

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That WASHBURN ENTERPRISES, INC., an Oregon corporation, hereinafter called "grantor", for the consideration hereinafter stated, does hereby grant, bargain, sell and convey an undivided one-third interest to HARRY R. WAGGONER, an undivided one-third interest to ROBERT A. STEWART and an undivided one-third interest to ROBERT J. HARRAHILL and BETTY L. HARRAHILL, husband and wife, hereinafter called "grantees" and unto grantees' heirs, successors and assigns, in and to 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:

'83 SEP 30 AM 11 03

A tract of land situated in a portion of Lots 2 and 3, Block 2, Tract 1080, WASHBURN PARK, a duly recorded subdivision, situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 39 S., R. 9 E.W.M., more particularly described as follows: Beginning at a 5/8 inch iron pin on the East line of said Lot 2, from which the Southeast corner of said Lot 2 bears S. 00°03'30" W. 400.00 feet; thence N. 89°56'30" W., parallel to the South line of said Lot 2, 483.75 feet to a 5/8 inch iron pin on the westerly boundary of said Lot 2; thence along the arc of a curve to the left (radius point bears S. 71°08'47" W. 440.00 feet and central angle = 05°45'39") 44.24 feet to a point on the East line of that tract of land described in Deed Volume M75, Page 11116, Klamath County deed records; thence N. 00°06'43" W., along said East line, 264.88 feet to the Northeast corner of said Deed Volume M75, Page 11116; thence N. 66°51'15" W., along the northerly line of said Deed Volume M75, Page 11116, 150.43 feet; thence along the original line of said Lot 2, N. 27°14'33" E. 69.72 feet, N. 89°41'49" E. 403.23 feet and S. 66°51'15" E. 45.99 feet to the northwesterly corner of said Lot 3; thence S. 66°51'15" E., along the northerly line of said Lot 3, 57.63 feet; thence along the arc of a curve to the left (radius point bears S. 01°42'25" W. 356.28 feet and central angle = 08°32'26") 53.11 feet to a point on the West line of said Lot 3; thence along the line common to said Lots 2 and 3, S. 00°03'30" W. 252.59 feet, and S. 89°56'30" E. 161.96 feet to the Southeast corner of said Lot 3; thence S. 00°03'30" W. 133.83 feet, more or less, to the point of beginning, containing 4.097 acres (178,469 square feet) more or less, with bearings based on said Tract 1080, Washburn Park.

SUBJECT TO: Railroad right of way upon the following-described strip of land situated in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, Township 39 S., R. 9 E.W.M., being 7.50 feet each side of, measured at right angles to the following-described centerline as built: Beginning at the intersection of the centerline of an existing railroad spur and the easterly line of the Maywood Mill property, said intersection point being 6.00 feet southerly from the Northeast corner of said Maywood Mill property, and being N. 33°08'51" W. 1006.01 feet from the East $\frac{1}{4}$ corner of said Section 4; thence along the arc of a curve to the left (radius point bears N. 03°02'09" W. 468.69 feet and central angle = 17°50'21") 145.93 feet; thence N. 69°07'30" E. 117.36 feet; thence along the arc of a curve to the right (radius = 363.78 feet and central angle = 19°43'48") 125.27 feet, more or less, to the southwesterly right of way line of the Weyerhaeuser Timber Co. Railroad (formerly O.C. & E.), with bearings based on Tract 1080, Washburn Park, a duly recorded subdivision.

(Bargain and Sale Deed - 1)

16859

THIS GRANT IS MADE SUBJECT TO the following conditions and restrictions: (a) Grantees, and any one claiming by, through or under grantees, shall not cause or permit any permanent building, structure or other obstruction, other than signs, gasoline pumps or similar service facilities, to be placed or located on the easterly 70 feet of said parcel parallel to Washburn Way. Said 70-foot strip shall be maintained in such manner as to permit vehicular traffic to pass on either side of such permitted service facilities in the most direct northerly and southerly direction. (b) Said 70-foot strip shall be reserved for the use of the owners and occupants of the above-described property and the owners and occupants of adjoining properties bordering on Washburn Way upon which similar conditions and restrictions are imposed for the use and enjoyment of the owners and occupants, their customers, employees and invitees, for parking of automobiles and access to and egress from said parcels. (c) Grantees, in consideration of the reservation or granting of similar conditions and restrictions upon adjoining properties, agree to maintain said 70-foot strip in a safe and suitable condition for the uses and purposes herein recited. (d) The foregoing reservation and conditions are deemed to be appurtenant to the parcel herein conveyed for the use and benefit of the owners and occupants, their employees, customers and invitees, of the subject property and the owners and occupants, their customers, employees and invitees, of the adjoining properties similarly restricted.

(THIS GRANT EFFECTS AN EXEMPTED PARTITIONING UNDER THE PROVISIONS OF ORS 92.010, sub-paragraph 8.)

TO HAVE AND TO HOLD the same unto said grantees, their heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$85,000.00.

IN WITNESS WHEREOF, grantor, pursuant to a resolution of its board of directors, has caused this instrument to be signed by its president and secretary this 30th day of Sept., 1983.

WASHBURN ENTERPRISES, INC.

By Dorran A. Turner

By Jewell Huston

STATE OF OREGON
County of KLAMATH }

ss. Sept 30, 1983

16860

Personally appeared DORMAN A. TURNER and JEWELL HUSTON, who, being first duly sworn, did say that they are the president and secretary, respectively, of WASHBURN ENTERPRISES, INC., an Oregon corporation, 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:

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires April 18 1984

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

on this 30th day of Sept. A.D. 19 83
at 11:03 o'clock A M, and duly
recorded in Vol. M 83 of Deeds
Page 16858

EVELYN BIEHN, County Clerk

By [Signature] Deputy
Fee 12.00

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

Harry R. Waggoner
P.O. ~~1000~~ 664
Klamath Falls Ore
97601