

'02 MAR 27 PM 1:27

After Recording Return to:

Jane Rakay Nelson
Lane Powell Spears Lubersky LLP
1420 Fifth Avenue, Suite 4100
Seattle, WA 98101-2338

State of Oregon, County of Klamath
Recorded 03/27/2002 1:27 p.m.
Vol M02, Pg 17912 - 17915
Linda Smith, County Clerk
Fee \$ 36.00 # of Pgs 4

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

Home Depot U.S.A., Inc.
Property Tax Department - Store No. 4019
P.O. Box 105842
Atlanta, GA 30348-5842

K57541

STATUTORY WARRANTY DEED

KERMIT WHITTEMORE and RICHARD WHITTEMORE, tenants in common, each as to an undivided one-half interest, Grantors, convey and warrant to HOME DEPOT U.S.A., INC., a Delaware corporation, Grantee, the real property described on Exhibit A, attached hereto, free of encumbrances except those encumbrances specifically set forth on the attached Exhibit B.

The true consideration for this transfer is \$300,586.44.

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 22 day of March, 2002.

Kermit D. Whittemore BY RICHARD WHITTEMORE
Kermit Whittemore AS ATTORNEY IN FACT
Richard Whittemore
Richard Whittemore

"Grantors"

K36

STATE OF OREGON

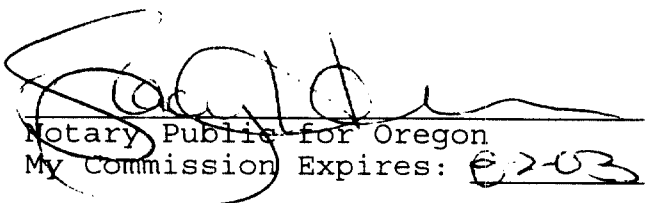
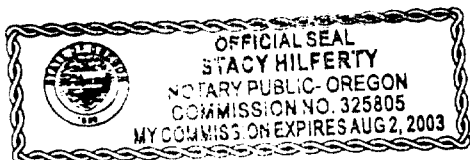
COUNTY OF ~~JACKSON~~ *Klamath*

ss.

March 22, 2002

By *Richard Whittemore,*
Attorney in fact
Personally appeared KERMIT WHITTEMORE and RICHARD WHITTEMORE, and acknowledged said instrument to be their voluntary act and deed.

Before me:


Notary Public for OregonMy Commission Expires: *6-2-03*

**LEGAL DESCRIPTION
WHITTEMORE TO PARCEL 1
February 22, 2002**

A tract of land situated in the Southwest One-Quarter of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Center Section line of said Section 1, which bears South 87°50'28" West, 705.58 feet from the Center One-Quarter of said Section 1, evidenced by a 3/4" iron pipe; thence along said Center Section line, North 87°50'28" East, 311.90 feet; thence leaving said Center Section line, South 00°33'48" West, 739.26 feet; thence North 90°00'00" West, 127.43 feet; thence South 43°50'22" West, 40.94 feet to a point on the Northeasterly right-of-way of the Klamath Falls-Lakeview Highway; thence along said right-of-way North 46°09'38" West, 126.38 feet; thence leaving said right-of-way, North 04°54'24" West, 671.93 feet to the Point of Beginning.

Said tract contains 4.647 acres, more or less.

TOGETHER WITH all of Grantor's interest, if any, in Parcel 1 of Land Partition 42-01, in Klamath County, Oregon, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon, said land partition being situated in the S1/2NW1/4SW1/4, and SE1/4 of Section 1, Township 39 South, Range 9 East, Willamette Meridian, Klamath County, Oregon.

EXHIBIT "B"
PERMITTED EXCEPTIONS
Whittemore Parcel

17915

1. 2002 – 2003 real property taxes, a lien not yet due and payable.
2. Liens and assessments of Klamath Project and Enterprise Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith. **(No delinquent or unpaid liens and assessments as of the date of this deed.)**
3. Any unpaid charges or assessments of the Enterprise Irrigation District. **(No delinquent or unpaid liens and assessments as of the date of this deed.)**
4. Rules, regulations and assessments of South Suburban Sanitary District. **(No delinquent or unpaid assessments as of the date of this deed.)**
5. Limited access provisions contained in Deed from Connie A. Whittemore to the State of Oregon, by and through its State Highway Commission recorded June 25, 1973 in M-73 on page 7954 Deed Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
6. Effect of Truck Access, Secondary Access and Access, Drainage and Utility Easements and Additional 7 foot Public Easements for Slopes, Irrigation and Drainage created by Land Partition No. 4201, filed in the office of the Klamath County Clerk, Klamath County, Oregon.