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Of Pages 2 Fee: \$26.00

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RELEASE AND QUITCLAIM

THIS Release and Quitclaim, made this 6th day of JUNE, 2005, by and between UNION PACIFIC RAILROAD COMPANY, a Delaware corporation (formerly known as Southern Pacific Transportation Company, a Delaware corporation), (hereinafter "Grantor"), and CAPSTONE DEVELOPMENT, LLC, an Oregon limited liability company, (hereinafter "Grantee").

WITNESSETH:

RECITALS

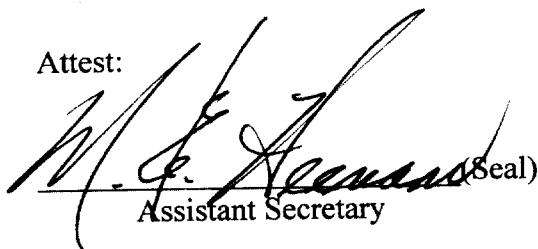
WHEREAS, by deed dated April 1, 1971, and recorded on May 24, 1971, at Volume M71, Page 4800, Microfilm Records of Klamath County, Oregon, Southern Pacific Transportation Company sold certain property (hereinafter "Property") located in Klamath County, Oregon to Norman and Emogene Jones, but in said deed reserved unto itself an easement for railroad purposes over and across the Property (hereinafter "Easement").

WHEREAS, Grantee desires that Grantor release and quitclaim all of its right, title and interest in and to the Easement and the Property, which Grantor is willing to do.

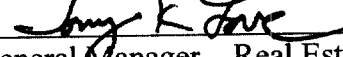
NOW, THEREFORE, Grantor, in consideration of the premises and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby confessed and acknowledged, for itself, its successors and assigns, does hereby REMISE, RELEASE AND QUITCLAIM to Grantee, its successors and assigns, forever, all of its right, title, interest, estate, claim and demand, both at law and in equity, which it has by reason of that Easement in and to the Property.

IN WITNESS WHEREOF, Grantor has caused these presents to be sealed with its corporate seal and to be signed by its authorized officers, the day and year first herein written.

Attest:

 (Seal)
Assistant Secretary

UNION PACIFIC RAILROAD COMPANY,
a Delaware corporation

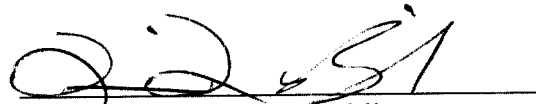
By: 
Title: General Manager - Real Estate

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STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On JUNE 6, 2005, before me, a Notary Public in and for said County and State, personally appeared Tony K. Love and M.E. HEAVAN, General Manager – Real Estate and Assistant Secretary of UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public

(SEAL)

