

MTT-68910W

M06-00179

Klamath County, Oregon

01/04/2006 02:35:37 PM

Pages 5 Fee: \$41.00

Unless Otherwise Requested, All
Tax Statements Shall Be Sent To:

Frank Gallagher
101 Morris Street, Suite 205
Sebastopol, CA 95472

After Recording, Return to:
Frank Gallagher
101 Morris Street, Suite 205
Sebastopol, CA 95472

STATUTORY SPECIAL WARRANTY DEED
(True and Actual Consideration: \$439,176.00)

RUNNING Y RESORT, INC., an Oregon corporation, Grantor, conveys and specially warrants to **FRANK GALLAGHER**, an individual, Grantee, the following described real property located in Deschutes County, Oregon, free of encumbrances created or suffered by the Grantors except as specifically set forth herein:

Lots Ninety-Three (93), Ninety-Four (94) and Ninety-Five (95), PLAT OF
RUNNING Y RESORT, PHASE 1, recorded August 2, 1996, Klamath
County, Oregon

Subject to and expecting: SEE EXHIBIT "A" ATTACHED

Grantee agrees that no portion of the property may be used for any real estate sales or property management purposes without the prior written consent of Grantor which consent may be withheld, conditioned or delayed by Grantor in its sole and arbitrary discretion.

The foregoing prohibition shall constitute a covenant from and with the property and shall be binding upon the Grantee and its successors and assigns with respect to the property and shall inure to the benefit of the Grantor and its successors in interest.

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.

41.00

DATED this 3 day of January, 2008.

RUNNING Y RESORT, INC.

By: Todd C. Anderson
Title: G.M.

STATE OF OREGON)
 : ss.
County of Klamath)

Personally appeared before me the above-named Todd Anderson, who is
G.M. of Running Y Resort, Inc. and acknowledged the foregoing instrument
to be his voluntary act and deed.

Raquel Mendoza
Notary Public for Oregon

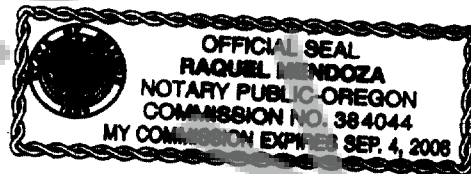


EXHIBIT 'A'

1. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.
2. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Wocus Irrigation District.
3. An easement created by instrument, subject to the terms and provisions thereof,
Dated: August 23, 1917
Recorded: August 30, 1917
Volume: 47, page 264, Deed Records of Klamath County, Oregon
For: A 60-foot right of way
4. Easement and release of damages, subject to the terms and provisions thereof, given by Geary Investment Company, an Oregon corporation, et al., to The California Oregon Power Company, a California corporation, dated December 11, 1923, recorded October 4, 1924, in Volume 64, page 489, Deed Records of Klamath County, Oregon, relative to raising and/or lowering the waters of Upper Klamath Lake between the elevations of 4137 and 4143.3 feet above sea level.
5. Rights of way for transmission line, subject to the terms and provisions thereof, given by George E. Stevenson and Myler C. Stevenson, husband and wife, to The California Oregon Power Company, a California corporation, dated October 1, 1925, recorded February 18, 1926, in Volume 69 page 299, Deed Records of Klamath County, Oregon.
6. Easements and releases of claims for damages, subject to the terms and provisions thereof, relative to raising and/or lowering the waters of Upper Klamath Lake between the levels of 4137 and 4143.3 feet above sea level, given to The California Oregon Power Company, a California corporation, by instruments recorded May 1, 1923 in Volume 61, page 116 and April 5, 1932, in Volume 97 page 211, 213, 215, 217, 219, 221, 223, 225, and 227, Deed Records of Klamath County, Oregon.
7. Right of way for transmission line, subject to the terms and provisions thereof, given by George E. Stevenson and Myler C. Stevenson, his wife, to The California Oregon Power Company, a California corporation, dated November 10, 1938 and recorded December 26, 1939 in Volume 126 page 192, Deed Records of Klamath County, Oregon.
8. Joint obligations with other lands in and to the premises set out as Parcel 2 of Tract B, subject to the terms and provisions thereof, as disclosed in deed from George E. Stevenson and Myler Stevenson, husband and wife, to The California Oregon Power Company, a California corporation, dated April 1, 1940, recorded April 1, 1940, in Volume 128 page 207, Deed Records of Klamath County, Oregon.

