

46892

Return and Tax Statements:

Wolfsen M.C. Ranch
P.O. Box 311
Los Banos, Calif. 93635

K-37625

Vol. 185 Page 3905

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That BITTERBRUSH LAND & CATTLE CO., a/k/a BITTERBRUSH LAND & CATTLE COMPANY, a California general partnership, hereinafter called the Grantor, for the consideration hereinafter stated, to Grantor paid by WOLFSEN M C RANCH, a California limited partnership, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Klamath and State of Oregon, described in Exhibit "A" attached hereto and by this reference made a part hereof, subject to the liens, easements and rights of way of record as set forth in said Exhibit "A" and those apparent on the land;

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever;

And said Grantor hereby covenants to and with said Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, except as to those exceptions set forth in the attached Exhibit "A". 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.

85 MAR 15 PM 1 00


The true and actual consideration paid for this transfer, stated in terms of dollars, is One Million Nine Hundred Thousand Dollars (\$1,900,000.00) and other consideration including property of value given or promised which is the whole consideration.

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 6th day of March, 1985; 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.

BITTERBRUSH LAND & CATTLE
COMPANY, a California General
Partnership, consisting of
Stuart L. Brown, Warren L.
Wolfsen and Lindemann Farms,
Inc., a California corporation.

By


STUART L. BROWN

By


WARREN L. WOLFSEN

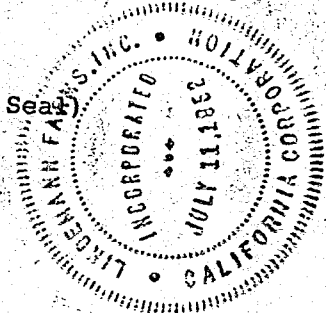
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LINDEMANN FARMS, INC., a
California corporation.

By [Signature]

By Helen L. Paradise

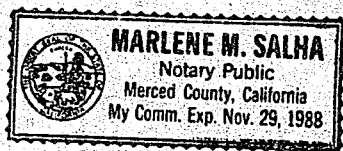
(Official Seal)



STATE OF CALIFORNIA)
) ss.
COUNTY OF MERCED)

On this 6th day of March, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared Stuart L. Brown, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed th within instrument as one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.



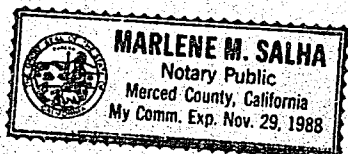
Marlene M. Salha
Notary Public

STATE OF CALIFORNIA)
) ss.
COUNTY OF MERCED)

On this the 6th day of March, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared WARREN L. WOLFSEN, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed

the within instrument as one of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

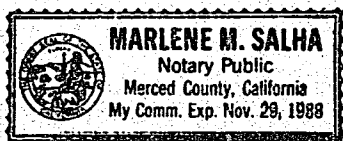


Marlene M. Salha
Notary Public

STATE OF CALIFORNIA)
COUNTY OF *Merced*) ss.

On this the 6th day of March, 1985, before me, the undersigned, a Notary Public in and for said County and State, personally appeared George Lindemann, personally known to me or proved to me on the basis of satisfactory evidence to be the President of Lindemann Farms, Inc., a California corporation, and acknowledged to me that such corporation as a partner executed the within instrument pursuant to its By-Laws or a Resolution of its Board of Directors.

WITNESS my hand and official seal.



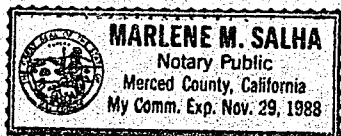
Marlene M. Salha
Notary Public

STATE OF CALIFORNIA)
COUNTY OF MERCED) ss.

On this 6th day of March, 1985, before me, the undersigned, a Notary Public in and for the State, personally appeared HELEN L. PARADISO, personally known to me or proved to me on the basis of satisfactory evidence to be the Secretary of Lindemann Farms, Inc., a California corporation, and acknowledged

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to me that such corporation as a partner executed the within instrument pursuant to its By-Laws or a Resolution of its Board of Directors.



Marlene M. Salha
Notary Public

DESCRIPTION OF PROPERTY

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The following described real property situate in Klamath County, Oregon:

PARCEL 1

That portion of Lot 1 of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the section line 150 feet, more or less, West of the Northeast corner of said Lot 1; thence East along the section line a distance of 150 feet, more or less, to the said Northeast corner; thence South a distance of 60 feet, more or less, to a point on the East line of said Lot 1; thence in a Northwesterly direction to the point of beginning.

