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BARGAIN AND SALE DEED

Vol. m91 Page 25500

KNOW ALL MEN BY THESE PRESENTS, That Leonard J. Herber and Agnes I. Herber, husband and wife, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto The Chick Inc. Employees Profit Sharing Trust hereinafter called grantee, and unto grantee's heirs, successors and assigns all of 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:

See Exhibit A attached hereto and incorporated herein as though fully set forth at length.

THIS IS A CORRECTION DEED executed, delivered and recorded to correct the public record to reflect the fact that Leonard J. Herber and Agnes I. Herber had no interest in the subject property as evidenced by the Assignment attached hereto, marked Exhibit B.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to 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 \$ 0.

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which).~~ (The sentence between the symbols ~~Ⓢ~~, if not applicable, should be deleted. See ORS 92.030.)

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 3<sup>rd</sup> day of DECEMBER, 1991;  
if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so 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.

(If executed by a corporation, affix corporate seal and use the form of acknowledgment opposite.)

STATE OF OREGON,

County of Marion

) ss.

This instrument was acknowledged before me on December 3, 1991, by Leonard J. Herber and Agnes I. Herber, husband and wife.

(SEAL)

Sandra Ashwell  
Notary Public for Oregon  
My commission expires: 10/17/93

STATE OF OREGON,

County of \_\_\_\_\_

) ss.

This instrument was acknowledged before me on \_\_\_\_\_

19\_\_\_\_, by \_\_\_\_\_

as \_\_\_\_\_

of \_\_\_\_\_

Notary Public for Oregon

My commission expires: \_\_\_\_\_

(SEAL)

Leonard J. Herber and Agnes I. Herber

GRANTOR'S NAME AND ADDRESS

The Chick Inc. Employees Profit Sharing Trust

GRANTEE'S NAME AND ADDRESS

After recording return to:  
The Chick Inc. Employees Profit Sharing Trust  
3175 Broadway NE  
Salem, OR 97303

NAME, ADDRESS, ZIP

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

No Change

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of \_\_\_\_\_

) ss.

I certify that the within instrument was received for record on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME

TITLE

By \_\_\_\_\_ Deputy

SPACE RESERVED  
FOR  
RECORDER'S USE

## PARCEL 1:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 3/4 inch pipe marking the center  $\frac{1}{4}$  corner of said Section 27, said point situated N 89°35'28" W 2633.10 feet and N 00°28'28" W 2641.20 feet from a 3/4 inch pipe marking the southeast corner of said Section 27; thence S 89°31'16" E 1578.31 feet to a 5/8 inch iron pin; thence continuing S 89°31'16" E 30.17 feet; thence S 06°33'10" W 550.13 feet; thence West 30.20 feet to a 5/8 inch iron pin; thence continuing West 1510.80 feet to a 5/8 inch iron pin on the West line of the SE $\frac{1}{4}$  of said Section 27; thence N 00°28'28" W 560.00 feet to the point of beginning.

The above described parcel contains 20.00 acres, more or less, with bearings based on a solar observation.

## PARCEL 2:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the West line of the SE $\frac{1}{4}$  of said Section 27, said point situated N 89°35'28" W 2633.10 feet and N 00°28'28" W 2081.20 feet from a 3/4 inch pipe marking the Southeast corner of said Section 27; thence East 1510.80 feet to a 5/8 inch iron pin; thence continuing East 30.20 feet; thence S 06°33'10" W 583.79 feet; thence West 30.20 feet to a 5/8 inch iron pin; thence continuing West 1439.38 feet to a 5/8 inch iron pin on the West line of the SE $\frac{1}{4}$  of said Section 27; thence N 00°28'28" W 580.00 feet to the point of beginning.

The above described parcel contains 20.04 acres, more or less, with bearings based on a solar observation.

## PARCEL 3:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a 5/8 inch iron pin on the West line of the SE $\frac{1}{4}$  of said Section 27, said point situated N 89°35'28" W 2633.10 feet and N 00°28'28" W 1501.20 feet from the Southeast corner of said Section 27; thence East 1439.38 feet to a 5/8 inch iron pin; thence continuing East 30.20 feet; thence S 06°33'10" W 611.98 feet; thence West 30.20 feet to a 5/8 inch iron pin; thence continuing West 1364.51 feet to a 5/8 inch iron pin on the West line of the SE $\frac{1}{4}$  of said Section 27; thence N 00°28'28" W 608.00 feet to the point of beginning.

The above described parcel contains 19.99 acres, more or less, with bearings based on a solar observation.

