

04 MAY 11 PM 3:09

WT-56329

Vol M04 Page 28849

When recorded return to:
Christopher M. McNichol
Gust Rosenfeld, P.L.C.
201 East Washington, Suite 800
Phoenix, Arizona 85004-2327

State of Oregon, County of Klamath
Recorded 05/11/2004 3:09 p m
Vol M04 Pg 28849-53
Linda Smith, County Clerk
Fee \$ 4.00 # of Pgs 5

Klamath Falls, Oregon/Store No. 1772-02

STATUTORY GENERAL WARRANTY DEED

OZ INVESTMENT, L.L.C., an Oregon limited liability company, whose address is 13500 S.W. 72nd Avenue, Suite 210, Portland, Oregon 97223 ("**Grantor**"), hereby conveys and warrants to **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust, whose address is 2001 S.E. 10th Street, Bentonville, Arkansas 72712-6489 ("**Grantee**"), the real property situated in Klamath Falls, Klamath County, Oregon, more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference; together with all improvements thereto and all rights and interests associated therewith and appurtenances thereto, including all water rights, mineral rights or other rights appurtenant thereto; free of encumbrances except as specifically set forth in Exhibit "B" attached hereto and incorporated herein by this reference.

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

The true consideration for this conveyance is \$864,075.73.

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

Wal-Mart Stores, Inc.
Property Tax Department No. 8013
Store No. 1772-02
1301 S.E. 10th Street
Bentonville, Arkansas 72716-0555

Hrr/529067 5/7/2004

4/00
mm

28850

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.

Dated this 11th day of May, 2004.

OZ INVESTMENT, L.L.C., an Oregon
limited liability company

By: [Signature]
Name: MARK R. ZIMEL
Its: MEMBER

By: [Signature]
Name: STEVEN J. OLSON
Its: MEMBER

State of Washington

County of Clark

The foregoing instrument was acknowledged before me this 1 day of May, 2004, by Mark Zimel of OZ Investment, L.L.C., on behalf of the company.

(Seal and Expiration Date)

[Signature]
Notary Public

State of WashingtonCounty of Clark

The foregoing instrument was acknowledged before me this 7 day of May, 2004, by Stanna J. Oliva of OZ Investment, L.L.C., on behalf of the company.

(Seal and Expiration Date)

Maureen P. Mulholland
Notary Public

EXHIBIT "A"

PARCEL 1 OF LAND PARTITION NO. 23-03, KLAMATH COUNTY PLAT RECORDS, RECORDED APRIL 23, 2004 AND LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

TOGETHER WITH EASEMENT RIGHTS AS CONTAINED IN THE DECLARATION OF EASEMENT RECORDED APRIL 22, 2004 IN VOLUME M04, PAGE 24027, MICROFILM RECORDS OF KLAMATH COUNTY, OREGON.

EXHIBIT "B"**Permitted Exceptions**

- 1) Unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water, whether or not the matters excepted are shown by public records.
- 2) The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of South Suburban Sanitary District.
- 3) Reservations contained in Plat dedication for Tract 1080 Washburn Park recorded in Book 20, Page 23 to wit:
"Said plat subject to: building setback lines as prescribed in present applicable ordinances; all existing easements and/or as shown on the annexed plat; additional restrictions as provided in an any recorded protective covenants."
- 4) Restrictions shown on the recorded plat and contained in the dedication of Tract 1276 as follows:
"....said plat subject to: 25 foot building setbacks, 30 foot and 16 foot drainage easements, Easements With Covenants and Restrictions contained in Deed Volume M91, Page 12081, Deed Records of Klamath County, Oregon and the 10 foot natural gas easement, all as shown on the annexed map."
- 5) Easements With Covenants and Restriction Affecting Land (the "ECR") by and between Wal-Mart Stores, Inc. and Washburn Enterprises recorded June 15, 1991, Volume M91, Page 12081, Microfilm Records of Klamath County, Oregon.
- 6) Declaration of Cross Easements and Restrictive Covenants by and between Oz Investment, L.L.C. and No Apples I – Klamath, L.L.C. recorded March 12, 1997 in Volume M97, Page 7211.
- 7) Special Ordinance annexing a 4.5 acre parcel adjacent to 2600 Washburn Way into the City of Klamath Falls recorded October 6, 2003, Volume M03, Page 74437, Microfilm Records of Klamath County, Oregon.
- 8) Easements for Public Storm Drainage and Access as disclosed by Land Partition No. 23-03, as filed in the office of the Clerk of Klamath County, Oregon recorded April 23, 2004.