ALSO a strip of land 100 feet in width in the Northeast quarter of the Northwest quarter (NE $\frac{1}{4}$ of NW $\frac{1}{4}$), Northwest quarter of the Northeast quarter (NW $\frac{1}{4}$ of NE $\frac{1}{4}$) and South half of the Northeast quarter (S $\frac{1}{2}$ of NE $\frac{1}{4}$) of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, as described in that deed from Bly Logging Company to Weyerhaeuser Timber Company, dated July 10, 1950 and recorded November 22, 1950, in Book 243 at page 444, Deed Records.

PARCEL 2

The S $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36 Township 36 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 3

The S $\frac{1}{2}$ S $\frac{1}{2}$ Section 31, Township 36 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 4

Government Lots 1 & 2; that portions of Government Lot 3 lying Northeasterly of Weyerhaeuser Timber County Road; the S $\frac{1}{2}$ NE $\frac{1}{4}$; the SE $\frac{1}{4}$ lying Northeasterly of the Klamath Falls-Lakeview Highway; and the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying Northeasterly of the Klamath Falls-Lakeview Highway, EXCEPTING THEREFROM the S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$; all in Section 1, Township 37 South, Range 14 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 5

The N $\frac{1}{2}$; W $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 5, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 6

All of Section 6, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Northeast of U.S. Highway #66

PARCEL 7

The NE $\frac{1}{4}$ and E $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying Northeasterly of U. S. Highway #66.

PARCEL 8

The N $\frac{1}{4}$ N $\frac{1}{4}$; S $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, EXCEPT the South 330 feet, all in Section 8, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon.

PARCEL 9

The N $\frac{1}{2}$ of Lot 1 lying North of U. S. Highway No. 66, also known as Highway No. 140, in Section 7, Township 37 South, Range 15 East of the Willamette Meridian, in the County of Klamath, State of Oregon,

EXCEPT the following described tract: Beginning at a point on the North Section line 150 feet West of the Northeast corner of Lot 1; thence East 150 feet to the said Northeast corner; thence South 60 feet; thence Northwesterly to the point of beginning.

PARCEL 10

Township 36 South, Range 14 East of the Willamette Meridian
Section 36: N $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$

PARCEL 11

Township 35 South, Range 14, E.W.M.
Section 32: W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$

Township 36 South, Range 14, E.W.M.
Section 5: All
Section 8: All

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. Taxes for the year 1984-85, and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest are due and payable when said reason for the deferment no longer exists.

Rights of the public in and to any portion of the herein described property lying within the boundaries of public roads or highways.

Rights of the public and of governmental bodies in and to any portion of the above described property lying below the high water line of Sprague River.

Subject to the requirements and provisions of O.R.S. Chapter 481 pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

A One-half interest in the mineral rights as reserved in Volume 46 page 180, Volume 47 page 391, Volume 47 page 546 and Volume 85 page 248, Deed Records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, to The California Oregon Power Company, a California corporation, recorded June 30, 1930, in Volume 117 page 17, Deed Records of Klamath County, Oregon.

Reservations and restrictions in deed from Favell-Utley Realty Co. to Garner Lundy and Elizabeth Lundy, dated January 18, 1940, recorded February 26, 1940, in Volume 127 page 301, Deed records of Klamath County, Oregon, as follows: "1/2 of all oils, gas, coal and minerals on, in or under said lands together with the right to take and mine the same, are reserved by the grantor, its successors and assigns." Affects S1/2SW1/4NW1/4, S1/2N1/4NW1/4SW1/4, N1/2N1/4NE1/4SW1/4 in Section 5

Right of Way for Transmission line and distribution of electric, including the terms and provisions thereof, by and between Ivory Pine Company, and California Oregon Power Company, dated January 16, 1941, recorded March 6, 1941, in Volume 136 page 32, Deed records of Klamath County, Oregon.

Roadway reserved to Weyerhaeuser Timber Company by deed recorded in Volume 240 page 297 and Volume 243 page 444, Deed Records of Klamath County, Oregon.

Easement for roadway, electric and telephone transmission lines, including the terms and provisions thereof, to Klamath County, recorded July 23, 1954, in Volume 268 page 218, Deed Records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, to The California Oregon Power Company, a California corporation, recoded December 23, 1955, in Volume 280 page 105, Deed Records of Klamath County, Oregon.

Easement, including the terms and provisions thereof, given by Everett W. Barker and Betty Louise Barker, husband and wife, to The California Oregon Power Company, a California corporation, recorded September 8, 1958, in Volume 303 page 255, Deed Records of Klamath County, Oregon.

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Easement, including the terms and provisions thereof, to The California Oregon Power Company, a California corporation, recorded October 9, 1959, in Volume 316 page 391, Deed Records of Klamath County, Oregon.

