

04 NOV 17 AM 11:03



MT67099-TM

Vol M04 Page 79169

State of Oregon, County of Klamath  
Recorded 11/17/04 11:03 a m  
Vol M04 Pg 79169-72  
Linda Smith, County Clerk  
Fee \$ 36.00 # of Pgs 4

THIS SPACE RESERVE

After recording return to:

BOB STEWART

2618 WESTGATE DRIVE

KLAMATH FALLS, OR 97603

Until a change is requested all

tax statements shall be sent to

The following address:

BOB STEWART

2618 WESTGATE DRIVE

KLAMATH FALLS, OR 97603

Escrow No.

MT67099-TM

### STATUTORY WARRANTY DEED

**SHANNON G. VANDYKE, AS TO 16.97% INTEREST; JAMES M. BYRNES, AS TO 16.97% INTEREST; HOLLY J. BYRNES, AS TO 16.96% INTEREST; MICHELLE R. LENNINGER, AS TO A 24.55% INTEREST, AND GENE A. SCHRIEBER AS TO 24.55% INTEREST, AS TO PARCELS 1, 3, AND 4;**

**ASPHALT CONSTRUCTION COMPANY, AN INACTIVE ASSUMED BUSINESS NAME, AS TO PARCELS 2 AND 5, Grantor(s) hereby convey and warrant to BOB STEWART AND KLAMATH CASCADE GROUP, LLC, AN OREGON LIMITED LIABILITY COMPANY, AS TENANTS IN COMMON,**

Grantee(s) the following described real property in the County of **KLAMATH** and State of Oregon, free of encumbrances except as specifically set forth herein:

**SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

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 2<sup>nd</sup> day of November, 2004

Shannon G. Vandyke  
SHANNON G. VANDYKE

BY: Gene R. Byrnes  
GENE R. BYRNES, ATTORNEY IN FACT

James M. Byrnes  
JAMES M. BYRNES

BY: Gene R. Byrnes  
GENE R. BYRNES, ATTORNEY IN FACT

Holly J. Byrnes  
HOLLY J. BYRNES

BY: Gene R. Byrnes  
GENE R. BYRNES, ATTORNEY IN FACT

Michelle R. Lenninger  
MICHELLE R. LENNINGER

36.00 am

~~Gene A. Schrieber~~  
~~Gene A. Byrnes~~ 1083  
GENE A SCHRIEBER

BY: Gene R. Byrnes  
GENE R. BYRNES, ATTORNEY IN FACT

79170

ASPHALT CONSTRUCTION COMPANY

BY: Gene R. Byrnes  
GENE R. BYRNES, AUTHORIZED REPRESENTATIVE

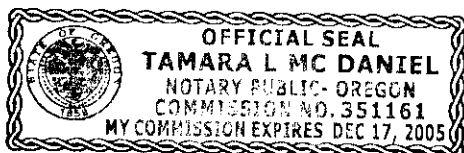
State of Oregon  
County of KLAMATH

This instrument was acknowledged before me on NOV 3, 2004 by MICHELLE R. LENNINGER AND GENE R. BURNS; AS POWER OF ATTORNEY FOR SHANNON G. VANDYKE, JAMES M. BYRNES, HOLLY J. BYRNES AND GENE A. SCHRIEBER AND GENE R. BYRNES AS AUTHORIZED REPRESENTATIVE OF ASPHALT CONSTRUCTION COMPANY.

Tamara L. McDaniel

(Notary Public for Oregon)

My commission expires 12/17/05



79171

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL 1:

Government Lots 1, 2, 3, 4 and 5; the NW1/4 NE1/4; the E1/2 NW1/4;

All in Section 30, Township 37 South, Range 9 East of the  
Willamette Meridian, Klamath County, Oregon.

Tax Account No: 3709-03000-00200-000

Key No: 379646

PARCEL 2:

A parcel of land situated in Lot 5, Section 25, Township 37 South,  
Range 8 East of the Willamette Meridian, Klamath County, Oregon,  
described as follows:

Beginning at an iron rod monument on the Westerly right-of-way  
line of Shady Pine Road which bears South 05° 01' 49" West a  
distance of 1335.29 feet from the brass cap monument marking the  
Northeast corner of said Section 25; said beginning point being  
the Southeasterly corner of parcel described in Volume M86, page  
15572, Microfilm Records of Klamath County, Oregon; thence  
Southeasterly along the Westerly line of Shady Pine Road to its  
intersection with the East line of said Section 25; thence South  
01° 17' West 5.0 feet, more or less, to the meander corner; thence  
South 0° 33' West along the East line of said Section 25 a  
distance of 460.6 feet; thence West 466.6 feet, more or less, to a  
point on the Easterly right-of-way line of the relocated Dalles-  
California Highway; as the same is presently located and  
constructed; thence Northerly along said right-of-way line to the  
Southwest corner of parcel described in Volume M86, page 15572,  
Microfilm Records of Klamath County, Oregon; thence North 87° 54'  
East along the South line of said parcel a distance of 374.83  
feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion of a strip of land 25 feet in  
width that lies within the above described property, said strip is  
described in Volume 128, page 279, Deed Records of Klamath County,  
Oregon, and shown on record of survey no. 1545.

Tax Account No: 3708-02500-00300-000

Key No: 376676

Tax Account No: 3708-02500-00500-000

Key No: 858361

PARCEL 3

Government Lot 1 in Section 31, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No: 3709-03100-00200-000

Key No: 379664

(Legal description continued)

PARCEL 4:

The SE1/4 SW1/4, the SW1/4 SE1/4 and Government Lot 4 in Section 19, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT any portion thereof in Simpson Canyon Road.

Tax Account No: 3709-01900-00900-000

Key No: 377096

PARCEL 5:

A parcel of land situate in Government Lot 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

A parcel of land 25 feet in width, from the Easterly boundary of Government Lot 5 to the Northerly boundary of Government Lot 5, being 12 1/2 feet on each side of the following described center line:

Beginning at a point in the meander corner on the Easterly boundary of the said Section 25, Township 37 South, Range 8 East of the Willamette Meridian, from which the Northeasterly corner of the said Section 25 bears North 1° 17' East, 1507.4 feet distant, and running thence South 0° 33' West, along the said Easterly boundary of the said Section 25, 176.4 feet distant, being the True Point of Beginning; thence North 27° 39' West to the Northerly boundary line of said Government Lot 5.

Tax Account No: 3708-02500-00401-000

Key No: 884371