

Aspen 3/023

WARRANTY DEED

The Grantors, DONOVAN L. NICOL, MARK EDWARD NICOL, and DANA MARIE MORASCH, fka DANA MARIE NICOL, individually; NICOL LAND & CATTLE CO., a co-partnership consisting of Donovan L. Nicol, Mark Edward Nicol, and Dana Marie Morasch, fka Dana Marie Nicol, for and in consideration of the sum of Five Million Four Hundred Thirty-Eight Thousand and 00/100 Dollars (\$5,438,000.00), the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, and convey to the UNITED STATES OF AMERICA and its assigns, all of the real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Klamath, State of Oregon, to-wit:

Township 29 South, Range 9 East, Willamette Meridian

Section 15, S1/2 NE1/4 SW1/4, E1/2 SE1/4 SW1/4, W1/2 SE1/4, S1/2 SE1/4 SE1/4;
 Section 22, E1/2, E1/2 E1/2 NW1/4, E1/2 NE1/4 SW1/4, S1/2 SW1/4;
 Section 23, W1/2 W1/2;
 Section 27, All;
 Section 28, E1/2 E1/2 NE1/4, E1/2 NE1/4 SE1/4, SE1/4 SE1/4;
 Section 32, Lots 3 and 4, NE1/4 SE1/4;
 Section 33, Lots 1, 2, 3, and 4, NE1/4, S1/2 NW1/4, N1/2 S1/2;
 Section 34, All;
 Section 35, All;
 Section 36, Lots 1 and 2, NW1/4, N1/2 SW1/4;

Township 30 South, Range 8 East, Willamette Meridian

Section 23, E1/2 E1/2;
 Section 26, S1/2 SE1/4;
 Section 27, E1/2, S1/2 SW1/4;
 Section 34, Lots 3 and 4, NE1/4, N1/2 SE1/4;
 Section 35, All;
 Section 36, Lots 1, 2, and 3, W1/2 E1/2 NE1/4, W1/2 NE1/4, S1/2 NW1/4, N1/2 SW1/4, NW1/4 SE1/4;

Township 30 South, Range 9 East, Willamette Meridian

Section 1, W1/2 W1/2, SE1/4 SW1/4;
 Section 2, All;
 Section 3, All;
 Section 4, All;
 Section 5, NE1/4 NE1/4, S1/2 NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, N1/2 SE1/4;
 Section 9, NE1/4, E1/2 NW1/4;
 Section 10, N1/2, N1/2 S1/2;
 Section 11, N1/2, N1/2 S1/2;
 Section 12, NW1/4, N1/2 SW1/4;

Township 31 South, Range 8 East, Willamette Meridian

Section 1, Lots 2 and 3, S1/2 NW1/4, SW1/4;
 Section 2, All;
 Section 3, All;
 Section 10, N1/2;
 Section 11, Lot 1, NE1/4 NE1/4, W1/2 NE1/4, W1/2;
 Section 14, Lot 2, N1/2 NW1/4, SW1/4 NW1/4.

Containing 12,158.66 acres, more or less.

Klamath Forest NWR (40a-g) FY89

1989 MAR 15 PM 3 06

TOGETHER WITH the Grantors' right, title, and interest in and to all mineral and water rights appurtenant to said property.

RESERVING unto Grantors, the following easements:

- A. A perpetual non-exclusive easement for ingress and egress along the existing Peninsula Road, running Southeast to Northwest through Sections 4, 5, and 9 in Township 30 South, Range 9 East, Willamette Meridian.
- B. A perpetual non-exclusive easement for ingress and egress along the existing Levee Road, running East and West through Sections 9, 10, 11, and 12 in Township 30 South, Range 9 East, Willamette Meridian.
- C. A perpetual non-exclusive easement on, over and across the SE1/4 SE1/4 SE1/4 Section 12, Township 30 South, Range 9 East, Willamette Meridian for loading and unloading cattle, together with the right to use all existing improvements. All maintenance costs shall be the responsibility of the Grantors.

