

Return to: Weyerhaeuser Company  
Attn: John Monfore  
P.O. Box 9  
Klamath Falls, OR 97601  
08-20-93P02:12 RCVD

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Volume 93 Page 20952

G93-491B

WARRANTY DEED

The GRANTOR, WEYERHAEUSER COMPANY, a Washington corporation, formerly Weyerhaeuser Timber Company, for valuable consideration, receipt of which is hereby acknowledged, conveys and warrants to DIVIDE RESOURCES, INC., an Oregon corporation, GRANTEE, the following described real estate, situated in Klamath County, Oregon:

See EXHIBIT A attached, incorporated by reference herein.

The true and actual consideration for this conveyance is the exchange of land of approximate equal aggregate value.

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 title to the property should check with the appropriate city or county planning department to verify approved uses.

The property described in this instrument may not be within a fire protection district protecting structures. The property is subject to land use laws and regulations which, in farm or forest zones, may not authorize the construction or siting of a residence. 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 and existence of fire protection for structures.

DATED this 24th day of June, 1993.

WEYERHAEUSER COMPANY

[Signature]  
Acquisitions and Valuation Manager, Timberlands

Pamela M. Redmon  
Assistant Secretary

This deed, a duplicate original of which was recorded in Klamath County, Oregon Deed Records in Volume 493, at Page 16447, has been corrected and initialed by the parties hereto and is re-recorded to include the railroad right of way reservation that was inadvertently omitted, which reservation is set forth on Exhibit B (Reservation of Railroad Right of Way), attached hereto and made a part hereof.

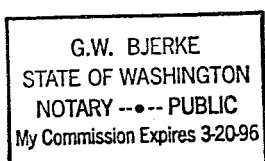
DIVIDE RESOURCES, INC.: [Signature]

WEYERHAEUSER COMPANY: [Signature]

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STATE OF WASHINGTON )  
 ) ss.  
 COUNTY OF KING )

Personally appeared before me, the undersigned authority in and for said county and state, on this 24th day of June, 1993, within my jurisdiction, the within named J. Whittig and Pamela M. Redmon, who acknowledged that they are Acquisitions and Valuation Manager, Timberlands and Assistant Secretary, of WEYERHAEUSER COMPANY, a Washington corporation, and that for and on behalf of the said corporation, and as its act and deed they executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.



*G.W. Bjerke*  
 Notary Public  
 My appointment expires: March 20, 1996

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

Divide Resources, Inc.  
 62582 Bowerman Road  
 Joseph OR 97846

## In KLAMATH COUNTY, OREGON

TOWNSHIP 35 SOUTH, RANGE 12 EAST, W.M.

Section 2: Gov't Lot 3, Gov't Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$   
 Section 20: SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 21: SW $\frac{1}{4}$ SW $\frac{1}{4}$   
 Section 28: NW $\frac{1}{4}$

TOWNSHIP 35 SOUTH, RANGE 13 EAST, W.M.

Section 20: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 28: N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$   
 Section 29: NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$

## RESERVATIONS:

To the extent not heretofore conveyed, excepted or reserved, the Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors and assigns, forever, all geothermal steam and heat and all metals, ores and minerals of any nature whatsoever in or upon said land including, but not limited to, coal, lignite, peat, oil and gas, including coal seam gas, together with the right to enter upon said land for the purpose of exploring the same for such geothermal resources, metals, ores and minerals, and drilling, opening, developing and working mines and wells thereon and taking out and removing therefrom, including by surface mining methods, all such geothermal resources, metals, ores and minerals, and to occupy and make use of so much of the surface of said land as may be reasonably necessary for said purposes; provided, that Grantee and Grantee's heirs, representatives, successors and assigns, shall be paid just and reasonable compensation for any injury or damage to the surface of said land, to the crops or to the improvements thereon caused by the exercise of any rights herein reserved; provided, further, that the exercise of such rights by Grantor shall not be postponed or delayed pending reasonable efforts to agree upon or have determined such just and reasonable compensation.

## SUBJECT TO:

(1) Easements for public roads and highways, for public utilities, and for railroads and pipe lines and any other easements and rights of way of record or acquired by prescription, and to all matters which a prudent inspection of the premises would disclose, and

- (2) Reservation of all subsurface rights, except water, as disclosed in:

Document: Deed  
 Date: May 20, 1957  
 Grantor: Bige Archie  
 Grantee: Weyerhaeuser Timber Company  
 Recording No.: Book 292, pg. 590  
 Affects: Fr.NW $\frac{1}{4}$  Sec.2-T35S-R12E

- (3) Reservation of all subsurface rights, excepting water, as disclosed in:

Document: Deed to Restricted Indian Land  
 Date: September 13, 1955  
 Grantor: Kate Villard John  
 Grantee: Weyerhaeuser Timber Company  
 Recording No.: Vol. 279, pg. 453  
 Affects: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R12E  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec.21-T35S-R12E  
 W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec.28-T35S-R12E

- (4) Document: Easement  
 Date: October 25, 1976  
 Grantor: Weyerhaeuser Company  
 Grantee: John Wallace Plemons  
 Recording No.: Vol. M77, pg. 3911  
 Purpose: Road easement  
 Affects: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R12E  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec.21-T35S-R12E  
 W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec.28-T35S-R12E

