

After Recording Return to:  
Amerititle  
300 Klamath Ave.  
Klamath Falls, OR 97601

2006-021947  
Klamath County, Oregon



11/01/2006 12:20:44 PM

Fee: \$61.00

Mail Tax Statements to:  
Running Y, Inc.  
P.O. Box 1329  
Klamath Falls, OR 97601

MITC 700004 KR

## WARRANTY DEED

Richard Geary, as to an undivided 14/36<sup>th</sup> interest; Alice Geary Kilham, as to an undivided 2/36<sup>th</sup> interest; Edward Geary Kilham and Nancy Elizabeth Kilham, Successor Trustees, and Alice G. Kilham, as Individual Trustee, under the Edward A. Geary Trust dated September 26, 1974, as to an undivided 10/36<sup>th</sup> interest; Susan Geary Boehner (who took title as Susan Jane Geary), as to an undivided 5/36<sup>th</sup> interest; and John I. Yellott, Jr. and Dorothea G. Yellott or their successors in trust, as Trustees of the John and Dorothea Yellott Trust dated October 2, 2003, as to an undivided 5/36<sup>th</sup> interest, all as tenants in common, Grantors, convey and warrant to Running Y Resort, Inc., Grantee, the real property located in Klamath County, Oregon, described on Exhibit A attached hereto and incorporated herein by this reference, free from encumbrances except the following:

1. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights; claims or title to water.
2. The real property has been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.
3. Terms, provisions, conditions and reservations contained in Deed  
Dated: August 23, 1917  
Recorded: August 30, 1917  
Volume: 47, page 264, Deed Records of Klamath County, Oregon.
4. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: October 1, 1925  
Recorded: February 18, 1926  
Volume: 69, page 298, Deed Records of Klamath County, Oregon  
In favor of: The California Oregon Power Company  
For: Electric transmission line.

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WARRANTY DEED

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6/10/06

5. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,

Recorded: March 14, 1952

Volume: 253, page 444, Deed Records of Klamath County, Oregon.

6.. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,

Recorded: March 14, 1952

Volume: 253, page 447, Deed Records of Klamath County, Oregon.

7. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 27, 1954

Recorded: January 7, 1955

Volume: 271, page 415, Deed Records of Klamath County, Oregon

In favor of: The State of Oregon, by and through its State Highway Commission

For: Slopes.

8. An easement created by instrument, subject to the terms and provisions thereof,

Dated: December 27, 1954

Recorded: January 7, 1955

Volume: 271, page 419, Deed Records of Klamath County, Oregon

In favor of: The State of Oregon, by and through its State Highway Commission

For: Two strips of land, each 10 feet wide, lying adjacent to the Northeasterly and Southwesterly lines of State Highway No. 140 in the NW1/4 SW1/4 and in Government Lot 3 of Section 6, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

9. An easement created by instrument, subject to the terms and provisions thereof,

Dated: November 15, 1955

Recorded: May 28, 1956

Volume: 283, page 411, Deed Records of Klamath County, Oregon

In favor of: The California Oregon Power Company

For: Electric transmission

10. An easement created by instrument, subject to the terms and provisions thereof,

Dated: September 2, 1960

Recorded: September 30, 1960

Volume: 324, page 379, Deed Records of Klamath County, Oregon

In favor of: All owners of land in Wocus Drainage District

For: Roadway purposes.

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12. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: November 16, 1987  
Recorded: September 19, 1988  
Volume: M88, page 15465, Microfilm Records of Klamath County, Oregon  
In favor of: Pacific Power & Light Company, a corporation, its successors and assigns  
For: Electric transmission line.
13. Agreement regarding Cinder Pit Operation, subject to the terms and provisions thereof,  
Recorded: July 9, 1996  
Volume: M96, page 20303, Microfilm Records of Klamath County, Oregon  
By and Between: Jeld-Wen and Caledonia Ranch.

The true consideration paid for this conveyance includes other value given or promised.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES 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, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DESCRIBED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 26<sup>th</sup> day of October, 2006.

