



After recording return to:  
Fred Meyer Stores, Inc.  
Attn: Pam Child  
PO BOX 42121  
Portland, OR 97242

Until a change is requested all tax statements  
shall be sent to the following address:  
No Change

1ST 1036846

File No.: NCS-294933-OR3 (RB)  
Date: June 23, 2007

2007-011764

Klamath County, Oregon



00026002200700117640040045

06/29/2007 12:07:44 PM

Fee: \$36.00

### STATUTORY SPECIAL WARRANTY DEED

**LXP II, L.P., a Delaware limited partnership**, Grantor, conveys and specially warrants to **Fred Meyer Stores, Inc., an Ohio corporation**, Grantee, the real property as described in Exhibit "A" attached hereto and made a part hereof free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth in Exhibit "B" attached hereto and made a part hereof.

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 DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is **\$13,800,000.00**.

Dated this 29 day of June, 2007.

2-36

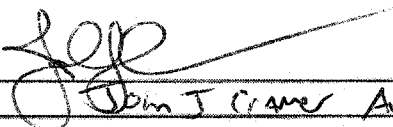
APN:

Statutory Special Warranty Deed  
- continued

File No.: NCS-294933-OR3 (RB)  
Date: 06/23/2007

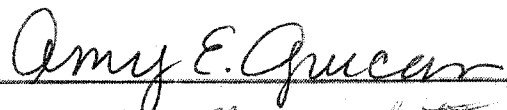
LXP II, L.P., a Delaware Limited Partnership

By: LXP II, Inc., a Delaware corporation,  
General Partner

By:   
John J. Cramer Authorized Representative

STATE OF Massachusetts  
County of Suffolk ) ss.

This instrument was acknowledged before me on this 27 day of June, 2007  
By John Cramer as Authorized Representative of  
LXP II, Inc., a Delaware corporation, General Partner of LXP II, L.P., a Delaware limited partnership on  
behalf of the Limited Partnership.

  
Notary Public for Massachusetts  
My commission expires:

**My Commission  
Expires 9-29-11**

**Exhibit "A"**

Real property in the County of Klamath, State of Oregon, described as follows:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS CAP MARKING THE SOUTHWEST CORNER OF SECTION 34 AND RUNNING NORTH 00° 28' 30" WEST 168.83 FEET; THENCE NORTH 89° 31' 30" EAST 55.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WASHBURN WAY AND THE POINT OF BEGINNING; RUNNING THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 00° 28' 30" WEST 944.12 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 89° 31' 53" EAST 588.13 FEET; THENCE SOUTH 00° 28' 07" EAST 1101.80 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SHASTA WAY; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 89° 52' 25" WEST 77.96 FEET; THENCE NORTH 87° 15' 50" WEST 300.37 FEET; THENCE SOUTH 89° 52' 25" WEST 7.13 FEET; THENCE LEAVING SAID RIGHT-OF-WAY, NORTH 00° 28' 07" WEST 159.15 FEET; THENCE SOUTH 89° 31' 53" WEST 172.03 FEET; THENCE 38.10 FEET ALONG A 35.00 FOOT RADIUS CURVE LEFT, THE LONG CHORD OF WHICH BEARS SOUTH 58° 20' 54" WEST 36.24 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: R65958 and P21103 and P889222

## **Exhibit "B"**

Easement, including terms and provisions contained therein:

Recording Information: February 01, 1946 in Volume 184, Page 496, Deed Records of Klamath County, Oregon

In Favor of: United States of America, acting through the Federal Public Housing Authority

For: drainage purposes

Easement, including terms and provisions contained therein:

Recording Information: January 11, 1956 in Volume 280, Page 331, Deed Records of Klamath County, Oregon

In Favor of: The California Oregon Power Company, a California corporation

Easement, including terms and provisions contained therein:

Recording Information: December 09, 1987 in Volume M87, Page 22056, Deed Records of Klamath County, Oregon

In Favor of: Pacific Power & Light Company, a corporation

For: underground right of way

Reciprocal Easement Agreement and Declaration, including terms and provisions thereof.

Recorded: March 15, 1993 in Volume M93, Page 5282, Deed Records of Klamath County, Oregon

Modification and/or amendment by instrument:

Recording Information: January 31, 1997 in Volume M97, Page 3079, Records of Klamath County, Oregon