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Vol. m93 Page 10223

#0510 6th & Homedale  
Klamath Falls, OR  
4/22/93

*Aspen Title #01038653*  
STATUTORY WARRANTY DEED

Kenneth D. Swanson and Shelli D. Swanson, husband and wife, as to an undivided one-half (1/2) interest, and ~~Fred Tschopp~~, an individual, as to an undivided one-half (1/2) interest, jointly "Grantor," conveys and warrants to Albertson's, Inc., a Delaware corporation, "Grantee," the following described real property, free of encumbrances except as set forth herein, situated in Klamath County, State of Oregon, more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

Together with all easements and appurtenances thereto and all of Grantor's right, title and interest in and to all streets, alleys and rights-of-way adjacent thereto.

Subject to and excepting those exceptions of title set forth in Exhibit "B" attached hereto and incorporated herein by this reference.

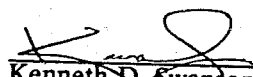
The true and actual consideration for this conveyance is \$70,000.

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.

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

Albertson's, Inc.  
250 Parkcenter Blvd.  
Box 20  
Boise, ID 83726

DATED this 7th day of May, 1993.

  
Kenneth D. Swanson

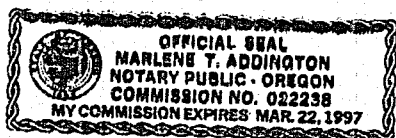
Shelli D. Swanson  
Shelli D. Swanson

Fred Tschopp  
Fred Tschopp  
N.P.

STATE OF OREGON )  
County of Klamath ) ss.

On this 7th day of May, 1993, before me, Marlene T. Addington, a Notary Public in and for said state, personally appeared KENNETH D. SWANSON and SHELLI D. SWANSON, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

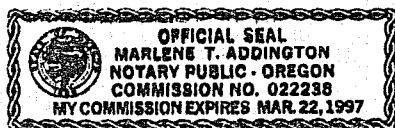


Marlene T. Addington  
Notary Public for Oregon  
Residing at Klamath Falls, OR  
My commission expires 3-22-97  
N.P.

STATE OF OREGON        )  
                                   ) ss.  
 County of Klamath        )

On this 7th day of May, 1993, before me, Marlene T. Addington  
 Notary Public in and for said State, personally appeared KENNETH D. SWANSON as Attorney-in-Fact for FRED TSCHOPPE, known or identified to me to be the person whose  
 name is subscribed to the foregoing instrument, and acknowledged to me that he executed  
 the same as Attorney-in-Fact for FRED TSCHOPPE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal  
 the day and year in this certificate first above written.



Marlene T. Addington  
 Notary Public for Oregon  
 Residing at Klamath Falls, OR  
 My commission expires 3-22-97

After recording, return to:

Rita L. Berry  
 HAWLEY TROXELL ENNIS & HAWLEY  
 P.O. Box 1617  
 Boise, Idaho 83701

EXHIBIT A  
(SWANSON/TSCHOPPE PARCELS)

PARCEL 2:

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the South 60 feet of Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, Block 2, of BAILEY TRACTS NO. 2.

ALSO EXCEPTING beginning at the Southwest corner of Lot 9, Block 2 of BAILEY TRACTS NO. 2; thence East 639 feet; thence South 60 feet; thence West 639 feet; thence North 60 feet to the place of beginning, being a part of BAILEY TRACTS NO. 2, which was formerly Nadine Street, in the County of Klamath, State of Oregon.

ALSO EXCEPTING THEREFROM a portion of Lots 8 and 9, Block 2, BAILEY TRACTS NO. 2, in the County of Klamath, State of Oregon, described as follows:

Beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0 degrees 02' East 135 feet from the Southwest corner of said Lot 9; thence South 89 degrees 59' East 149 feet to the East line of Lot 8 said Block 2; thence North 0 degrees 02' East along the East line of said Lot 8, a distance of 75 feet; thence North 89 degrees 59' West a distance of 149 feet more or less to the West line of said Lot 9; thence South 0 degrees 02' West along the West line of said Lot 9 a distance of 75 feet, more or less to the point of beginning.

AND ALSO EXCEPTING THEREFROM beginning at a point on the West line of Lot 9, Block 2, BAILEY TRACTS NO. 2, which bears North 0 degrees 02' East 60 feet from the Southwest corner of said Lot 9; thence South 89 degrees 59' East 149 feet to the East line of Lot 8 said Block 2; thence North 0 degrees 02' East along the East line of said Lot 8 a distance of 75 feet; thence North 89 degrees 59' West a distance of 149 feet, more or less to the West line of said Lot 9; thence South 0 degrees 02' West along the West line of said Lot 9 a distance of 75 feet more or less to the point of beginning, being a portion of Lots 8 and 9, Block 2, BAILEY TRACTS NO. 2.

