

BURLINGTON NORTHERN RAILROAD COMPANY (formerly named Burlington Northern Inc.), a Delaware corporation, GRANTOR, releases and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to MODOC LUMBER CO. of P. O. Box 257, Klamath Falls, OR 97601, an Oregon corporation, GRANTEE, all right, title and interest in and to the following described real property, situated in Klamath County, Oregon, to-wit:

An irregular parcel of Burlington Northern Railroad Company's station ground property situated in Government Lot 7 (SW $\frac{1}{4}$) of Section 33, T 38 S, R 9 E, W.M., in the City of Klamath Falls, above said County and State, more particularly described as follows:

Commencing at the West $\frac{1}{4}$ corner of said Section 33; thence N 00°01'W, along the West line thereof, 69.3 feet; thence S 55°27' E 188.55 feet; thence S 10°27' W 25.27 feet to the True Point of Beginning, on the Southerly line of South Sixth Street; thence S 10°46'30" W 427.39 feet to the True Point of Beginning of that tract of land described in Volume 80 Page 562 of the Klamath County Deed Records; thence following along the Westerly line of said tract the following courses, S 10°46'30" W 256.81 feet (259.69 feet by said Volume 80 Page 562), along the arc of a curve to the left 618.95 feet (radius=573.14 feet, central angle = 61°52'30" and the long chord bears S 20°09'45" E 589.31 feet) to a point lying 14.5 feet Northeasterly, as measured at right angles, from the centerline of the 100-foot wide railroad right-of-way corridor occupied jointly by Grantor herein and Southern Pacific Railroad Company and S 51°06' E, along a line drawn parallel with and distant 14.5 feet Northeasterly from said centerline, 182.02 feet; thence N 38°54' E 16.21 feet; thence Northwesterly along the arc of a curve to the right (radius = 484.18 feet, central angle = 26°37'30" and long chord bears N 37°47'15" W 222.98 feet) 225.00 feet to the Southernmost corner of that certain parcel conveyed to the former Great Northern Railway Company by deed and recorded in Volume 82 Page 172 of the Klamath County Deed Records; thence continuing Northwesterly along the Easterly boundary of the above said parcel the following courses, along a curve to the right (radius = 484.18 feet, central angle = 12°38'00" and the long chord bears N 18°09'30" W 106.54 feet) 106.76 feet, Northerly on a curve to the right (radius = 702.55 feet, central angle = 22°37'00" and the long chord bears N 00°32'00" W 275.52 feet) 277.32 feet, N 10°46'30" E 70.23 feet, along a curve to the right (radius = 706.05 feet, central angle = 1°27'00" and the long chord bears N 17°12'30" E 17.87 feet) 17.87 feet and N 10°46'30" E 589.64 feet to the Southerly line of South Sixth Street; thence along the Southerly line of South Sixth Street the following courses, N 55°46'30" W 149.88 feet, N 61°41'40.5" W 32.28 feet and N 73°32'01.5" W 32.28 feet to the True Point of Beginning.

EXCLUDING, herefrom, that portion of the above described parcel lying Southwesterly of a line drawn parallel with and distant 30.5 feet Northeasterly, as measured at right angles, from the centerline of said 100-foot wide railroad right-of-way corridor; parcel herein conveyed contains 4.81 acres, more or less.

Sale of the premises shall include all buildings thereon in an "as-is" condition. Grantee has fully examined and inspected the said buildings and has in all respects accepted and approved the same and any and all parts and appurtenances thereof and thereto and understands that Burlington Northern Railroad Company has made no representations or warranties respecting the nature or condition of said buildings or any of their parts and appurtenances, above or below ground.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights. EXCLUDING HEREFROM and conveying unto the Grantee, all rights to explore for and remove any geo-thermal energy contained beneath said premises.

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64 14 6

12187

This instrument will 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 approved uses.

The true consideration for this conveyance is \$99,500.00.

Done by order of the Grantor's Board of Directors with its corporate seal affixed on June 30, 1987.

BURLINGTON NORTHERN RAILROAD COMPANY

By H. D. Shane
DIRECTOR - PROPERTY MANAGEMENT

ATTEST:

By J. L. Hanks
Assistant Secretary

ACCEPTED:

MODOC LUMBER CO.

By Thomas J. Shaw

Title: President

ATTEST:

By Carol Ann Isensee

Title: SECRETARY

STATE OF OREGON

COUNTY OF KLAMATH

) ss.

June 17, 1987.

Personally appeared Thomas J. Shaw and Donald A. Isensee, who, each being first duly sworn, did say that the former is the President of Modoc Lumber Co., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Carol A. Hanneran
Notary Public for Oregon
My commission expires: January 6, 1991

STATE OF TEXAS

COUNTY OF TARRANT

) ss.

Personally appeared H. D. Shane and J. T. Hanks, who, each being first duly sworn, did say that the former is the DIRECTOR - PROPERTY MANAGEMENT and the latter is the Assistant Secretary of Burlington Northern Railroad Company, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Frances Smith
Notary Public for Texas
My commission expires:

-2- FRANCES SMITH
Notary Public State of Texas
Commission Expires June 12, 1988

BN 8853
QD 7

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Modoc Lumber Company the 10th day of July A.D. 19 87 at 2:47 o'clock P M., and duly recorded in Vol. M87 of Deeds on Page 12186.

Evelyn Biehn, County Clerk
By Frances Smith

FEE \$14.00