



After recording return to:
Duke Mountain LLC, an Oregon Limited
Liability Company
744 Cardley Avenue, Suite 100
Medford, OR 97504

M05-63810

Klamath County, Oregon
09/08/2005 02:44:07 PM
Pages 2 Fee: \$26.00

Until a change is requested all
tax statements shall be sent to
The following address:

Duke Mountain LLC, an Oregon Limited
Liability Company
744 Cardley Avenue, Suite 100
Medford, OR 97504

Escrow No. MT70650-KR
Title No. 0070650

SW1:

STATUTORY WARRANTY DEED

MELVIN L. STEWART and MARY LOU STEWART, Grantor(s) hereby convey and warrant to **Duke Mountain LLC, an Oregon Limited Liability Company**, 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 **\$300,000.00**.

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 7th day of September, 2005.

Melvin L. Stewart
MELVIN L. STEWART

Mary Lou Stewart
MARY LOU STEWART

State of Oregon
County of Klamath

This instrument was acknowledged before me on Sept. 7, 2005 by MELVIN L. STEWART and MARY LOU STEWART.



Kristi L. Redd
(Notary Public for Oregon)
My commission expires 11/16/2007

260.

EXHIBIT "A"
LEGAL DESCRIPTION

The NW1/4 NE1/4 of Section 35, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, EXCEPTING all that portion within the Plat of North Hills.

ALSO EXCEPTING THEREFROM a tract of land situated in the NW1/4 of the NE1/4 of said Section, more particularly described as follows:

Beginning at the Northwest corner of Tract 1152, North Hills, said corner being South 88 degrees 22' 24" East 1131.94 feet from the North one-quarter corner of said Section 35; thence along the Westerly line of said Tract 1152, South 03 degrees 18' 00" West 314.79 feet, South 06 degrees 24' 09" East 672.02 feet, South 00 degrees 05' 47" East 225.00 feet to a point 100.00 feet Northerly measured at right angles to the South line of said NW1/4 NE1/4; thence South 89 degrees 54' 13" West, parallel to said line, 715.00 feet; thence North 78 degrees 47' 00" West 101.95 feet; thence South 89 degrees 54' 13" West 169.00 feet; thence North 313.33 feet; thence North 43 degrees 00' 00" East 252.20 feet; thence North 05 degrees 00' 00" East 211.89 feet; thence North 45 degrees 54' 40" East 205.33 feet; thence North 29 degrees 11' 28" East 129.60 feet; thence North 42 degrees 21' 12" East 106.41 feet; thence North 73 degrees 35' 41" East 168.19 feet; thence North 49 degrees 26' 34" East 155.85 feet to the Southerly right of way line of the North West Pipe Line; thence South 88 degrees 49' 11" East along said right of way line 174.24 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

Beginning at the CN1/16 corner of said Section 35, from which Engineer's Station 88+90.59 Foothill Blvd. bears North 00 degrees 16' 09" East, 50.0 feet; thence North 00 ° 16' 09" East, along the North-South center section line of said Section 35, 120.00 feet to a point, from which Engineer's Station 88+90.59 Foothill Blvd. bears South 00 degrees 16' 09" West, 70.00 feet; thence North 89 degrees 54' 13" East, 379.42 feet to a point 70.00 feet left of Engineer's Station 92+70.46 Foothill Blvd.; thence South 78 degrees 47' 00" East, 101.95 feet to a point 50.00 feet left of Engineer's Station 93+70.42 Foothill Blvd.; thence North 89 degrees 54' 13" East, 715.00 feet to the Southwest corner of Lot 1, Block 5 of Tract 1152, North Hills, a duly recorded subdivision; thence continuing North 89 degrees 54' 13" East, 250.00 feet to the Southeast corner of said Lot 1, Block 5, also being the Westerly right of way line of Homedale Road; thence South 04 degrees 56' 13" East, along said Westerly right of way line, 50.17 feet to the centerline of Foothill Blvd. and being Engineer's Station 103+39.66; thence continuing South 04 degrees 56' 13" East, 60.22 feet to the Northeast corner of Lot 1, Block 1 of said Tract 1152, North Hills, thence South 89 degrees 54' 13" West, 140.00 feet to the Northwest corner of said Lot 1, Block 1; thence North 00 degrees 15' 44" East, 10.00 feet to the point on the South line of the NW1/4 NE1/4 of said Section 35, from which the NE1/16 corner of said Section 35 bears North 89 degrees 54' 13" East, 20.00 feet; thence South 89 degrees 54' 13" West 1314.52 feet to the point of beginning of this description.

Tax Account No: 3809-03500-00300-000

Key No: 446379