

2007-002371

Klamath County, Oregon

Return acknowledgment to:



Capitol Services, Inc.

P.O. Box 6300 Albany, NY 12206

332896FA



00014876200700023710090093

02/12/2007 10:21:31 AM

Fee: \$61.00

Andrea Duncliffe
McDermott Will & Emery
340 Madison Avenue
New York, New York 10017

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

PBRE2 Corporation
82 Devonshire, R7A
Boston, Massachusetts 02190

WARRANTY DEED

Lumbermens, Inc., a Washington corporation, Grantor, hereby conveys and warrants to **PBRE2 Corporation**, a Delaware corporation, Grantee, 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 listed on attached Exhibit "B".

The true and actual consideration for this conveyance is: \$10.00 and other valuable consideration.

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.

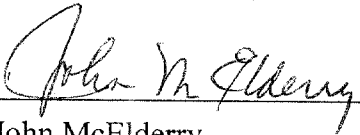
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS

NYK 1074866-1.047187.0039

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 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352

Dated as of the 2nd day of January 2007.

LUMBERMENS, INC., a Washington corporation

By: _____

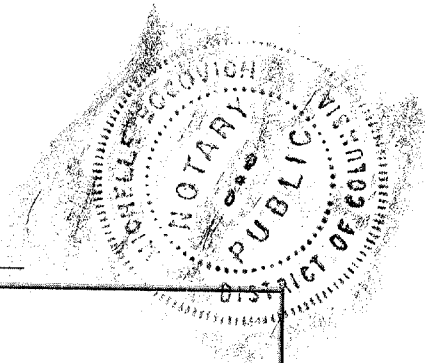
John McElderry
Vice President of Pro-Build Holdings, Inc.,
Authorized Signatory on behalf of
Lumbermens, Inc.

State of District of Columbia) ss:
County of _____

This instrument was acknowledged before me on January 5, 2007, by
John McElderry, Vice President of Pro-Build Holdings, Inc., Authorized Signatory on behalf of
Lumbermens, Inc.

Michelle Bogovich
Notary Public for the District of Columbia

MICHELLE BOGOVICH
Notary in Washington, D.C.
Commission Expires July 31, 2010
My commission expires



Grantor's name and address Lumbermens, Inc. 17946 NE 65th Street Redmond, Washington 98052 Grantee's name and address PBRE2 Corporation 82 Devonshire, R7A Boston, Massachusetts 02190	Space reserved for recorder's use State of Oregon, County of _____ I certify that the within instrument was received for record on the _____ day of _____, 2007, at _____ o'clock ____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/ microfilm/reception No. _____ _____, Record of Deeds of said County. Witness my hand and seal of County affixed. _____ Name & Title By _____, Deputy.
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Exhibit "A"

Legal Description

NYK 1074866-1.047187.0039

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1

Being a portion of the SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a an iron pin in the said SW1/4 NW1/4 of said Section 8 which is at the most easterly corner of property conveyed to Harold B. and Ruth Beal VanHoosen by deed recorded June 23, 1948 in Deed Volume 222, page 83, Deed Records of Klamath County, Oregon, and which lies South $51^{\circ} 19' 1/2''$ East a distance of 620 feet from an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls Highway, which last described iron pin is 30 feet at right angles Southeasterly from the center of said highway, and lies South $89^{\circ} 22' 1/2''$ East along the section line, a distance of 1321.4 feet and South $0^{\circ} 40' 1/2''$ East (along the 40 line which is also the West line of Westover Terrance) a distance of 626.5 feet and North $89^{\circ} 22' 1/2''$ West a distance of 106.2 feet and South $38^{\circ} 40' 1/2''$ West (along the Southeasterly right of way line of said highway) a distance of 982.6 feet from the Northwest corner of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, thence from the point of beginning Southwesterly along the arc of a $2^{\circ} 14'$ curve to the right (the long chord of this curve bears South $41^{\circ} 45' 1/2''$ West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin; thence South $44^{\circ} 30' 1/2''$ West 160.5 feet to a point; thence North $45^{\circ} 50' 1/2''$ West 300 feet to a point which is the most Westerly corner of property conveyed to Homer L. and Vera L. Ross by deed recorded October 21, 1950 in Volume 242, page 641, Deed Records of Klamath County, Oregon; thence South $44^{\circ} 50' 1/2''$ West 350 feet to an iron pin which is at the most Southerly corner of property conveyed to J.E. and Vivian Eichendorf by deed recorded October 22, 1945 in Volume 181, page 175, Deed Records of Klamath County, Oregon; thence South 265.18 feet to a line parallel with the South line of said NW1/4 of Section 8 and 250 feet distance therefrom; thence Easterly along said line 1000 feet, more or less, to the East line of W1/2 NW1/4 of said Section; thence North along said East line of W1/2 NW1/4 of said Section, 424 feet, more or less, to a point which is South $51^{\circ} 19' 1/2''$ East 320 feet, more or less, from the point of beginning; thence North $51^{\circ} 19' 1/2''$ West 320 feet more or less, to the point of beginning.