- (5) Document: Easement for Buried Cable  
 Date: September 5, 1984  
 Grantor: Weyerhaeuser Company  
 Grantee: Telephone Utilities of Eastern Oregon, Inc.  
 Recording No.: Vol. M84, pg. 1649  
 Purpose: Buried cable easement  
 Affects: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R12E  
 SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec.21-T35S-R12E  
 W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec.28-T35S-R12E

- (6) Document: Easement  
 Date: May 23, 1962  
 Grantor: Weyerhaeuser Company  
 Grantee: U. S. Department of the Interior  
 Recording No.: Vol. 13, Pg. 594  
 Purpose: Road easement  
 Affects: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R12E  
 W $\frac{1}{2}$ NW $\frac{1}{4}$  Sec.28-T35S-R12E  
 S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 NE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$  Sec.29-T35S-R13E

- (7) Document: Easement  
 Date: May 3, 1976  
 Grantor: Weyerhaeuser Company  
 Grantee: U. S. Forest Service  
 Recording No.: Unknown  
 Purpose: Road easement  
 Affects: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E

- (8) Reservation of all subsurface rights, excepting water, as disclosed in:  
 Document: Patent  
 Date: February 29, 1956  
 Grantor: U. S. Bureau of Land Management  
 Grantee: Weyerhaeuser Timber Company  
 Recording No.: Vol. 283, pg. 147, AF# 10062  
 Affects: S $\frac{1}{2}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 NE $\frac{1}{4}$  Sec.29-T35S-R13E
- (9) Document: Transmission Line Easement  
 Date: January 20, 1966  
 Grantor: Weyerhaeuser Company  
 Grantee: Portland General Electric Company  
 Recording No.: Vol. M66, pg. 2852  
 Purpose: Transmission Line Easement  
 Affects: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 NW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec.29-T35S-R13E
- (10) Document: Easement  
 Date: April 3, 1981  
 Grantor: Weyerhaeuser Company  
 Grantee: Pacific Power & Light Company  
 Recording No.: Vol. M81, pg. 8778  
 Purpose: Easement for electric transmission line  
 Affects: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec.29-T35S-R13E
- (11) Document: Transmission Line Easement  
 Date: January 20, 1966  
 Grantor: Weyerhaeuser Company  
 Grantee: Portland General Electric Company  
 Recording No.: Vol. M66, pg. 1391  
 Purpose: Transmission Line Easement  
 Affects: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
 S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec.29-T35S-R13E
- (12) Document: Easement  
 Date: September 21, 1970  
 Grantor: Weyerhaeuser Company  
 Grantee: U. S. Forest Service  
 Recording No.: Vol. M71, pg. 2951, AF# 12050  
 Purpose: Road easement  
 Affects: SE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.20-T35S-R13E  
 N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec.29-T35S-R13E
- (13) Reservation of all subsurface rights, excepting water, as disclosed in:  
 Document: Warranty Deed  
 Date: February 18, 1957  
 Grantor: R.A. Briggs et al  
 Grantee: Weyerhaeuser Timber Company  
 Recording No.: Vol. 290, pg. 94, AF# 17483  
 Affects: NE $\frac{1}{4}$ , NW $\frac{1}{4}$  Sec.28-T35S-R13E
- (14) Document: Approved Road Rights of Way through Klamath Indian Reservation Tribal Land  
 Date: June 24, 1955  
 Recording No.: AF# 37030, Vol. 13 of Miscel.  
 Affects: SW $\frac{1}{4}$ SE $\frac{1}{4}$  Sec.28-T35S-R13E

- (15) Document: Right of Way Easement  
Date: October 8, 1982  
Grantor: Weyerhaeuser Company  
Grantee: Pacific Power & Light Company  
Recording No.: Vol. M83, pg. 13972, AF# 27203  
Purpose: Easement for electric transmission line  
Affects: NW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec.29-T35S-R13E
- (16) Reservation of all oil, gas and mineral rights, as disclosed in:  
Document: Deed to Restricted Indian Land  
Date: April 13, 1956  
Grantor: Frances Ella Wilson Ball et vir  
Grantee: Weyerhaeuser Timber Company  
Recording No.: Vol. 283, pg. 347, AF# 10364  
Affects: SW $\frac{1}{4}$  Sec.29-T35S-R13E
- (17) Reservation of all subsurface rights, except water, as disclosed in:  
Document: Deed  
Date: April 19, 1957  
Grantor: U. S. Department of the Interior  
Grantee: Weyerhaeuser Timber Company  
Recording No.: Vol. 292, pg. 80, AF# 19666  
Affects: W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$  Sec.29-T35S-R13E

EXHIBIT B (Reservation of Railroad Right of Way)

Grantor reserves the right to use for railroad, recreational trail and other transportation purposes the existing railroad right of way over and across the  $N\frac{1}{2}N\frac{1}{2}$  of Section 28, and the  $N\frac{1}{2}NE\frac{1}{4}$ ,  $SW\frac{1}{4}NE\frac{1}{4}$ ,  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $E\frac{1}{2}SW\frac{1}{4}$  of Section 29, both in Township 35 South, Range 13 East, W.M. Such use shall include the right to enter into a rail banking agreement with the State of Oregon.

Divide Resources, Inc.: [Signature]

Weyerhaeuser Company: [Signature]

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_ the 20th day  
of Aug. A.D., 19 93 at 2:12 o'clock P.M., and duly recorded in Vol. M93  
of \_\_\_\_\_ Deeds on Page 20952.

Evelyn Biehn County Clerk

FEE \$60.00

By [Signature]

EXHIBIT B