

THIS SPACE RESI

2007-009527

Klamath County, Oregon



05/25/2007 03:53:40 PM

Fee: \$36.00

2007-013318

Klamath County, Oregon



07/27/2007 11:51:42 AM

Fee: \$46.00



MT78532-KR

After recording return to:
Driscoll Strawberry Associates, Inc., a California Corporation
345 Westrudge Drive
Watsonville, CA 95076

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

Driscoll Strawberry Associates, Inc., a California Corporation
345 Westrudge Drive
Watsonville, CA 95076

Escrow No. MT78532-KR
Title No. 0078532

SWD

STATUTORY WARRANTY DEED

Harry L. Orem, Trustee of the Harry L. Orem 2001 Revocable Trust Dated October 26, 2001, Harry L. Orem, Successor Trustee of The June D. Orem, 2001 Revocable Trust Dated October 26, 2001 and Gary Orem, as tenants in common, Grantor(s) hereby convey and warrant to Driscoll Strawberry Associates, Inc., a California Corporation, 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 ATTACHED LEGAL DESCRIPTION THAT 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 PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

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 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.

*Re-recorded to amend the legal description/ Previously recorded in 2007-009527."

410 RR
30

Dated this 25th day of May, 2007.

The June D. Orem, 2001 revocable trust dated October 26, 2001, as to an undivided 16.41% interest

BY: *Harry L. Orem* Trustee
Harry L. Orem, Successor Trustee

The Harry L. Orem 2001 revocable trust dated October 26, 2001, as to an undivided 16.41% interest

BY: *Harry L. Orem* Trustee
Harry L. Orem, Trustee

Gary Orem
Gary Orem, as to an undivided 67.18% interest

State of Oregon
County of KLAMATH

This instrument was acknowledged before me on May 25, 2007 by Gary Orem, Individually, Harry L. Orem, as Successor Trustee of The June D. Orem, 2001 revocable trust dated October 26, 2001 and Harry L. Orem, as Trustee of The Harry L. Orem 2001 revocable trust dated October 26, 2001.

Kristi L. Redd
(Notary Public for Oregon)

My commission expires 11/16/2007



EXHIBIT "A"
LEGAL DESCRIPTION

~~PARCEL 1 SEE AMENDED PARCEL 1 ATTACHED HERETO AND MADE A PART HEREOF
Parcels 2 and 3 of Land Partition 16-99, said Land Partition being situated in the NW1/4, SW1/4, W1/2
SE1/4 of Section 9 and N1/2 of Section 16, Township 41 South, Range 11 East of the Willamette
Meridian, Klamath County, Oregon, and Parcel 3 of Land Partition 124-06, said Land Partition being a
replat of Parcel 1 of Land Partition 16-99, said Land Partition being situated in the NE1/4 of Section 8
and in the NW1/4 of Section 9, all in Township 41 South, Range 11 East of the Willamette Meridian,
Klamath County, Oregon.~~

PARCEL 2

The SE1/4 SE1/4 and that portion of Government Lot 8 lying Southerly of the USBR D-10 Lateral in
Section 9, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

~~PARCEL 3 SEE AMENDED PARCEL 3 ATTACHED HERETO AND MADE A PART HEREOF
The following described property in Section 16, Township 41 South, Range 11 East of the Willamette
Meridian, Klamath County, Oregon:~~

~~Government Lot 13; that portion of Government Lot 9 in the NW1/4 SE1/4 and, all that portion of the
W1/2 NE1/4 and of the NW1/4 lying Northerly and Easterly of Lost River, EXCEPT the following
described portion thereof: That part of Government Lot 2 and of Government Lot 9 of Section 16 lying
South of "J" Canal and Easterly of the new State Highway.~~

~~SAVING AND EXCEPTING from the above described property the following:~~

~~Right of way conveyed to the Modoc Northern Railway Company by deed recorded in Volume 30, page
138, Deed Records of Klamath County, Oregon and recorded in Volume 34, page 528, Deed Records of
Klamath County, Oregon.~~

~~Right of way conveyed to the Great Northern Railway Company by deed recorded in Volume 84 on
pages 627 and 628, Deed Records of Klamath County, Oregon.~~

~~Right of way conveyed to the Great Northern Railway Company by deed recorded in Volume 85, page
322, Deed Records of Klamath County, Oregon.~~

~~Right of way conveyed to the United States of America for Lower Lost River Channel Improvement by
deed recorded in Volume 261, page 168, Deed Records of Klamath County, Oregon.~~

PARCEL 4

The following described parcel of land in Section 8, Township 41 South, Range 11 East of the
Willamette Meridian, Klamath County, Oregon:

All that portion of the E1/2 E1/2, Section 8, lying North and East of Lost River and South of the
Southern Pacific Railroad right of way.

PARCEL 5

The following described property in Section 9, Township 41 South, Range 11 East of the Willamette
Meridian, Klamath County, Oregon:

That portion of the SW1/4 of said Section 9 lying Northerly and Easterly of Lost River and
Southwesterly of the Southern Pacific Railroad right of way.

PARCEL 6

That portion of Government Lot 1 in Section 16, Township 41 South, Range 11 East of the Willamette
Meridian, Klamath County, Oregon, lying Northerly of the USBR "J" Canal.

PARCEL 7 SEE AMENDED PARCEL 7 ATTACHED HERETO AND MADE A PART HEREOF
All that portion of the S1/2 N1/2 SW1/4 and S1/2 SW1/4 of Section 10, and all that portion of
Government Lots 2 and 3 of Section 15, Township 41 South, Range 11 East of the Willamette Meridian,
Klamath County, Oregon, which lies West of the West line of the 9-E-2 Drain which runs North and
South through the SE1/4 SW1/4 and which lies West of the West line of said Drain extended North to
the North line of the S1/2 NE1/4 SW1/4 and South to the South line of Government Lot 2 in said
Section 15.