EXCEPTING THEREFROM, a parcel of land situated in SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW1/4 of said Section 8; thence North along the West line a distance of 250 feet; thence East a distance of 305.3 feet to the true point of beginning; thence North a distance of 265.18 feet to a 3/4 inch pipe at the most Southerly corner of that parcel of property described in Volume 181, page 175, Deed Records of Klamath County, Oregon; thence North $44^{\circ} 50' 1/2''$ East a distance of 350 feet to the Southwesterly line of that property described in Volume M72, page 1198,

Microfilm Records of Klamath County, Oregon; thence South $45^{\circ} 09' 1/2''$ East a distance of 300 feet, more or less, to the most Southerly corner of the above mentioned property described in Volume M72, page 1198, Microfilm Records of Klamath County, Oregon; thence continuing along the same line extended Southeasterly to its point of intersection with a line being parallel to and 250 feet North of the South line of said NW1/4 of Section 8; thence West along said line to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Klamath County by Warranty Deed recorded October 2, 1985 in Volume M85, page 16038, Microfilm Records of Klamath County, Oregon.

PARCEL 2

Being a portion of the SW1/4 NW1/4 and NW1/4 NW1/4 of said Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls Highway, which iron pin is 30 feet at right angles Southeasterly from the center of said highway, that lies South $89^{\circ} 22' 1/2''$ East along the section line a distance of 1321.4 feet and South $0^{\circ} 40' 1/2''$ East along the 40 line, which is also the West line of Westover Terraces, a distance of 626.5 feet and North $89^{\circ} 22' 1/2''$ West a distance of 106.2 feet and South $38^{\circ} 40' 1/2''$ West along the Southeasterly right of way line of said highway a distance of 300 feet to the Westerly corner of property conveyed by William Ganong and Mildred Ganong, his wife, to Emery Hebert, Wilfred Hebert and Delina Hebert by deed recorded in Volume 147, page 215, Deed Records of Klamath County, Oregon; thence continuing South $38^{\circ} 40' 1/2''$ West along the Southeasterly line of said highway a distance of 682.6 feet to an iron pin, which pin is at the most northerly corner of property conveyed to E.W. Melosh by deed recorded in Volume 194, page 307, Deed Records of Klamath County, Oregon; thence at right angles South $51^{\circ} 19' 1/2''$ East along the Northeasterly line of property conveyed to Melosh, VanHoosen and Patricia V. McBee, Jimmie A. Warner and Dean C. Mason, a distance of 930 feet, more or less, to the 40 line, which is also the West line of Westover Terraces; thence North $0^{\circ} 40' 1/2''$ West along said 40 line a distance of 875 feet, more or less, to an iron pin which is the most Southerly corner of the property conveyed to Heberts by the above described deed; thence North $51^{\circ} 19' 1/2''$ West along the Southeasterly line of said property conveyed to Heberts a distance of 383.5 feet, more or less, to the true point of beginning.

PARCEL 3

Being a portion of the SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin which lies North 0° 43' West along the West section line a distance of 629 feet and North 44° 50 1/2' East along the Southerly right of way line of the Weed-Klamath Falls Highway a distance of 438 feet and North 45° 09 1/2' West along the right of way line a distance of 20 feet and North 44° 50 1/2' East along the right of way line a distance of 210.5 feet and South 45° 09 1/2' East a distance of 320 feet from the iron pin which marks the quarter corner common to Sections 7 and 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence; Northeasterly along the arc of a 2° 32' Curve to the left (the long chord of which curve bears North 41° 45 1/2' East a distance of 243.1 feet) a distance of 243.2 feet to an iron pin; thence South 51° 19 1/2' East a distance of 300 feet to an iron pin; thence Southwesterly along the arc of a 2° 14' curve to the right (the long chord of this curve bears South 41° 45 1/2' West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin; thence North 45° 09 1/2' West a distance of 300 feet more or less, to the point of beginning.

Tax Account No: 3909-008BC-00100-000	Key No: 539448
Tax Account No: 3909-008BC-00900-000	Key No: 539457
Tax Account No: 3909-008BC-01000-000	Key No: 53966
Tax Account No: 3909-008BB-00600-000	Key No: 539288

Exhibit "B"

Permitted Encumbrances

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EXHIBIT "B"
EXCEPTIONS

1. Subject to a 30-foot easement for road purposes as set at in deed recorded February 17, 1979 in Volume M76, page 2098, Microfilm Records of Klamath County, Oregon.
(Affects Parcel 2)
2. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: February 11, 1983
Volume: M83, page 3109, Microfilm Records of Klamath County, Oregon
In favor of: City of Klamath Falls
For: City sewer
(Affects parcel 1)
3. Limited access provisions contained in Deed to Klamath County, which provided that no right of easement or right of access to, from or across the Highway other than expressly therein provided for shall attach to the abutting property.
Recorded: October 2, 1985
Volume: M85, page 16038, Microfilm Records of Klamath County, Oregon
(Affects Parcel 1)