The land is conveyed subject to existing easements for public roads, pipelines, and public utilities.

TO HAVE AND TO HOLD the above-described premises to the UNITED STATES OF AMERICA and its assigns, forever.

The land is being acquired by the Department of the Interior, Fish and Wildlife Service.

The Grantors hereby covenant to and with the United States and its assigns, that Grantors are lawfully seised in fee simple of the above granted premises, have a good and lawful right and power to sell and convey the same, that the same are free and clear of all encumbrances and that Grantors will warrant and forever defend the title thereto and quiet possession thereof against the lawful claims and demands of all persons whomsoever.

Dated this 2 day of March, 19 89.

DONOVAN L. NICOL, MARK EDWARD NICOL, and DANA MARIE MORASCH,
fka DANA MARIE NICOL, individually;

Donovan L. Nicol
Donovan L. Nicol

Mark Edward Nicol
Mark Edward Nicol

Dana Marie Morasch
Dana Marie Morasch, fka Dana Marie Nicol

NICOL LAND & CATTLE CO., a co-partnership consisting of
Donovan L. Nicol, Mark Edward Nicol, and Dana Marie Morasch, fka Dana Marie Nicol

Donovan L. Nicol
Donovan L. Nicol

Mark Edward Nicol
Mark Edward Nicol

Dana Marie Morasch
Dana Marie Morasch, fka Dana Marie Nicol

Klamath Forest NWR (40a-g)

ACKNOWLEDGEMENT

4359

STATE OF ~~OREGON~~ CALIFORNIA

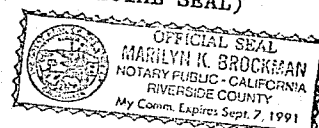
COUNTY OF RIVERSIDE) SS.

On 3/7/89, personally appeared the above-named DONOVAN L. NICOL, and acknowledged, individually and as partner on behalf of NICOL LAND & CATTLE CO., a co-partnership, the foregoing instrument to be his voluntary act and deed.

Notary Public Marilyn K. Brockman

My Commission expires 9/7/91

(OFFICIAL SEAL)



STATE OF OREGON

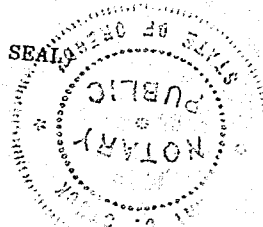
COUNTY OF Deschutes) SS.

On March 9, 1989, personally appeared the above-named MARK EDWARD NICOL, and acknowledged, individually and as partner on behalf of NICOL LAND & CATTLE CO., a co-partnership, the foregoing instrument to be his voluntary act and deed.

Notary Public Jay C. Stuck

My Commission expires 8-21-91

(OFFICIAL SEAL)



STATE OF OREGON

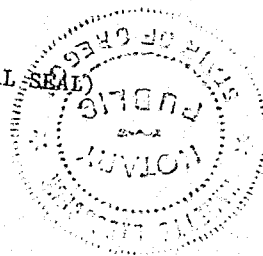
COUNTY OF Multnomah) SS.

On March 13, 1989, personally appeared the above-named DANA MARIE MORASCH, fka DANA MARIE NICOL and acknowledged, individually and as partner on behalf of NICOL LAND & CATTLE CO., a co-partnership, the foregoing instrument to be her voluntary act and deed.

Notary Public Dorette L. Sorceur

My Commission expires 3-23-90

(OFFICIAL SEAL)



STATE OF OREGON, ss.
County of Klamath

Filed for record at request of:

Aspen Title Co.

on this 15th day of March A.D., 19 89
at 3:06 o'clock P.M. and duly recorded
in Vol. M89 of Deeds Page 4357

Evelyn Biehn
By Dorene Mullins Deputy.
County Clerk

Fee, \$18.00