

04 DEC 28 PM 1:09

Vol M04 Page 88682

After Recording Return to:

KLAMATH ETNA LLC

P.O. Box 1583
Corvallis, OR 97339

Until a change is requested all tax statements
Shall be sent to the entity and address above.

State of Oregon, County of Klamath

Recorded 12/28/04 1:09 P m

Vol M04 Pg 88682

Linda Smith, County Clerk

Fee \$ 26 # of Pgs 2

Aspen: 591015 MA
WARRANTY DEED
(INDIVIDUAL)

BARRY SWICKLE, TRUSTEE OF THE CUSHMAN FAMILY TRUST A, herein called Grantor, convey(s) to **KLAMATH ETNA LLC**, an Oregon Limited Liability Company, herein called Grantee, all that real property situated in the County of **KLAMATH**, State of Oregon, described as:

See Exhibit A attached hereto and made a part hereof.

and covenant(s) that grantor is the owner of the above described property free of all encumbrances except covenants, conditions, restrictions, reservations, rights, rights of way and easements of record, if any, and apparent upon the land, contracts and/or liens for irrigation and/or drainage

and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

The true and actual consideration for this transfer is **\$710,000.00**
(here comply with the requirements of ORS 93.930)

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 **December 18, 2004**.

CUSHMAN FAMILY TRUST A

BY: *H. Swickle*
BARRY SWICKLE, TRUSTEE

STATE OF Florida, County of Palm Beach ss.

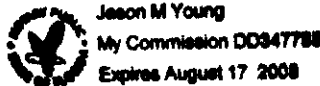
On December 21, 2004, personally appeared the above named **Barry Swickle** as Trustee of the Cushman Family Trust A.
This document is filed at the request of:



525 Main Street
Klamath Falls, OR 97601
Order No.: 00059195

Before me *[Signature]*
Notary Public for Florida
My commission expires: 8-17-08

Official Seal



26-A

PARCEL 1:

A tract of land situated in the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Commencing at the Westerly one-quarter corner of said Section 2; thence North 89° 44' 52" East 517.06 feet; thence North 00° 20' 15" East 37.91 feet to a point on the Northerly boundary line of State Highway 66; thence North 89° 43' 30" East 166.30 feet; thence North 00° 20' 15" East 196.70 feet to the point of beginning; thence North 05° 06' 40" East 34.24 feet; thence North 00° 15' 00" West 205.91 feet; thence North 89° 43' 30" East 228.48 feet; thence South 00° 06' 39" East 142.53 feet; thence North 89° 43' 30" East 184.10 feet to the Westerly boundary line of Gary Street; thence South 00° 09' 21" West 37.47 feet; thence South 89° 43' 30" West 324.56 feet; thence South 00° 20' 15" West 60.00 feet; thence South 89° 43' 30" West 90.00 feet to the true point of beginning.

TOGETHER WITH an easement for the joint right to use for customer, patron, invitee and employee parking and for the purposes of ingress and egress and passage for automobile and pedestrian traffic on all that real property described hereinafter.

A tract of land situated in the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the West one-fourth corner of said Section 2, said point being marked by a brass plug in a capped monument which is 1.60 feet North of the centerline of State Highway 66 (South Sixth Street); thence North 89° 44' 52" East along the east-West centerline of said Section 2 (this is the bearing to the center one-fourth corner of said Section 2 which is monumented by a bolt in the pavement that is 1.20 feet North of the centerline of said highway) a distance of 517.06 feet; thence North 0° 20' 15" East a distance of 37.91 feet to a one-half inch iron pin on the Northerly line of State Highway 66 to be relocated a distance of 40.00 feet at right angles to the centerline of said highway; thence North 89° 43' 30" East along said Northerly line of State Highway 66 a distance of 166.30 feet to a 5/8 inch iron pin on the true point of beginning of this description, said point being on the Westerly line of the Peace Memorial Church property as described in Deed Volume 317 at Page 491, Klamath County Deed Records and the Easterly line of the Bennington property as described in Deed Volume 331 at Page 402, Klamath County Deed Records; thence North 0° 20' 15" East along the last described line a distance of 196.70 feet to a 5/8 inch iron pin; thence North 89° 43' 30" East a distance of 90.00 feet to a 5/8 inch iron pin; thence North 0° 20' 15" East a distance of 60.00 feet to a 5/8 inch iron pin on the Southerly line of the Collier property as described in Deed Volume 353 at Page 398, Klamath County Deed Records; thence North 89° 43' 30" East along the Southerly line of said Collier property a distance of 76.30 feet to a 5/8 inch iron pin; thence South 0° 20' 15" West a distance of 256.70 feet to a 5/8 inch iron pin on the Northerly line of the above described State Highway 66 right of way, said point also being on the Easterly line of the above described church property; thence South 89° 43' 30" West along said Northerly line of State Highway 66 a distance of 166.30 feet to the true point of beginning.

PARCEL 2:

A tract of land situated in the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the West one-quarter corner of said Section 2, said point being marked by a brass plug in a capped monument which is 1.60 feet North of the centerline of State Highway 66 (South Sixth Street); thence North 89° 44' 52" East along the East-West centerline of said Section 2 (this is the bearing to the center one-fourth corner of said Section 2 which is monumented by a bolt in the pavement that is 1.20 feet North of the centerline of said highway) a distance of 517.06 feet; thence North 0° 20' 15" East a distance of 37.91 feet to a one-half inch iron pin on the true point of beginning of this description, said point being on the Northerly line of State Highway 66, as relocated a distance of 40.00 feet at right angles to the centerline of said highway, said point also being on the Westerly line of the Bennington property as described in Deed Volume 331 at Page 402, Klamath County Deed Records; thence North 89° 43' 30" East along the Northerly line of Highway 66 as relocated a distance of 40.00 feet at right angles to the centerline of said highway a distance of 166.30 feet to a 5/8 inch iron pin on the Easterly line of said Bennington property and the Westerly line of the Peace Memorial Presbyterian Church property as described in Deed Volume 317 at Page 491, Klamath County Deed Records; thence North 0° 20' 15" East along the last described line a distance of 196.70 feet to a 5/8 inch iron pin; thence North 05° 06' 40" East a distance of 34.24 feet; thence North 00° 15' 00" East a distance of 205.91 feet; thence South 89° 43' 30" West a distance of 155.57 feet; thence South 00° 14' 10" East a distance of 205.89 feet; thence South 17° 20' 35" West a distance of 46.27 feet; thence South 00° 20' 15" West a distance of 186.70 feet to the true point of beginning.

TOGETHER WITH a non-exclusive easement for ingress, egress, and traveling by vehicular or pedestrian travel over and across the herein mentioned described easement area and for utility and service line over, under and across that said certain easement area situated in the SW 1/4 NW 1/4 of Section 2, Township 39 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

COMMENCING at the West one-quarter corner of said Section 2; thence North 89° 44' 52" East, 517.06 feet; thence North 00° 20' 15" East, 224.61 feet; thence North 17° 20' 35" East, 46.27 feet to the Southwest corner of an existing building; thence along the Westerly face of said building North 00° 14' 10" West 123.96 feet to the Northwest corner of said building; thence continuing North 00° 14' 10" West 30.00 feet to the true point of beginning; thence South 89° 43' 30" West 148.30 feet to the Easterly boundary line of Etna Street; thence North 00° 20' 15" East 20.00 feet; thence leaving the Easterly boundary line of Etna Street North 89° 43' 30" East 148.10 feet; thence South 00° 14' 10" East 20.00 feet to the true point of beginning.