9. Easement and release of damages relative to raising and/or lowering the waters of Upper Klamath Lake between the levels of 4137 and 4143.3 feet above sea level, subject to the terms and provisions thereof, given by Donald Blackwell Hunt, also known as Donald B. Hunt, and Esther Cecilia Hunt, his wife, to California Oregon Power Company, a California corporation, and The California Oregon Power Company, a California corporation, dated February 26, 1943, recorded August 31, 1943, in Volume 158 page 183, Deed Records of Klamath County, Oregon, as modified by agreement between The California Oregon Power Company, a California corporation, and Donald Blackwell Hunt, also known as Donald B. Hunt, and Esther Cecilia Hunt, his wife, dated June 30, 1948, recorded August 6, 1948, in Volume 223 page 400, Deed Records of Klamath County, Oregon.
10. Easement for irrigation and/or drainage purposes, subject to the terms and provisions thereof, given by Edward A. Geary, et al, to Wocus Drainage District, a municipal corporation, dated September 1, 1954, recorded September 7, 1954, in Volume 269 page 163, Deed Records of Klamath County, Oregon.
11. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 15, 1955
Recorded: May 28, 1956
Volume: 283, page 411, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Co.
For: Transmission and distribution of electricity
12. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: September 30, 1960
Volume: 324, page 373, 379 and 382, Deed Records of Klamath County, Oregon
For: A 40-foot roadway right of way
13. Reservations and restrictions in deed, subject to the terms and provisions thereof, from Edward A. Geary, et al., to Ruth H. Teasdel, dated June 30, 1966, recorded July 18, 1966, in Volume M66 page 7241, Microfilm Records of Klamath County, Oregon.
14. Roadway Easement given by Gil Brothers Feed Yards, and Gill Cattle Company to Esther Cecilia Hunt, subject to the terms and provisions thereof, dated and recorded June 12, 1972, in Volume M72 page 6270 and M72 page 6274, Microfilm Records of Klamath County, Oregon.
15. Letter dealing with water contracts, subject to the terms and provisions thereof, dated April 1, 1980, recorded December 2, 1980, in Volume M80 page 23384, Microfilm Records of Klamath County, Oregon.

16. Covenants, conditions and restrictions as shown on recorded plat, as follows:
 1. All streets are private ways.
 2. Sewage disposal for all lots will be supplied by Running Y Utility Company.
 3. Running Y Resort, Inc. reserves easements for road purposes over all private ways, including construction and maintenance of utilities, drainage, irrigation systems, signs, cart paths and the right of ingress and egress for players during the regular course of play on the golf course.
 4. Running Y Resort, Inc. reserves easements for golf course purposes including, signs, cart paths, irrigation systems, the right of ingress and egress for construction and maintenance and for players during the regular course of play on the golf course.
 5. Drainage and utility easements as shown on this plat.
 6. Access easement as shown on this plat.
17. Access easements as dedicated or delineated on the recorded plat.
18. Golf easement as dedicated or delineated on the recorded plat.
19. Utility and drainage easement as dedicated or delineated on the recorded plat.
20. Covenants, conditions, restrictions and easements, but omitting restrictions, if any, based on race, color, religion or national origin, imposed by instrument, including the terms and provisions thereof,
Recorded: August 2, 1996
Volume: M96, page 23548, Microfilm Records of Klamath County, Oregon
21. Declaration of Annexation Commercial Lots to Running Y Resort including the terms and provisions thereof,
Recorded: October 14, 2005
Volume: M05, page 66609, Microfilm Records of Klamath County, Oregon.
22. Levies and assessments of the Running Y Ranch Resort Owner's Association as provided for in the Covenants, Conditions and Restrictions.