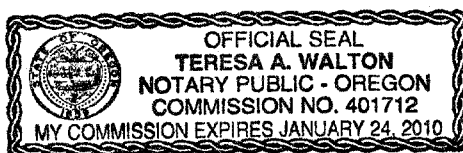
(X) *Richard Geary*  
Richard Geary

**ACKNOWLEDGMENT**

STATE OF Oregon

\* COUNTY OF Multnomah

This instrument was acknowledged before me this 26<sup>th</sup> day of October, 2006, by Richard Geary.



*Teresa A. Walton*  
Notary Public for the State of Oregon  
My Commission Expires Jan. 24, 2010

**WARRANTY DEED**

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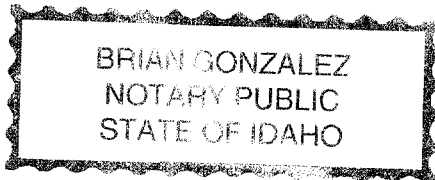
Susan Geary Bochner  
Susan Geary Bochner

**ACKNOWLEDGMENT**

\* STATE OF IDAHO

COUNTY OF Ada

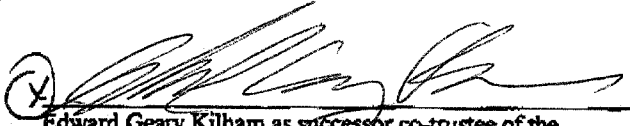
This instrument was acknowledged before me this 27<sup>th</sup> day of October, 2006, by  
Susan Geary Bochner.



Brian Gonzalez  
Notary Public for the State of Idaho  
My Commission Expires 11/10/2010

**WARRANTY DEED**

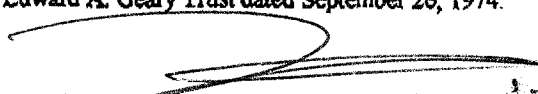
**Page 4**

  
Edward Geary Kilham as successor co-trustee of the  
Edward A. Geary Trust dated September 26, 1974

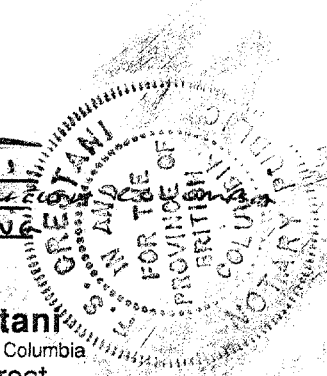
**ACKNOWLEDGMENT**

*Presided*  
~ STATE OF BRITISH COLUMBIA  
\* COUNTY OF CANADA

This instrument was acknowledged before me this 30 day of October, 2006, by  
Edward Geary Kilham, as co-trustee of the Edward A. Geary Trust dated September 26, 1974.

  
Notary Public for the State of Prov. of British Columbia  
My Commission Expires is Now - EXPIRING

**Flavio S. Crestani**  
Notary Public in and for British Columbia  
4259 Hastings Street  
Burnaby BC V5C 2J5  
(604) 299-6251



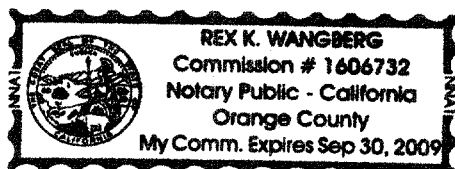
⑧ John I. Yellott, Trustee  
John I. Yellott as trustee of the John and Dorothea Yellott  
Trust dated October 2, 2003

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA

\* COUNTY OF ORANGE

This instrument was acknowledged before me this 27<sup>TH</sup> day of October, 2006,  
by John I. Yellott as trustee of the John and Dorothea Yellott Trust dated October 2, 2003.



Rex K. Wangberg NOTARY PUBLIC  
Notary Public for the State of California  
My Commission Expires 9-30-09

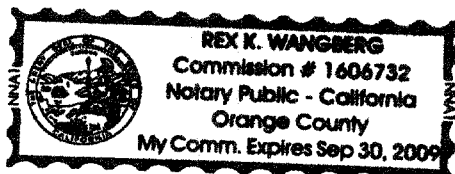
⑧ Dorothea G. Yellott, Trustee  
Dorothea G. Yellott as trustee of the John and Dorothea Yellott  
Trust dated October 2, 2003

**ACKNOWLEDGMENT**

STATE OF CALIFORNIA

\* COUNTY OF ORANGE

This instrument was acknowledged before me this 27<sup>TH</sup> day of October, 2006,  
by Dorothea G. Yellott as trustee of the John and Dorothea Yellott Trust dated October 2, 2003.



