion conveyed to Klamath County for Crosby Avenue by deed recorded in Volume M-70, Page 1457-A, Microfilm records of Klamath County, Oregon.

- SUBJECT TO: (1) The assessment and tax rolls disclose that a portion of the within-described premises was specially assessed as farm land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five years or lesser number of years in which the land was subject to the special land use assessment.
- (2) Acreage and use limitations under provisions of the United States Statutes and regulations issued thereunder.
- (3) Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements and water and irrigation rights in connection therewith.
- (4) All contracts, water rights, proceedings, taxes and assessments relating to Klamath Basin Improvement District, and all rights of way for roads, ditches, canals and conduits, if any there may be. (Affects Parcels 1 and 7.)
- (5) Rights of the public in any portion of the herein-described premises lying within the limits of any road or highway.
- (6) Rules, regulations and assessments of South Suburban Sanitary District. (Affects a portion of Parcels 4, 5 and 8.)
- (7) The interest of railroad for railroad right of way and spur trackage in Parcel 8.
- (8) Easements and releases of damages, including the terms and provisions thereof, granted to The California Oregon Power Company relative to raising and/or lowering the water of Lake Ewauna and Klamath River as shown by the records of Klamath County, Oregon. (Affects Parcels 4 and 5.)
- (9) Release of claim for damages, including the terms and provisions thereof, granted by Jas. H. Driscoll, et ux, to Great Northern Railway Company, relative to construction, maintenance and operation of railway, dated May 12, 1931, recorded May 13, 1931, in Deed Volume 95, Page 272, records of Klamath County, Oregon. (Affects Parcels 1 and 7.)
- (10) Reservations and restrictions contained in deed from Anglo California National Bank of San Francisco, a corporation, to The California Oregon Power Company, dated December 30, 1938, recorded January 24, 1939, in Deed Volume 120, Page 109, records of Klamath County, Oregon. (Affects Parcels 4 and 5.)
- (11) Reservations and restrictions contained in deed from Manhattan Company, a corporation, to F. L. Weaver and Elsie H. Weaver, husband and wife, dated August 9, 1938, recorded December 24, 1943, in Deed Volume 161, Page 23, records of Klamath County, Oregon. (Affects portion of Parcel 8.)
- (12) Reservations and restrictions contained in deed from Western Cities Company, an Oregon corporation, to C. P. Peyton, et ux, dated August 15, 1947, recorded October 8, 1947, in Deed Volume 212, Page 193, records of Klamath County, Oregon. (Affects Parcel 6.)
- (13) Reservations and restrictions contained in deed from Western Cities Company to H. M. Mallory, Minnie Mallory and Christine C. Williams, dated February 16, 1948, recorded September 15, 1948, in Deed Volume 225, Page 91, records of Klamath County, Oregon. (Affects Parcel 2.)

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- (14) Easement, including the terms and provisions thereof, given by J. C. Lemire, dba Acme Concrete, to Oregon Water Corporation, a public utility corporation, dated April 5, 1967, recorded July 10, 1967, in Volume M-67, Page 5178, Microfilm records of Klamath County, Oregon. (Affects Parcel 3.)
- (15) Easement for transmission line, including the terms and provisions thereof, given by Samuel S. Johnson, et ux, to Pacific Power & Light Company, a corporation, dated August 22, 1966, recorded August 24, 1966, in Volume M-66, Page 8536, Microfilm records of Klamath County, Oregon. (Affects Parcels 4 and 5.)
- (16) Easement for water main or pipe line, including the terms and provisions thereof, given by Samuel S. Johnson, dba S. S. Johnson Company, dated June 26, 1967, recorded July 10, 1967, in Deed Volume M-67, Page 5156, Microfilm records of Klamath County, Oregon. Said easement given to Oregon Water Corporation. (Affects Parcels 4 and 5.)
- (17) Reservations and restrictions contained in deed from C. P. Peyton, et ux, to Orrin L. Stuempges, et ux, dated June 19, 1968, recorded December 31, 1968, in Deed Volume M-68, Page 21289, Microfilm records of Klamath County, Oregon. (Affects Parcel 6.)
- (18) Right of way easement, including the terms and provisions thereof, given by Harry R. Waggoner, et ux, to California-Pacific Utilities Company, dated November 10, 1970, recorded November 30, 1970, in Volume M-70, Page 10618, Microfilm records of Klamath County, Oregon. (Affects Parcels 3, 4 and 5.)
- (19) Right of way easement for transmission line, including the terms and provisions thereof, given by Dale Goode and Juanita S. Goode to Pacific Power & Light Company, a corporation, dated August 31, 1971, recorded September 1, 1971, in Deed Volume M-71, Page 9274, Microfilm records of Klamath County, Oregon. (Affects Parcel 1.)
- (20) Contract of Sale, including the terms and provisions thereof, by and between Samuel S. Johnson as seller and Harry R. Waggoner, et ux, as buyers, dated February 20, 1970. (Affects Parcels 4 and 5.)
- (21) Mortgage, including the terms and provisions thereof, from Orrin L. Stuempges, et ux, to C. P. Peyton, et ux, dated June 18, 1968, recorded January 7, 1969, in Volume M-69, Page 127, Mortgage Records of Klamath County, Oregon. (Affects Parcel 6.)
- (22) Contract of Sale, including the terms and provisions thereof, by and between H. M. Mallory, et ux, as sellers, and Joseph E. Green as buyer, dated December 20, 1970. (Affects Parcel 2.)

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of KLANATH COUNTY, TITLE 30

this 31st day of JULY A.D., 1975 at 10:50 o'clock A.M., and duly recorded in Vol. M 75 of DEEDS on Page 8772

FEE \$ 21.00

WM. D. MILNE, County Clerk

By *[Signature]* Deputy

Ret: Klam. Co. Title
17-5

21 (Exhibit A - Page 5)