

57935

K-51942 Vol. 1198 Page 15900
WARRANTY DEED

Wallace Rock Pit, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Rogue Aggregates, Inc., an Oregon corporation, Grantee, the real property more particularly described in Exhibit "A" attached hereto and made a part hereof, free of encumbrances except as specifically set forth herein on Exhibit "B", attached hereto and made a part hereof.

The true consideration for this conveyance is \$645,099.21.

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 IN ORS 30.930.

DATED this 8th day of May, 1998.

Wallace Rock Pit, LLC,
an Oregon limited liability company

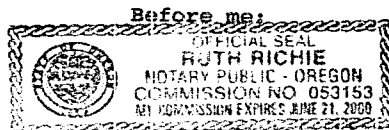
Frank H. Wallace
By: Frank Wallace,
Co-Trustee of the
Wallace Family Charitable Trust
Member

Peggy Wallace
Peggy Wallace,
Co-Trustee of the
Wallace Family Charitable Trust
Member

STATE OF OREGON)

County of Jackson) ss.

On this 8th day of May, 1998, personally appeared the above-named Frank Wallace, Co-Trustee of the Wallace Family Charitable Trust, and Peggy Wallace, Co-Trustee of the Wallace Family Charitable Trust, and acknowledged the foregoing instrument to be their voluntary act and deed, as members of Wallace Rock Pit, LLC, an Oregon limited liability company.



Ruth Richie
Notary Public for Oregon

15901

UNLESS A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

Rogue Aggregates, Inc.
3770 Kirtland Road
Central Point, OR 97502

AFTER RECORDING, RETURN TO:

Stuart E. Foster
Foster, Purdy, Allan,
Peterson & Dahlin
Post Office Box 1667
Medford, OR 97501

EXHIBIT "A"

PARCEL A

15902

A TRACT OF LAND BEING A PORTION OF PARCEL 3 OF "LAND PARTITION 30-94". SITUATED IN THE N1/2 NE1/4 SE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE C-E 1/16 CORNER OF SAID SECTION 5 AND BEING THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE N89°59'E, ALONG THE NORTH LINE OF SAID PARCEL 3, 668.5 FEET, MORE OR LESS, TO A POINT FROM WHICH THE EAST 1/4 CORNER OF SAID SECTION 5 BEARS N09°59'E 660.00 FEET; THENCE S44°59'W 660.44 FEET; THENCE S89°59'W, PARALLEL TO THE SAID NORTH LINE, 195.85 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 3; THENCE N00°42'15"W 467.03 FEET TO THE POINT OF BEGINNING, CONTAINING 4.63 ACRES, MORE OR LESS, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

PARCEL B

A TRACT OF LAND BEING A PORTION OF PARCEL 2 OF "LAND PARTITION 30-94". SITUATED IN THE N1/2 NW1/4 SE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE C-E 1/16 CORNER OF SAID SECTION 5, BEING THE NORTHERLY CORNER COMMON TO PARCELS 2 AND 3 OF SAID "LAND PARTITION 30-94"; THENCE S89°59'W, ALONG THE BOUNDARY OF SAID PARCEL 2, 732.55 FEET; THENCE S45°01'E 660.44 FEET; THENCE N29°59'E 271.15 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL 2; THENCE N00°42'15"W, ALONG THE SAID EAST LINE, 467.03 FEET TO THE POINT OF BEGINNING, CONTAINING 5.38 ACRES, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

PARCEL C

A TRACT OF LAND BEING A PORTION OF PARCEL 2 OF "LAND PARTITION 30-94", SITUATED IN THE SE1/4 NW1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER 1/4 CORNER OF SAID SECTION 5; THENCE S00°37'30"W, ALONG THE EAST LINE OF SAID PARCEL 2, 365.57 FEET TO A POINT ON THE NORTHEASTERLY LINE OF A 40 FOOT WIDE NON-EXCLUSIVE EASEMENT (AS SHOWN ON SAID "LAND PARTITION 30-94"); THENCE, ALONG THE SAID NORTHEASTERLY LINE, N53°20'46"W 119.95 FEET AND N48°07'32"W 767.45 FEET; THENCE SOUTH 949.62 FEET TO A POINT ON THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 5; THENCE N69°59'E 671.67 FEET TO THE POINT OF BEGINNING, CONTAINING 10.30 ACRES, WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

PARCEL D

A TRACT OF LAND SITUATED IN THE S1/2 NE1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THE SAID S1/2 NE1/4 OF SECTION 5, EXCEPTING THEREFROM, THE EAST 660.00 FEET, CONTAINING 60 ACRES, MORE OR LESS.

TOGETHER WITH AN ACCESS EASEMENT 40 FEET IN WIDTH BEING IN PARCELS 1 AND 2 OF "LAND PARTITION 30-94", SITUATED IN THE E1/2 SW1/4 OF SECTION 32, T40S, R10EWM, AND THE E1/2 NW1/4 OF SECTION 5, T41S, R10EWM, KLAMATH COUNTY, OREGON, THE CENTERLINE OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID E 1/2 NW 1/4, FROM WHICH THE CENTER 1/4 CORNER OF SAID SECTION 5 BEARS S00°37'30"E 340.44 FEET; THENCE N 53°20'46" W 136.08 FEET; THENCE N48°07'32" W 631.37 FEET TO THE WESTERLY LINE OF PARCEL C ABOVE, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING N 48°07'32" W 369.03 FEET; THENCE N31°35'02"W 218.87 FEET; THENCE N22°05'27"W 709.43 FEET; THENCE N13°58'04"W 399 FEET, MORE OR LESS, TO A POINT 20 FEET EAST OF THE WEST LINE OF SAID E1/2 NW1/4; THENCE NORTHERLY, 20 FEET EAST AND PARALLEL TO SAID WEST LINE AND THE WEST LINE OF SAID E1/2 SW1/4 OF SECTION 32 TO BUESING ROAD. WITH BEARINGS BASED ON "LAND PARTITION 30-94" (R.O.S. 5709) ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.

15904

RESERVING TO GRANTORS, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AN EASEMENT FOR INGRESS AND EGRESS FOR FARM PURPOSES OVER AND ACROSS THE EXISTING FARM ROAD ON PARCEL C ABOVE, WHICH FARM ROAD IS 30' IN WIDTH AND IS PARALLEL WITH AND ADJACENT TO THE CENTERLINE OF SAID SECTION 5.

EXHIBIT B

1. Reservations and restrictions in deed, including the terms and provisions thereof:

Dated: January 15, 1949
Recorded: July 23, 1954 in Deed Volume 268 page 22
From: August L. Andrieu, et. al.
To: Leon R. Andrieu
As follows: "Subject to all exceptions and reservations, including right of way and joint use of canals, ditches, dikes and roadways in accordance with contract of record, dated January 15, 1949, wherein Grantors are Vendors and Grantees are purchasers."

2. An easement created by instrument, including the terms and provisions thereof:

Recorded: October 26, 1994 in M-94 on page 33180
Favor of: Pacific Power & Light Company
For: Electric underground distribution line
Affects: Parcel 2

3. Easement as shown on the recorded plat/partition:

For: Land partition 30-94
Affects: Parcel One

Exhibit "B" - Page 1 of 1
Exceptions to Title

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of First American Title the 11th day
of May A.D., 1998 at 11:56 o'clock A. M., and duly recorded in Vol. M98,
of Deeds on Page 15900.

FEE \$55.00

By Bernetha G. Letsch, County Clerk
Kathleen Ross