EXHIBIT A  
(SWANSON/TSCHOPPE PARCELS)

CONTINUED

EXCEPTING THEREFROM that portion conveyed to Trustees of The Mulvey Loving Trust by Deed recorded December 2, 1992 in Book M-92 at Page 28570.

CODE 41 MAP 3909-2DA TL 1700

PARCEL 3:

A parcel of land situated in the E 1/2 NE 1/4 SE 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at a point on the South bank of the Enterprise Irrigation District Ditch where it crosses the East line of NE 1/4 SE 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, approximately 480 feet South of the quarter corner of the East line of said section; thence along the said South line or bank of said ditch, North 61 degrees 18' West a distance of 87 feet; thence North 70 degrees 38' West a distance of 524 feet; thence South 79 degrees 21' West a distance of 51 feet; thence South 39 degrees 14' West a distance of 68 feet to a point on the Easterly line of BAILEY TRACTS NO. 2 according to the duly recorded plat thereof; thence following said line South 0 degrees 19' West a distance of 322.5 feet to an iron pin; thence East 430.4 feet to an iron pin marking the most Northerly corner of Lot 3, Block 1, BEL AIRE GARDENS; thence continuing East a distance of 75.0 feet to a point; thence North 0 degrees 14' 30" West a distance of 100.0 feet to a point; thence East a distance of 160.0 feet to a point on the East line of said Section 2; thence North along said section line to the point of beginning.

EXCEPTING the Easterly 30 feet thereof lying within the right of way of Madison Street.

EXHIBIT A  
(SWANSON/TSCHOPPE PARCELS) <sup>ET</sup>

CONTINUED

EXCEPTING THEREFROM that portion lying within the following described parcel:

A tract of land situated in the NE 1/4 SE 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the quarter corner on the East line of said Section 2; thence North 89 degrees 43' 42" West 30.00 feet and South 00 degrees 00' 18" East 426.70 feet to the Southeast corner of that tract of land described in Deed Volume 113, Page 587 of the Klamath County Deed Records on the Westerly right of way line of Madison Street and being the true point of beginning of this description; thence North 70 degrees 19' 00" West 426.92 feet, along the South line of the following tracts of land described in the Klamath County Deed Records, Volume 113 at Page 587, Volume 100 at Page 619, Volume 92 at Page 213, Volume 107 at Page 614, and Volume 92 at Page 355 to the Southwest corner of said Volume 92 at Page 355, being on the East line of the proposed Albertson's Parcel; thence South 00 degrees 00' 26" West 185.48 feet to the Southeast corner of the proposed Albertson's Parcel; thence South 88 degrees 54' 32" West, along the South line of the proposed Albertson's Parcel, 232.02 feet to a point on the East line of BAILEY TRACTS NO. 2, a duly recorded subdivision; thence along the line described as Parcel 1 in Deed Volume M-89 at Page 25,075 of the Klamath County Deed Records, South 00 degrees 20' 39" West 166.08 feet to an iron pin marking the Northwest corner of Lot 7, Block 1 of BEL-AIRE GARDENS, a duly recorded subdivision; thence South 89 degrees 46' 21" East 430.44 feet to an iron pin marking the Northerly corner of Lot 3, Block 1 of said BEL-AIRE GARDENS; thence continuing South 89 degrees 46' 21" East 74.63 feet (75.00 feet by deed); thence North 00 degrees 00' 51" West 100.00 feet; thence South 89 degrees 46' 21" East 129.94 feet to the Westerly right of way line of Madison Street; thence North 00 degrees 00' 18" West 115.70 feet to the true point of beginning.

## EXHIBIT "B"

PERMITTED EXCEPTIONS  
(SWANSON/TSCHOPPE PARCELS)

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Enterprise Irrigation District.
2. Regulations, including levies, liens and assessments, of South Suburban Sanitary District.
3. Levies and assessments of Klamath County Drainage District.
4. Easement in favor of Pacificorp, dba Pacific Power & Light Company, for underground electric distribution lines recorded August 2, 1991, in Book M-91, Page 15211, Fee No. 32775.
5. Order in the Matter of the Request for Amendment to CLUP/ZC Order 79-25 for EWG Development/Albertson's, Inc., recorded January 12, 1993 in Book M-93 at Page 821.
6. Slope Easement between Mulvey Loving Trust and Albertson's, Inc., recorded March 17, 1993, in Book M-93 at Page 5491, Fee No. 58730.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co the 7th day  
 of May A.D., 19 93 at 3:22 o'clock P.M., and duly recorded in Vol. M93  
 of Deeds on Page 10223.

Evelyn Biehn  
 By [Signature] County Clerk

FEE \$60.00