

**Grantor's Name and Address:**

Fred Meyer Stores, Inc.  
Post Office Box 42121  
Portland, OR 97242

**Grantee's Name and Address:**

Edwin N. Lippert  
c/o Post Office Box 580  
Grants Pass, Oregon 97527

**After recording return to:**

Edwin N. Lippert  
c/o Post Office Box 580  
Grants Pass, Oregon 97527

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

Same as above

**K55469**

Form No. 762 - Special Warranty Deed

**SPECIAL WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS That Fred Meyer Stores, Inc., a Delaware corporation who took title as Fred Meyer, Inc., a Delaware corporation hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Edwin N. Lippert and Bonnie Irene Lippert, Trustees of the Lippert Family Revocable Living Trust, dated 8/8/92, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anyway appertaining, situated in the County of Klamath, State of Oregon, described as follows, to-wit.

See Exhibit "A" attached hereto and made a part hereof.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by grantor except those items specifically set out in Exhibit "B" attached hereto and made a part hereof, grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all person claiming by, through, or under the grantor. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 390,000.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereto apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 31<sup>st</sup> day of August, 2000; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

Fred Meyer Stores, Inc., a Delaware corporation

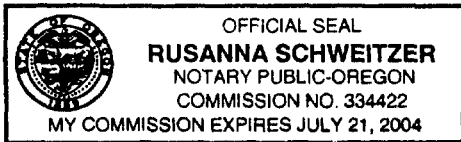
BY: Robert Currey-Wilson

Robert Currey-Wilson, Vice President

STATE OF OREGON  
County of Multnomah

}  
} SS:

This instrument was acknowledged before me on August 31, 2000, by Robert Currey-Wilson as Vice President of Fred Meyer Stores, Inc., a Delaware corporation, on behalf of the corporation.



Rusanna Schweitzer  
Rusanna Schweitzer Notary Public for Oregon  
My Commission Expires July 21, 2004

Unofficial  
Copy

EXHIBIT "A"  
DESCRIPTION OF PROPERTY

A parcel of land located in the Southwest one-quarter of Section 34, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Commencing at a brass cap marking the Southwest corner of Section 34 and running North  $00^{\circ}28'30''$  West 168.83 feet; thence North  $89^{\circ}31'30''$  East 55.00 feet to a point on the easterly right of way line of Washburn Way; thence North  $00^{\circ}28'30''$  West 1194.44 feet to the point of intersection of the easterly right-of-way line of Washburn Way and the southerly right-of-way line of Eberlein Avenue and the point of beginning; thence running along the southerly right-of-way line of Eberlein Avenue, North  $89^{\circ}16'27''$  East 588.17 feet; thence, leaving said right-of-way, South  $00^{\circ}28'07''$  East 252.96 feet; thence South  $89^{\circ}31'53''$  West 588.13 feet to the easterly right-of-way line of Washburn Way; thence along said right-of-way line, North  $00^{\circ}28'30''$  West 250.32 feet to the point of beginning.

Unofficial  
Copy

## Exhibit "B"

1. Taxes for the fiscal year 2000-2001 a lien not yet payable.
2. Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
3. An easement created by instrument, including the terms and provisions thereof:  
 Recorded : February 1, 1946 in Volume 184 page 496, Deed records of Klamath County, Oregon  
 Favor of : Alfred D. Collier, Trustee  
 For : 5' wide strip of land for drainage purposes
4. An easement created by instrument, including the terms and provisions thereof:  
 Recorded : January 11, 1956 in Volume 280 page 331, Deed records of Klamath County, Oregon  
 Favor of : The California Oregon Power Company, a California corporation  
 For : transmission line
5. An easement created by instrument, including the terms and provisions thereof:  
 Recorded : December 9, 1987 in Volume M87 page 22056, Deed records of Klamath County, Oregon  
 Favor of : Pacific Power & Light Company, a corporation  
 For : underground right of way
6. Reciprocal Easement Agreement and Declaration, including the terms and provisions thereof,  
 Dated : February 25, 1993  
 Recorded : March 15, 1993 in Volume M93 page 5282, Deed records of Klamath County, Oregon  
 From : Fred Meyer, Inc., a Delaware corporation  
 To : Taco Bell Corp., a California corporation
7. The terms and provisions of the above Reciprocal Easement Agreement and Declaration were amended by Supplement  
 Recorded : January 31, 1997 in Volume M97 page 3079, Deed records of Klamath County, Oregon
8. Unrecorded Supplement #2 to Reciprocal Easement and Restriction Agreement.  
 Between: Edwin N. Lippert and Bonnie Irene Lippert, Trustees of the Lippert Family Revocable Living Trust dated 8.2.92  
 and  
 Fred Meyer Stores, Inc., a Delaware corporation

State of Oregon, County of Klamath  
 Recorded 09/06/00, at 11:16 a.m.  
 In Vol. M00 Page 32597  
**Linda Smith,**  
 County Clerk Fee\$ 36<sup>00</sup>