

66912

Vol. 1798 Page 35373

Lew Tedaldi

STATE OF OREGON, } ss.  
County of \_\_\_\_\_

Grantor's Name and Address

Chris Welsh

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 \_\_\_\_\_ and/o as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.

Grantee's Name and Address

CDF II, LLC

Klamath Mall, LLC

SPACE RESERVED FOR RECORDER'S USE

After recording, return to (Name, Address, Zip):

Chris Welsh

2130 Santiago Drive

Newport Beach, CA 92660

Until requested otherwise, send all tax statements to (Name, Address, Zip):

Chris Welsh

2130 Santiago Dr.

Newport Beach, CA 92660

Witness my hand and seal of County affixed.

NAME TITLE

By \_\_\_\_\_, Deputy.

MTC 41756

BARGAIN AND SALE DEED - STATUTORY FORM (INDIVIDUAL GRANTOR)

LEW TEDALDI

conveys to Chris A. Welsh as to an undivided 97.96% interest, CDF II, LLC, a California limited liability company as to an undivided 22.62% interest and Klamath Mall, LLC\* the following real property situated in Klamath County, Oregon, to-wit:

See Exhibit 'A' attached hereto and by reference made a part hereof

\*an Oregon limited liability company as to an undivided 29.42% interest.

The property is subject to: See Exhibit 'B' attached hereto and by reference made a part hereof.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$3,424,671.00\* (Here, comply with the requirements of ORS 93.030.) of which a portion hereof is paid by an accommodator to facilitate and IRC 1031 tax deferred exchange

Dated this 9th day of September, 1998.

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.

*[Signature]*  
Lew Tedaldi

STATE OF <sup>NEW YORK</sup> OREGON, County of ORANGE ) ss.  
This instrument was acknowledged before me on September 9, 1998  
by Lew Tedaldi

DIANNE V. SANTOIANNI  
Notary Public, State of New York  
No. 4865864  
Qualified in Orange County  
Commission Expires Dec. 15, 1998

*[Signature]*  
Notary Public for Oregon N.Y.  
My commission expires 12/15/98

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:** All that portion of Tracts 32, 33A and 36, ENTERPRISE TRACTS, situated in the NW1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pipe on the South line of said Tract 32, said point being North 89 degrees 30' 45" West, a distance of 281.8 feet from the Southeast corner of said Tract 32 (this same reference is described as being West a distance of 281.7 feet by previous records), said beginning point also being on the Northwestern line of Austin Street as deeded to Klamath County by Deed Volume 229, page 300, Deed Records of Klamath County, Oregon; thence North 34 degrees 07' 30" East at right angles to South Sixth Street and along the Northwestern line of Austin Street a distance of 183.08 feet to an iron pin on a point on a line that is parallel to and 180 feet distant at right angles from the East line of said Tract 32; thence North 0 degrees 20' 45" East along said parallel line and along the Westerly line of Austin Street a distance of 722.70 feet to an iron pin that is South 0 degrees 20' 45" West a distance of 400.02 feet from the iron pin marking the Southerly line of Shasta Way; thence North 89 degrees 39' 15" West a distance of 629.67 feet to an iron pin on the Southeasterly line of Avalon Street; thence South 30 degrees 37' 00" West along the Southeasterly line of Avalon Street a distance of 667.53 feet to an iron pin on the most Northerly corner of a tract described as Parcel 3 in Deed Volume 256, page 96, Deed Records of Klamath County, Oregon; thence South 59 degrees 23' 00" East along the Northeasterly line of said tract a distance of 149.94 feet to an iron pin; thence South 30 degrees 37' 00" West along the Southeasterly line of said tract a distance of 59.20 feet to an iron pin on the Northeasterly line of Pershing Way; thence South 55 degrees 52' 30" East along the Northeasterly line of Pershing Way a distance of 485.15 feet to an iron pipe on the Southerly projection of the line between Tracts 32 and 36, Enterprise Tracts; thence North 0 degrees 14' 30" West along said projected line a distance of 98.97 feet to an iron pipe on the Southwest corner of said Tract 32; thence South 89 degrees 30' 45" East along the Southerly line of said Tract 32 a distance of 362.50 feet to the point of beginning.

**PARCEL 2:** A parcel of land situated in the NW1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of said Section 3, said point being marked by a cased iron pin; thence South 0 degrees 00' 30" East along the Westerly line of said Section 3 a distance of 826.80 feet to its intersection with a line parallel with and 75.0 feet distant at right angles Northeasterly from the centerline of the Klamath Falls-Lakeview Highway, also known as South Sixth Street, as the same is now located and constructed; thence South 55 degrees 52' 30" East, along said parallel line a distance of 1682.84 feet to an iron pin on the Northwestern line of Austin Street; thence North 34 degrees 07' 30" East along said line a distance of 235.00 feet to an iron pin on the Northeasterly line of Pershing Way, said point being the True Point of Beginning of this description; thence North 34 degrees 07' 30" East along the Northwestern line of Austin Street a distance of 282.50 feet to an iron pipe on the Southerly line of Tract 32, Enterprise Tracts, said point being North 89 degrees 30' 45" West a distance of 281.8 feet from the Southeast corner of said Tract 32 (this same reference is described as being West a distance of 281.7 feet by previous records), said point being on the Northwestern line of that tract deeded to Klamath County by Deed Volume 229, page 300, Deed Records of Klamath County, Oregon; thence North 89 degrees 30' 45" West along the Southerly line of said Tract 32, a distance of 362.50 feet to an iron pipe on the Southwest corner of said Tract 32; thence South 0 degrees 14' 30" East along the Southerly projection of the line between Tracts 32 and 36, Enterprise Tracts, a distance of 98.97 feet to an iron pipe on the Northeasterly line of Pershing Way; thence South 55 degrees 52' 30" East along said line a distance of 245.93 feet to the True Point of Beginning of this description.

EXHIBIT 'B'

DEED EXCEPTIONS

1. The premises herein described are within and subject to the statutory powers, including the power of assessment, of South Suburban Sanitary District.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Klamath Project and Klamath Irrigation District.
3. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
4. Acceptance of terms and conditions of Reclamation Extension Act, subject to the terms and provisions thereof, Enterprise Land and Investment Co. to United States recorded November 27, 1914 in Volume 43 at page 120, Deed Records of Klamath County, Oregon.
5. Reservations, restrictions and easement, subject to the terms and provisions thereof, as contained in instrument recorded March 11, 1949 in Volume 229, page 300, Deed Records of Klamath County, Oregon, wherein Enterprise Land and Investment Company, a corporation as grantor and Klamath County, State of Oregon as grantee.
6. Agreement, subject to the terms and provisions thereof;  
 Dated: July 30, 1965  
 Recorded: March 30, 1966  
 Volume: M66, page 2768, Microfilm Records of Klamath County, Oregon  
 By and between: Oregon Shopping Center, Inc. and Erickson Investment Co.  
  
 First Addendum, subject to the terms and provisions thereof;  
 Dated: October 4, 1966  
 Recorded: October 27, 1966  
 Volume: M66, page 11345, Microfilm Records of Klamath County, Oregon  
 For: To extend term of agreement to and including June 30, 2017
7. Subject to any unrecorded leases and tenancies, if any.
8. 1998-99 taxes, a lien due but not yet payable.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Amerititle  
of September A.D. 19 98 at 1:23 o'clock P. M., and duly recorded in Vol. M98  
of Deeds on Page 35373

FEE \$40.00

By Bernetha G. Letsch County Clerk  
Kathleen Ross