## PARCEL 5:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a  $\frac{3}{4}$  inch pipe marking the East  $\frac{1}{4}$  corner of said Section 27, said point situated N 00°11'40" W 2637.81 feet from the southeast corner of said Section 27; thence N 89°31'16" W 1007.39 feet to a  $\frac{5}{8}$  inch iron pin on the North line of the SE $\frac{1}{4}$  of said Section 27; thence continuing N 89°31'16" W 30.17 feet; thence S 06°33'10" W 508.29 feet; thence East 30.20 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing East 1067.01 feet to a  $\frac{5}{8}$  inch iron pin on the East line of said Section 27; thence N 00°11'40" W 496.31 feet to the point of beginning.

The above described parcel contains 12.27 acres, more or less, with bearings based on a solar observation.

## PARCEL 6:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a  $\frac{5}{8}$  inch iron pin on the east line of said Section 27, said point situated N 00°11'40" W 2141.50 feet from the Southeast corner of said Section 27; thence West 1067.01 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing West 30.20 feet; thence S 06°33'10" W 767.00 feet; thence East 30.20 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing East 1157.13 feet to a  $\frac{5}{8}$  inch iron pin on the East line of said Section 27; thence N 00°11'40" W 762.00 feet to the point of beginning.

The above described parcel contains 19.98 acres, more or less, with bearings based on a solar observation.

## PARCEL 7:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at a  $\frac{5}{8}$  inch iron pin on the East line of said Section 27, said point situated N 00°11'40" W 1379.50 feet from the Southeast corner of said Section 27; thence West 1157.13 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing West 30.20 feet; thence S 06°33'10" W 714.67 feet; thence East 30.20 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing East 1241.10 feet to a  $\frac{5}{8}$  inch iron pin on the East line of said Section 27; thence N 00°11'40" W 710.00 feet to the point of beginning.

The above described parcel contains 20.04 acres, more or less, with bearings based on a solar observation.

## PARCEL 8:

A parcel of land situated in the SE $\frac{1}{4}$  of Section 27, Township 36 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a  $\frac{3}{4}$  inch pipe marking the Southeast corner of said Section 27; thence N  $00^{\circ}11'40''$  W along the East line of said Section 27 669.50 feet to a  $\frac{5}{8}$  inch iron pin; thence West 1241.10 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing West 30.20 feet; thence S  $06^{\circ}33'11''$  W 664.22 feet to the South line of said Section 27; thence S  $89^{\circ}35'28''$  E along the said South line 30.17 feet to a  $\frac{5}{8}$  inch iron pin; thence continuing S  $89^{\circ}35'28''$  E 1319.24 feet to the point of beginning.

The above described parcel contains 20.00 acres, more or less, with bearings based on a solar observation.

A S S I G N M E N T

FOR VALUE RECEIVED, the undersigned, LEONARD J. HERBER and AGNES I. HERBER, husband and wife, do hereby and by these presents SELL, ASSIGN, TRANSFER and SET OVER unto THE CHICK INC. EMPLOYEES PROFIT SHARING TRUST, effective the date of this instrument, all of their right, title and interest in and to that certain Certificate of Sale Upon Execution In Foreclosure (Real Property), issued by the Sheriff of Klamath County, Oregon, in Case No. 82-4950, Court Case No. 82-641-2, which Certificate relates to the real property described in Exhibit "A", consisting of three (3) pages, which is attached hereto and by this reference made a part hereof.

IN WITNESS WHEREOF, we have hereunto set our hands  
this 27th day of January, 1983.

Leonard J. Herber  
Leonard J. Herber  
Agnes I. Herber  
Agnes I. Herber

STATE OF OREGON     )  
                              ) ss.:  
County of Marion    )

On this 27th day of January, 1983, personally appeared the within-named LEONARD J. HERBER and AGNES I. HERBER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Kenneth H. Sherman  
Notary Public for Oregon  
My Commission Expires: 7/30/86.

STATE OF OREGON: COUNTY OF KLAMATH:     ss.

Filed for record at request of \_\_\_\_\_ the \_\_\_\_\_ 6th \_\_\_\_\_ day  
of \_\_\_\_\_ Dec. \_\_\_\_\_ A.D., 19 91 at 10:34 o'clock \_\_\_\_\_ A.M., and duly recorded in Vol. M91  
of \_\_\_\_\_ Deeds \_\_\_\_\_ on Page 25500  
Evelyn Biehn     County Clerk  
By Quincy Mullender

FEE     \$48.00

SHERMAN, BRYAN, SHERMAN & MURCH  
ATTORNEYS AT LAW  
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