Rex K. Wangberg - NOTARY PUBLIC  
Notary Public for the State of California  
My Commission Expires 9-30-09

**WARRANTY DEED**

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A TRACT OF LAND LOCATED IN SECTION 31, TOWNSHIP 37 SOUTH, RANGE 8 EAST, AND THE WEST ONE-HALF OF SECTION 5, SECTION 6, THE NORTH ONE-HALF OF SECTION 7 AND THE NORTHWEST ONE-QUARTER OF SECTION 8, ALL IN TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC" MARKING THE NORTHWEST CORNER OF LOT 1046 OF TRACT 1426, RUNNING Y RESORT, PHASE 12, 1<sup>ST</sup> ADDITION, THENCE NORTH 90°00'00" WEST 223.95 FEET TO THE EASTERLY BOUNDARY OF PROPERTY DESCRIBED IN VOLUME M03, PAGE 75105 OF THE KLAMATH COUNTY DEED RECORD; THENCE NORTH 00°00'00" WEST ALONG SAID EASTERLY BOUNDARY, 203.56 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID PROPERTY 660.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°00'00" EAST ALONG THE WESTERLY LINE OF SAID PROPERTY 203.56 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 90°00'00" WEST 537.28 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY 140, 40.00 FEET FROM CENTERLINE WHEN MEASURED PERPENDICULAR TO SAID CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES: NORTH 43°28'47" WEST 357.90 FEET; THENCE NORTH 46°31'13" EAST 10.00 FEET; THENCE NORTH 43°28'47" WEST 998.96 FEET; THENCE NORTH 46°31'13" EAST 10.00 FEET; THENCE NORTH 43°28'47" WEST 200.00 FEET; THENCE NORTH 46°31'13" EAST 20.00 FEET; THENCE NORTH 43°28'47" WEST 808.53 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC" AND THE **POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING TWELVE (12) COURSES: NORTH 43°28'47" WEST 291.56 FEET TO A 5/8" IRON ROD; THENCE SOUTH 46°31'13" WEST 20.00 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC"; THENCE NORTH 43°28'47" WEST 299.95 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC"; THENCE SOUTH 46°31'13" WEST 20.00 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC"; THENCE NORTH 43°28'47" WEST 965.70 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC" AND A POINT OF SPIRAL CURVATURE; THENCE ALONG A SPIRAL CURVE TO THE RIGHT, SAID SPIRAL CURVE HAVING A CENTRAL ANGLE OF 00°54'00", THE CHORD OF WHICH BEARS NORTH 43°10'26" WEST 299.36 FEET TO A POINT OF CURVATURE ON A CIRCULAR CURVE; THENCE ALONG A 9509.35 FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 01°22'57", THE CHORD OF WHICH BEARS NORTH 41°52'56" WEST 229.46 FEET TO A POINT OF NON-TANGENCY; THENCE NORTH 48°48'33" EAST 20.00 FEET TO A POINT OF CURVATURE; THENCE ALONG A 9489.35 FOOT RADIUS CURVE TO THE RIGHT 358.63 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 02°09'55", THE CHORD OF WHICH BEARS NORTH 40°06'30" WEST 358.61 FEET TO A POINT OF SPIRAL CURVATURE; THENCE ALONG A SPIRAL CURVE TO THE RIGHT, SAID SPIRAL CURVE HAVING A CENTRAL ANGLE OF 00°54'00", THE CHORD OF WHICH BEARS NORTH 38°25'30" WEST 299.04 FEET TO A POINT OF TANGENCY; THENCE NORTH 38°06'42" WEST 1844.91 FEET TO THE SHORES ALONG UPPER KLAMATH LAKE; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND ALONG THE WATERS EDGE OF

