

24044

WEYERHAEUSER COMPANY  
BOX C  
TACOMA, WA 98477

SEND TAX STATEMENTS TO:  
U.S. Timberlands Klamath Falls, L.L.C.  
6400 Highway 66  
Klamath Falls OR 97601

### WARRANTY DEED

**WEYERHAEUSER COMPANY**, a Washington corporation, GRANTOR, conveys and warrants to **U.S. TIMBERLANDS KLAMATH FALLS, L.L.C.**, a Delaware limited liability company, GRANTEE, the real property in Klamath County, Oregon, described on Exhibit A attached hereto, free of encumbrances except as specifically set forth on Exhibit B attached hereto.

The true and actual cash consideration for this transfer is: NONE. Exchange for land of equal 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 FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED ON ORS 30.930.

Dated this 27<sup>th</sup> day of August, 1996.

WEYERHAEUSER COMPANY

By: Peter Sill

Vice-President

Attest: Pamela M. Redmon

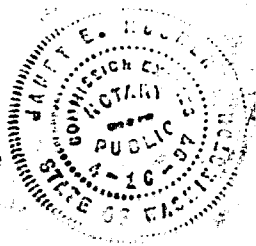
Assistant Secretary



State of Washington |

County of King |

I certify that I know or have satisfactory evidence that Peter L. Sill and Pamela M. Redmon signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the Vice-President and Assistant Secretary respectively of Weyerhaeuser Company to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 27, 1996

*Janet M. Mosher*  
NOTARY PUBLIC  
Appointment expires 4-16-97

**IN KLAMATH COUNTY OREGON:**

The attached pages describe the property being conveyed. All information on these pages except the legal description is for administrative convenience only. This deed conveys only by description. Statements of area and tax parcel number are NOT part of any legal description.

Unofficial  
Copy

**NURSERY:****EXHIBIT "A"  
LEGAL DESCRIPTION****26898****PARCEL 1:**

Section 28 - SW1/4 NW1/4, N1/2 SW1/4, SW1/4 SW1/4

Section 33 - The W1/2 NW1/4 EXCEPTING THEREFROM the following: Beginning at the Southeast corner of the W1/2 NW1/4; thence North 215 feet; thence West 200 feet; thence South 215 feet to the South line of said property; thence East 200 feet to the point of beginning.

All being in Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 2:**

Section 7 - West 60 feet of NE1/4 NE1/4 lying South of State Highway 140, SE1/4 NE1/4, E1/2 SE1/4

Section 8 - NW1/4 of the NW1/4 of the SW1/4, the NW1/4 of the SW1/4 of the SW1/4, and that portion of the SW1/4 of the NW1/4 of the SW1/4 lying West of a line: Beginning at the Northeast corner of said subdivision; thence South 24 degrees 30' West, 160.48 feet; thence South 05 degrees 19' West, 216.42 feet; thence South 17 degrees 19' East, 237.16 feet; thence South 16 degrees 10' East, 75.16 feet, more or less, to the Southeast corner of said subdivision.

Section 18 - NE1/4 NE1/4

All being in Township 38 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

**EXHIBIT A**

**RESERVATION:** To the extent not previously reserved, 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 Grantor covenants, on behalf of Grantor and Grantor's heirs, successors and assigns, 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, and the timber, crops and any and all 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 if Grantor and Grantee shall be unable after thirty days to agree upon or have determined such just and reasonable compensation, notwithstanding their mutual reasonable efforts to do so.

Grantor has reserved no rights to remove or consume or to prevent the removal or consumption of rock, sand, gravel and aggregate.

**SUBJECT TO:** all easements and rights of way for public roads and utilities heretofore established and existing on said land, and

- (1) Rights reserved in federal patents or state deeds, mineral or fossil rights reservations, building or use restrictions general to the area, existing easements not inconsistent with Grantee's intended use, and building or zoning regulations or provisions shall not be deemed encumbrances or defects.
- (2) Any easement or right of way of record for any public or private roads or utilities heretofore existing on said lands or any similar rights established by prescription or adverse possession.
- (3) Certain of the herein conveyed property is carried on county assessor's rolls for tax purposes as "Classified and/or Designated Forest Land". Compensating tax, if any is due, will be the responsibility of the Grantee upon removal of such designation.
- (4) All planning, zoning, health and other governmental regulations, if any, affecting subject property.

- (5) Any change in the boundary or legal description of the real property, or title to the estate conveyed, that may arise due to the shifting and changing in the course of the navigable waters of Oregon or the United States.
- (6) Right of the State of Oregon in and to that portion, if any, of the property herein conveyed which lies below the line of ordinary high water of the navigable waters of Oregon or the United States.
- (7) Any prohibition of or limitation of use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has formerly been covered by water.
- (8) All matters of public record.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle the 30th day  
 of Aug A.D., 19 96 at 11:04 o'clock A M., and duly recorded in Vol. M96  
 of Deeds on Page 26895  
 FEE \$55.00  
 Bernetha G. Letsch County Clerk  
 By Kathleen Brown