ALSO

All that portion of the SE1/4 SW1/4 lying East of the 9-E-2 Drain in Section 10, EXCEPT
THEREFROM the North 351 feet thereof and that portion of Lot 2, in Section 15, lying East of the 9-E-
2 Drain and North of the North right of way line of the "J" Canal, all being in Township 41 South,
Range 11 East of the Willamette Meridian, Klamath County, Oregon.

ALSO

That portion of the S1/2 N1/2 SW1/4 of Section 10, Township 41 South, Range 11 East of the
Willamette Meridian, Klamath County, Oregon, which lies Easterly of the Northerly extension of the
East line of the 9-E-2 Drain which runs North and South through the SE1/4 SW1/4 of said Section 10.

EXCEPTING THEREFROM that portion thereof in Wilson Road.

ALSO

All that portion of the property in the S1/2 NE1/4 SW1/4 of Section 10, Township 41 South, Range 11
East of the Willamette Meridian in Klamath County, Oregon, not previously granted in the deeds to
Orem & Son recorded 11/28/77 in Volume 77, page 23045, and recorded March 10, 1970 in Volume
M70, page 1936, all in Microfilm Records of Klamath County, Oregon, lying within the boundaries of
the area that would be included in the USBR 9-E-2 Drain if the West and East lines of said drain were
extended North to the North line of said S1/2 NE1/4 SW1/4 of Section 10.

PARCEL 8

A tract of land situated in the N1/2 SW1/4 of Section 10, Township 41 South, Range 11 East of the
Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the NW corner of the S1/2 N1/2 SW1/4 of said Section 10; thence East along the North
line of said S1/2 N1/2 SW1/4 to the East line of the SW1/4; thence North along said East line 164 feet;
thence West parallel with the North line of said S1/2 N1/2 SW1/4 to the West line of the SW1/4; thence
South along said line 164 feet to the point of beginning, EXCEPTING THEREFROM that portion
thereof in Wilson Road.

**EXHIBIT
AMENDED LEGAL DESCRIPTION**

AMENDED PARCEL 1:

Parcels 2 and 3 of Land Partition 16-99, said Land Partition being situated in the NW1/4, SW1/4, W1/2 SE1/4 of Section 9 and N1/2 of Section 16, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, and Parcel 3 of Land Partition 124-06, said Land Partition being a replat of Parcel 1 of Land Partition 16-99 and including other property, said Land Partition being situated in the NE1/4 of Section 8 and in the NW1/4 of Section 9, all in Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

AMENDED PARCEL 3:

The following described property in Section 16, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon:

Government Lot 13; that portion of Government Lot 9 in the NW1/4 SE1/4 and, all that portion of the W1/2 NE1/4 and of the NW1/4 lying Northerly and Easterly of Lost River, EXCEPT the following described portion thereof: That part of Government Lot 2 and of Government Lot 9 of Section 16 lying South of "J" Canal and Easterly of the new State Highway.

SAVING AND EXCEPTING from the above described property the following:

Right of way conveyed to the Modoc Northern Railway Company by deed recorded in Volume 30, page 138, Deed Records of Klamath County, Oregon and recorded in Volume 34, page 528, Deed Records of Klamath County, Oregon.

Right of way conveyed to the Great Northern Railway Company by deed recorded in Volume 84 on pages 627 and 628, Deed Records of Klamath County, Oregon.

Right of way conveyed to the Great Northern Railway Company by deed recorded in Volume 85, page 322, Deed Records of Klamath County, Oregon.

Right of way conveyed to the United States of America for Lower Lost River Channel Improvement by deed recorded in Volume 261, page 168, Deed Records of Klamath County, Oregon.

AND EXCEPTING THEREFROM any portion of Parcel 3 of said Land Partition 16-99.

AMENDED PARCEL 7:

All that portion of the S1/2 N1/2 SW1/4 and S1/2 SW1/4 of Section 10, and all that portion of Government Lots 2 and 3 of Section 15, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, which lies West of the West line of the 9-E-2 Drain which runs North and South through the SE1/4 SW1/4 and which lies West of the West line of said Drain extended North to the North line of the S1/2 NE1/4 SW1/4 and South to the South line of Government Lot 2 in said Section 15.

ALSO

All that portion of the SE1/4 SW1/4 lying East of the 9-E-2 Drain in Section 10, EXCEPT THEREFROM the North 351 feet thereof and that portion of Lot 2, in Section 15, lying East of the 9-E-2 Drain and North of the North right of way line of the "J" Canal, all being in Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

ALSO

That portion of the S1/2 N1/2 SW1/4 of Section 10, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon, which lies Easterly of the Northerly extension of the East line of the 9-E-2 Drain which runs North and South through the SE1/4 SW1/4 of said Section 10.

EXCEPTING THEREFROM that portion thereof in Wilson Road.

ALSO

All that portion of the property in the S1/2 NE1/4 SW1/4 of Section 10, Township 41 South, Range 11 East of the Willamette Meridian in Klamath County, Oregon, not previously granted in the deeds to Orem & Son recorded 11/28/77 in Volume 77, page 23045, and recorded March 10, 1970 in Volume M70, page 1936, all in Microfilm Records of Klamath County, Oregon, lying within the boundaries of the area that would be included in the USBR 9-E-2 Drain if the West and East lines of said drain were extended North to the North line of said S1/2 NE1/4 SW1/4 of Section 10.

AND EXCEPTING THEREFROM any portion thereof lying South of the USBR Canal in the NW1/4 of Section 15, Township 41 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.