Grant of Right of Way, including the terms and provisions thereof, by and between Yamsay Land & Cattle Company, and Pacific Power & Light Company, a Maine corporation, dated January 11, 1965, recorded February 18, 1965, in Volume 359 page 378, Deed records of Klamath County, Oregon.

Easement for transmission and distribution of electricity, including the terms and provisions thereof, granted to Pacific Power and Light Company, recorded August 12, 1965, in Volume M65 page 816 Deed Records of Klamath County, Oregon.

Grant of Right of Way for the use of Forest Service Roadways granted to Weyerhaeuser Company, recorded August 27, 1965, in Volume M65 page 1223, Deed Records of Klamath County, Oregon.

Reservations and restrictions in United States Patent, recorded April 15, 1969, in Volume M69 page 2681, Deed Records of Klamath County, Oregon, as follows: "EXCEPTING AND RESERVING TO THE UNITED STATES from the land so granted: 1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945; 2. All the coal, oil, gas, and other mineral deposits in said land, and to it, or to persons authorized by it, the right to prospect for, mine, and remove such deposits, in accordance with the provisions of the Act of February 28, 1925 (43 Stat. 1090); and 3. In accordance with the provisions of said Act of February 28, 1925, an easement for the existing Fishhole Road No. 379, 66 feet in width, being 33 feet on each side of the centerline thereof, with as much additional width as required for adequate protection of cuts and fills, said centerline being more particularly described as follows: Beginning at a point on the west line of Lot 3, said Section 18, which point is 66 feet, more or less, south of the west $\frac{1}{4}$ section corner of said Section 18, and traversing in a southeasterly direction over and across said Lot 3 and the E $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 18 to a point on the south line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ said Section 18, which point is 964 feet, more or less, east of the $\frac{1}{4}$ section corner common to Sections 18 and 19, Township 37 South, Range 15 East, Willamette Meridian.

Provided, that if for a period of 5 years the United States, or its assigns, shall cease to use or preserve for prospective future use, the above road or any segment thereof, for the purposes reserved, or if at any time the United States of America determines that the road, or any segment thereof, is no longer needed for the purposes reserved, the easement traversed thereby shall terminate. In the event of such nonuse or of such determination by the United States of America, the United States of America shall furnish to the patentee, its successors, or assigns, a statement in recordable form evidencing termination."

Reservations and restrictions for mineral rights contained in deed from Weyerhaeuser Company to Donald V. Nonella, et ux, dated July 9, 1971, recorded November 15, 1971, in Volume M71 page 11963, Deed Records of Klamath County, Oregon.

Right of Way Easement, given by Everett M. Bell and Pauline S. Bell, husband and wife, to Pacific Power & Light Company, dated February 11, 1974, recorded February 25, 1974, in Volume M74 page 2748, Deed Records of Klamath County, Oregon.

Right of Way Easement, given by 7 C Ranch Inc. to Pacific Power & Light Company, dated March 18, 1974, recorded March 28, 1974, in Volume M74 page 3849, Deed Records of Klamath County, Oregon.

Mortgage, including the terms and provisions thereof, executed by Bitterbrush Cattle Co., a partnership consisting of Stuart L. Brown, Warren L. Wolfson and Paul Diener; Stuart L. Brown, Warren L. Wolfson and Paul Diener, to The Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated February 20, 1981, recorded February 26, 1981, in Volume M81 page 3360, Mortgage Records of Klamath County, Oregon, to secure the payment of \$350,000.00.

Mortgage, including the terms and provisions thereof, executed by Lindemann Farms, Inc., a corporation; George T. Lindemann; Thomas C. Lindemann; to The Federal Land Bank of Spokane, dated July 24, 1981, recorded August 11, 1981, in Volume M81 page 14205, Mortgage Records of Klamath County, Oregon, to secure the payment of \$495,000.00.

Mortgage, including the terms and provisions thereof, executed by Lindemann Farms, Inc., to Hubert Bruns and Merle S. Bruns, dated July 31, 1981, recorded August 11, 1981, in Volume M81 page 14211, Mortgage Records of Klamath County, Oregon, to secure the payment of \$250,000.00.

Mortgage, including the terms and provisions thereof, executed by Bitterbrush Land & Cattle Company to Rodney L. Hadley and Lee Anna D. Hadley, husband and wife, dated March 2, 1982, recorded April 30, 1982, in Volume M82 page 5398, Mortgage Records of Klamath County, Oregon, to secure the payment of \$80,000.00.

STATE OF OREGON,)

County of Klamath)

Filed for record at request of

on this 15th day of March A.D. 19 85
at 1:00 o'clock P M, and duly
recorded in Vol. M85 of Deeds
Page 3905

EVELYN BIEHN, County Clerk

By [Signature] Deputy

Fee 41.00