

ORIGINAL

2/24/77

27112

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Highway Division
File 48971

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That SWAN LAKE MOULDING COMPANY, an Oregon corporation and CARNATION COMPANY, a Delaware corporation, doing business as ALBERS FEED AND FARM SUPPLY, Grantors, for the consideration of the sum of Thirty-nine Thousand Two Hundred Thirty-one and No/100 DOLLARS (\$39,231.00) received, do hereby convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Highway Division, Grantee, the following described property, to wit:

PARCEL 1

A parcel of land lying in Tract 44, ENTERPRISE TRACTS situated in Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being described as follows:

Beginning at the Northwest corner of Section 3, Township 39 South, Range 9 East, W.M.; thence South 00° 00' 30" East 977.8 feet along the Westerly line of said Section 3 to a point 50 feet Southwesterly of (when measured at right angles to) the center line of the The Dalles - California Highway (also known as South 6th Street), as the same is now located and constructed; thence South 55° 52' 30" East parallel with said center line 36.2 feet, more or less, to a point 30 feet Easterly of (when measured at right angles to) the center line of the relocated Midland Highway (also known as Washburn Way), which point is marked by a railroad spike with a cross on top, embedded in the pavement and is the true point of beginning; thence South 00° 00' 30" East, parallel with said last mentioned center line 227.83 feet to a point 30 feet Easterly of (when measured at right angles to) said last mentioned center line at Engineer's Station 12+26; thence North 89° 59' 30" East 10 feet; thence North 00° 00' 30" West 143.12 feet to the point of tangency of a 49 foot radius curve right; thence Northeasterly along said 49 foot radius curve right to a point South 55° 52' 30" East 64.26 feet from the true point of beginning; thence North 55° 52' 30" West 64.26 feet to the true point of beginning, containing 3376 square feet, more or less.

Subject to rights of way previously granted to:

1. California-Oregon Power Company, now Pacific Power and Light Company.
2. Oregon Water Company.
3. Pacific Northwest Bell Telephone Company.
4. South Sanitary District.
5. California-Pacific Utilities Company.

Also for the above stated consideration, there is hereby granted to Grantee, permanent easements to construct, maintain, repair and have free access to all slopes of cuts or fills, occasioned by or resulting from the construction, operation or maintenance of the adjoining highway and appurtenances, and to construct, operate and maintain a drainage facility, upon, over, through and across the following described property to wit:

PARCEL 2

A parcel of land lying in Tract 44, ENTERPRISE TRACTS, situated in Section 3, Township 39 South, Range 9 East, W.M., Klamath County, Oregon; the said parcel being a strip of land 5 feet in width lying contiguous to and Easterly of the Easterly line of Parcel 1, containing 1054 square feet, more or less.

IT IS EXPRESSLY UNDERSTOOD that the easements herein granted do not convey any right, title or interest in the land above described as Parcel 2, except those expressly stated herein, nor prevent Grantors from the full use and dominion thereover; provided however, that such use shall not be permitted to damage or destroy lateral support to said street or highway, or to interfere in any way with the construction, operation or maintenance of Grantee's drainage facilities.

IT IS FURTHER EXPRESSLY UNDERSTOOD that nothing herein contained shall be construed to impose any duty, obligation or liability upon Grantee by reason of the construction or operation of said drainage facility, and that Grantee shall never be required to remove the slope fill material which may be placed by it upon the above described property, nor shall Grantee be subject to any damages to Grantors, their successors and assigns, by reason of change of grade of the highway on said property.

It is also understood and agreed that the execution and delivery of this deed will in no event be considered as affecting a merger, or as a waiver of any of the conditions set out in that certain option dated December 14, 1976 given by Grantors to Grantee.

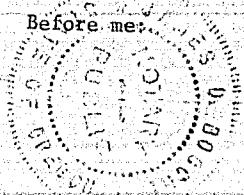
Swan Lake Moulding Company places a \$4,051.20 valuation on the above described Parcel 2 and Parcel 1 and \$35,269.80 for the easement over the above described Parcel 2, damages to buildings on Grantors' remaining property, loss of business and inconvenience and loss of access to said remaining property.

And Swan Lake Moulding Company hereby covenants to and with Grantee, its successors and assigns, that it is the owner in fee simple of the above described property which is free from all encumbrances except as hereinabove set forth, and will warrant and defend the property herein conveyed and the easement rights herein granted from all lawful claims whatsoever, except as noted herein. Carnation Company has joined in as Grantors in this deed because of its interest as Lessee and owner of some of the buildings affected by the conveyances herein made.

4900

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2/24/77Highway Division
File 48971Dated this 10th day of March, 1977.SWAN LAKE MOULDING COMPANY, an Oregon
corporationBy Alfred D. Collier
PresidentBy Dorothy V. Collier
SecretaryCARNATION COMPANY, a Delaware corporation,
doing business as Albers Feed and Farm SupplyBy Jule N. Kvamme
Vice PresidentBy G. E. Sperling, Jr.
SecretarySTATE OF OREGON, County of KlamathMarch 10th, 1977. Personally appeared Alfred D. Collierand Dorothy V. Collier, who being sworn, stated that they are the
President and Secretary of grantor corporation and that this instrument was volun-
tarily signed in behalf of the corporation by authority of its Board of Directors.

Before me:

James D. Borchert
Notary Public for OregonMy Commission expires 10-25-78STATE OF CALIFORNIA, County of Los AngelesMarch 10, 1977. Personally appeared Jule N. Kvammeand G. E. Sperling, Jr., who being sworn, stated that they are the
Vice President and Secretary ofCarnation Company, a Delaware Corporation, doing business as Albers Feed and Farm
Supply and that this instrument was voluntarily signed in behalf of the corporation
by authority of its Board of Directors. Before me:Marcella A. Achtzehn
Notary Public for CaliforniaMy Commission expires July 12, 1977

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 23rd day of
MARCH A.D., 1977 at 3:00 o'clock P M., and duly recorded in Vol. M 77
of DEEDS on Page 4898.FEE \$ 9.00

WM. D. MILNE, County Clerk

By Hazel Drazel Deputyper
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