

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That BRENDAN CAPITAL CORP., an Oregon corporation, hereinafter called the grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto BOGATAY CONSTRUCTION, INC., an Oregon corporation, hereinafter called the grantee, unto grantee's heirs, successors and assigns all of that certain real property, with the tenements, hereditaments and appurtenances there unto belonging or in anywise appertaining, situated in the County of Klamath and State of Oregon, described as follows, to-wit:

See attached Exhibit "A".

To Have and Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 250,000.00

In construing this deed and where the context so requires, the singular includes the plural and the 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 27 day of February, 1990; 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.

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.

BRENDAN CAPITAL CORP.

By Michael B. Wray

STATE OF OREGON)

) ss.

County of Klamath)

On this 27 day of February, 1990, personally appeared before me the above named MICHAEL B. WRAY and, being first duly sworn, did say that he is the President of Brendan Capital Corp., an Oregon corporation, and he signed the foregoing instrument on behalf of said corporation by authority of its Board of Directors.

Notary Public for Oregon

My Commission expires: 4-29-90

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Brendan Capital Corp.

815 Washburn Way

Klamath Falls, OR 97603

Grantor's Name and Address

Bogatay Construction, Inc.

P. O. Box 493

Klamath Falls, OR 97601

Grantee's Name and Address

After recording return to:

ELAIR M. HENDERSON, ATTY.

426 Main Street

Klamath Falls, OR 97601

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

Bogatay Construction, Inc.

P. O. Box 493

Klamath Falls, OR 97601

1990 DEC 12 PM 12 28

EXHIBIT "A"

Parcel One:

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

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, Township 39 South, Range 9 East of the Willamette Meridian;

SAVING AND EXCEPTING therefrom the right of way of the Modoc Northern Railway and the F31 Lateral.

ALSO SAVING AND EXCEPTING all that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying East of the railroad right of way.

ALSO SAVING AND EXCEPTING beginning at the intersection of the Westerly line of the Central Pacific Railway Co. right of way and the section line common to Sections 22 and 27, Township 39 South, Range 9 E.W.M., in Klamath County, Oregon, being 3444 feet, more or less, East of the section corner common to Sections 21, 22, 27 and 28 of said township and range; thence North 33°16' West 1636 feet, more or less, and parallel to the Central Pacific Railway Company right of way to the North line of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 22; thence Westerly on the last said North line 98.02 feet to a point; thence South 33°16' East 1636 feet, more or less, and parallel to the right of way of the said Central Pacific Railway to the section line common to said Sections 22 and 27; thence Easterly along the section line common to said Sections 22 and 27, 98.02 feet, more or less, to the point of beginning, containing 3.00 acres, more or less.

ALSO SAVING AND EXCEPTING A tract of land located in the SW $\frac{1}{4}$ of aforesaid section, township and range, more particularly described as follows: Commencing at the Southwest corner of Section 22; thence South 88°35'22" East along the South boundary of Section 22, 1337.30 feet to a 5/8 inch iron pin; thence North 00°08'23" East 1329.11 feet to a 5/8 inch iron pin for the true point of beginning of this description; thence North 00°08'23" East 6.69 feet to a 5/8 inch iron pin at the Northwest corner of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22; thence South 88°54'32" East along the North boundary of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, 1079.69 feet to a 5/8 inch iron pin located on the Southwesterly boundary of Spring Lake Road; thence South 33°32'11" East along said road boundary, 25.24 feet to a 5/8 inch iron pin; thence South 88°54'26" West along an existing fence line, 34.95 feet to a 5/8 inch iron pin; thence North 88°04'30" West along an existing fence line 1059.11 feet to the true point of beginning, containing 0.363 acre, more or less.

Parcel Two:

The N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, BUT EXCEPTING THEREFROM the following parcels:

1. The Easterly 30 feet being the right of way of Homedale Road.
2. The tract deeded to the City of Klamath Falls in Deed Book 272 page 295.
3. The Bureau of Reclamation right of way for 1-C Drain a part of which is described in Deed Book M66 page 6438.
4. The right of way of Bureau of Reclamation Drain along the South Boundary of the property.
5. A parcel of land in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin which is located North 89°52' West 30.00 feet from the East quarter corner of Section 26, and is also the intersection of the Homedale West right of way and the East-West center of Section 26, thence South 00°16' West 883.57 feet along the West right of way of Homedale Road to a 5/8 inch pin; thence West 421.54 feet to a 5/8 inch iron pin which is also the East right of way of 1-C Drain; thence North 00°25'45" West 326.91 feet along the East right of way of 1-C Drain to a 5/8 inch iron pin; thence North 19°48' West 593.20 feet along the East right of way to a 5/8 inch iron pin, which is also the intersection of the East right of way 1-C Drain and the East-West centerline of Section 26; thence South 89°52' East 629.05 feet along the East-West center line of Section 26 to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Blair M. Henderson the 12th day
of Dec. A.D., 19 90 at 12:28 o'clock P.M., and duly recorded in Vol. M90,
of Deeds on Page 24617.

FEE \$38.00

Evelyn Biehn County Clerk
By Dorlene Neulander