

04 SEP 17 PM 3:48

MJZ-662701K

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After recording return to:

Klamath Wingwatchers, Inc.  
P.O. Box 251  
Klamath Falls, Or 97601

State of Oregon, County of Klamath  
Recorded 09/17/04 3:48 p m  
Vol M04 Pg 62655-57  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

66270

### DEED

Pine Cone, LLC., an Oregon limited liability company, Grantor, conveys to Klamath Wingwatchers, Inc., an Oregon non profit corporation, Grantee, that certain real property in the City of Klamath Falls, County of Klamath, Oregon, described as:

A Parcel of Land Situated in the NE¼ SW¼ of Section 32, T38S, R9E of the Willamette Meridian, Klamath County, Klamath Falls, Oregon, being more particularly described on Exhibit A attached hereto and incorporated herein by this reference.

This conveyance and Grantee's acceptance of this deed is subject to the following conditions and reservations:

1. Reservations, restrictions, easements, rights of way of record and those apparent on the land;
2. The terms and conditions of the Lake Ewauna Trail Easement made by and between Grantor and the County of Klamath recorded in volume M04 at page 681041 of the microfilm records of the clerk of Klamath County, Oregon;
3. The terms and conditions of that certain Recreation / Access Easement Lease made by and between the County of Klamath and the City of Klamath Falls dated July 30, 2004;
4. The Grantor and Grantee acknowledge that the subject land and Grantor's adjoining lands were historically used as a wood products industrial site, and Grantor agrees that it is responsible for the remediation and clean-up costs for any hazardous substances, as defined in state and federal law, discovered in or upon the subject land, provided that such hazardous substances were located within the subject land at the time of the grant of this Easement or migrate to the subject land from Grantor's adjoining land. If Grantee discovers any hazardous substance on or about the subject land, it shall immediately cease all activity on the subject land and shall immediately report such discovery to Grantor. Grantor shall, in strict conformance with the applicable laws and regulations, address the existence of the hazardous material in a manner approved by the Oregon Department of Environmental Quality. The parties acknowledge that such remedial actions may include leaving the hazardous substance undisturbed and covering it or other action that does not require the removal of the substance.
5. That the subject property be used for the benefit of the public and in compliance with the requirements of United States Public Law 106-393, Section 302(b)(3) as now existing and as may be hereafter amended. In the event that Grantee uses that land for a purpose that is not consistent with said law and the terms of the Easement described in subsection 1, above, then the fee title ownership of the property shall revert in Grantor, its successors and assigns.
6. The terms and conditions of the Sale Agreement dated July 30, 2004 between Grantor and Grantee which provides in part that Grantee will convey to Grantor all of the land described above except the parcel described on Exhibit A attached hereto when the plat of TimberMill Shore, Phase 1, has been approved and filed in the manner provided by law.

DEED

Page 1

3/10 am

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.


Pine Cone, LLC.

By:   
Robert J. Shaw, Operating Manager

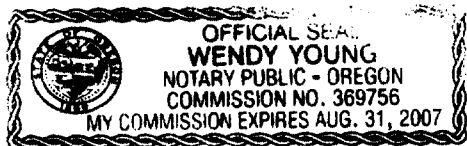
STATE OF OREGON, County of Klamath ) ss.

On this 18th day August, 2004, personally appeared Robert J. Shaw, Operating Manager of Pine Cone, LLC., and being first duly sworn, did say that the foregoing instrument was executed on behalf of said company, and acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

  
Notary Public for Oregon

*my Commission Expires: 8-31-2007*



## EXHIBIT "A"

A parcel of land in the N  $\frac{1}{4}$  SW $\frac{1}{4}$ , Section 32, Township 38 South, Range 9 E., W.M., Klamath County, Oregon, being more particularly described as follows:

Beginning at the northeasterly corner of that property shown in County Survey Number 2618, as filed in the Klamath County Surveyor's office, said point marked with a 5/8" rebar; thence N 66° 47' 26" E 588 feet along the southerly line of Klamath Avenue to the northwesterly corner of that property shown in County Survey Number 276, as filed in said Surveyor's office; thence S 50° 55' E 210.8 feet to the mean high water line of Lake Ewauna; thence S 66° 32' W along said mean high water line for approximately 690'; thence continuing along said mean high water line in a northwesterly direction to a 5/8" rebar marking the southeast corner of the property shown in County Survey Number 2618; thence leaving the mean high water line, N 23° 06' 03" W 135.62 feet to the point of beginning.