

Reserved for Recorder of Deeds

## QUITCLAIM DEED

This Deed, made on the 9th day of March, 2005 by and between W.C. RANCH, INC., an Oregon corporation, party of the first part, and **BNSF RAILWAY COMPANY**, a Delaware Corporation, party of the second part, (Mailing address of said grantee is 2650 Lou Menk Drive, Ft. Worth, TX 76161).

WHEREAS, pursuant to that certain Right of Way Contracts, dated March 11, 1931, and May 4, 1931 and recorded in the records of Klamath County on May 9, 1931, in Book 95 of Deeds, page 242, by and between **WILLIAM F. NIEMAN**, a widower, as the party of the first part, and **GREAT NORTHERN RAILWAY COMPANY**, as the party of the second part, the said party of the second part did covenant to, among other things, provide a grade crossing over said right of way.

NOW, THEREFORE, IN CONSIDERATION OF THE SUM OF Ten dollars (\$10.00), the receipt and adequacy of which are hereby acknowledged, **W.C. RANCH, INC.**, as successor in interest to **WILLIAM F. NIEMAN**, does hereby REMISE, RELEASE, and FOREVER QUITCLAIM to **BNSF RAILWAY COMPANY**, a Delaware corporation, successor in interest to **GREAT NORTHERN RAILWAY COMPANY**, the said right to require the construction and maintenance of a grade crossing as reserved in said Right of Way Contract dated March 11, 1931, and May 4, 1931 recorded in the records of Klamath County on May 9, 1931, in Book 95 of Deeds, page 242, and across the following described real property (the "Property") in the County of Klamath, State of Oregon:

All that part of the Northeast ¼ of the Southeast ¼ of Section 21, Township 40 South, Range 10 East, lying southwesterly of a line parallel with and distant seventy-five feet north easterly of the center line of the railroad of said Great Northern Railway Company, as now definitely established and extending across said land.

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances, thereto belonging, unto the said party of the second part and unto its heirs and assigns forever; so that neither the said party of the first part, nor his heirs nor any other person or persons, for him or in his name or behalf, shall or will hereinafter claim or demand any right or title to the Property or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal the day and year above written.

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Pt Luddy Hilburn  
BNS Railway Co  
PO Box 961050  
Ft. Worth, TX 76161-0050

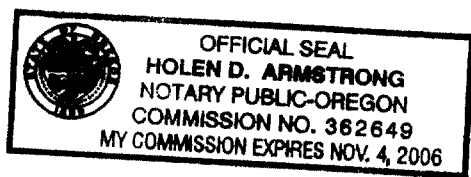
Signed, Sealed and Delivered in Presence of

John W. Dey (Seal)  
John W. Dey, Gretna, OR, (Sage Ranch, Inc.)

In the State of Oregon, County of Klamath, on this 9<sup>th</sup> day of March, 2005, Before me, the undersigned, a Notary Public in and for said County and State, personally appeared John W. Dey to me known to be the person who is described in and who executed the foregoing instrument, and acknowledged that he executed the same as a free act and deed., and the said \_\_\_\_\_ further declared \_\_\_\_\_ to be unmarried.

Witness my hand and Notarial Seal subscribed and affixed in said County and State, the day and year in this certificate above written.

(Seal)



Helen D. Armstrong  
Notary Public

My Term Expires: Nov 4, 2006