SAID UPPER KLAMATH LAKE, IN A NORTHEASTERLY DIRECTION, APPROXIMATELY 6,681.00 FEET TO THE EASTERLY LINE OF PROPERTY DESCRIBED AS PARCEL 1 IN VOLUME M76, PAGE 19838 OF THE KLAMATH COUNTY DEED RECORDS; THENCE SOUTH 32°41'00" EAST ALONG SAID EASTERLY LINE 8346.82 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC; THENCE SOUTH 31°37'35" EAST 50.00 FEET; THENCE SOUTH 43°21'41" WEST 50.00 FEET TO THE CENTER OF AN EXISTING DRAINAGE CANAL; THENCE ALONG THE CENTER OF SAID CANAL THE FOLLOWING TWENTY TWO (22) COURSES: THENCE NORTH 76°43'06" WEST 98.20 FEET; THENCE SOUTH 35°48'35" WEST 35.52 FEET; THENCE SOUTH 44°15'33" WEST 222.66 FEET; THENCE SOUTH 44°20'01" WEST 205.14 FEET; THENCE SOUTH 43°33'45" WEST 126.61 FEET; THENCE SOUTH 49°56'15" WEST 46.60 FEET; THENCE SOUTH 53°56'44" WEST 439.32 FEET; THENCE SOUTH 54°16'06" WEST 276.26 FEET; THENCE SOUTH 51°26'48" WEST 304.95 FEET; THENCE SOUTH 46°32'01" WEST 445.97 FEET; THENCE SOUTH 46°29'52" WEST 159.29 FEET; THENCE SOUTH 55°22'24" WEST 231.44 FEET; THENCE SOUTH 66°36'20" WEST 178.62 FEET; THENCE SOUTH 58°24'50" WEST 300.37 FEET; THENCE SOUTH 40°38'29" WEST 173.22 FEET; THENCE SOUTH 30°35'28" WEST 77.80 FEET; THENCE SOUTH 00°08'09" WEST 18.20 FEET; THENCE SOUTH 40°17'14" WEST 40.75 FEET; THENCE SOUTH 65°06'35" WEST 67.65 FEET; THENCE SOUTH 81°52'26" WEST 190.38 FEET; THENCE SOUTH 66°46'02" WEST 129.68 FEET; THENCE SOUTH 23°26'24" EAST 48.43 FEET; THENCE SOUTH 59°31'11" WEST 274.49 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE AND THE **POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 734.65 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER C.S.  
7216 OF THE KLAMATH COUNTY SURVEY RECORDS



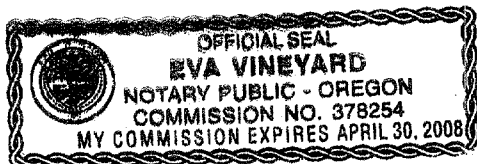
*Alice Geary Kilham*  
Alice Geary Kilham, individually and as co-trustee of the  
Edward A. Geary Trust dated September 26, 1974

**ACKNOWLEDGMENT**

STATE OF OREGON

COUNTY OF JACKSON

\* This instrument was acknowledged before me this 27<sup>th</sup> day of October, 2006, by  
Alice Geary Kilham, individually and as Trustee of the Edward A. Geary Trust dated September  
26, 1974.



*E. Vineyard*  
Notary Public for the State of Oregon  
My Commission Expires 4/30/08

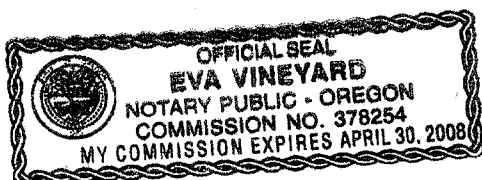
*Nancy Elizabeth Kilham* Co Trustee  
Nancy Elizabeth Kilham as successor co-trustee of the  
Edward A. Geary Trust dated September 26, 1974

**ACKNOWLEDGMENT**

STATE OF OREGON

COUNTY OF JACKSON

\* This instrument was acknowledged before me this 27<sup>th</sup> day of October, 2006, by  
Nancy Elizabeth Kilham, as co-trustee of the Edward A. Geary Trust dated September 26, 1974.



*E. Vineyard*  
Notary Public for the State of Oregon  
My Commission Expires 4/30/08

**WARRANTY DEED**

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