

MT82779-KR



THIS SPACE

2008-010032
Klamath County, Oregon



07/11/2008 03:18:30 PM

Fee: \$36.00

After recording return to:
HWN-KFS-Antarctica, LLC
Attention: Bob Longo PO Box 489
Klamath Falls, OR 97601

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

HWN-KFS-Antarctica, LLC
Attention: Bob Longo PO Box 489
Klamath Falls, OR 97601

Escrow No. MT82779-KR
Title No. 0082779

STATUTORY WARRANTY DEED

Klamath Cold Storage, Inc. an Oregon corporation, Grantor(s) hereby convey and warrant to **HWN-KFS-Antarctica, LLC, an Oregon limited liability company**, 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 EXHIBIT "A" LEGAL DESCRIPTION

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:

2008-2009 Real Property Taxes a lien not yet due and payable. Line of Credit Trust Deed, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated June 21, 1999 and recorded August 6, 1999 in Volume M99, page 31685, Microfilm Records of Klamath County, Oregon in the amount of \$15,000,000.00 in favor of Coast Business Credit, a division of Southern Pacific Bank who subsequently assigned their Beneficiary interest to LaJoalla Loans, Inc., a California corporation in that instrument dated September 11, 2002 and recorded September 13, 2002 in Volume M02, page 52241, Microfilm Records of Klamath County, Oregon covering Parcel 1 described herein; Absolute Assignment of Leases and Rents given as additional security to the Trust Deed when above recorded August 6, 1999 in Volume M99, page 31714, Microfilm Records of Klamath County, Oregon covering Parcel 1 described herein; Financing Statement recorded September 8, 1999 in Volume M99, page 35864, Microfilm Records of Klamath County, Oregon in favor of Coast Business Credit, a Division of Southern Pacific Bank, as Secured Party who subsequently assigned their security interest to LaJolla Loans, Inc. in assignment recorded September 13, 2002 in Volume M02, page 52252, Microfilm Records of Klamath County, Oregon covering Parcel 1 described herein; Line of Credit Trust Deed, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated June 21, 1999 and recorded August 6, 1999 in Volume M99, page 31685, Microfilm Records of Klamath County, Oregon in the amount of \$15,000,000.00 in favor of Coast Business Credit, a division of Southern Pacific Bank who subsequently assigned their Beneficiary interest to LaJoalla Loans, Inc., a California corporation in that instrument dated September 11, 2002 and recorded September 13, 2002 in Volume M02, page 52241, Microfilm Records of Klamath County, Oregon covering Parcel 1 described herein; Absolute Assignment of Leases and Rents given as additional security to the Trust Deed when above recorded August 6, 1999 in Volume M99, page 31714, Microfilm Records of Klamath County, Oregon covering Parcel 1 described herein; Financing Statement recorded September 8, 1999 in Volume M99, page 35864, Microfilm Records of Klamath County, Oregon in favor of Coast Business Credit, a Division of Southern Pacific Bank, as Secured Party who subsequently assigned their interest to LaJolla Loans, Inc. in that document recorded on September 13, 2002 in Volume M02, page 52252, Microfilm Records of Klamath County, Oregon; Line of Credit Trust Deed, Assignment of Rents and Leases, Security Agreement and Fixture Filing dated June 21, 1999 and recorded August 6, 1999 in Volume M99, page 31642, Microfilm Records of Klamath County, Oregon in favor of Coast Business Credit, a division of Southern Pacific Bank, as Beneficiary who subsequently assigned their beneficiary interest to LaJolla Loans, Inc., a California corporation in that assignment dated September 11, 2002 and recorded September 13, 2002 in Volume M02, page 52242, Microfilm Records of Klamath County, Oregon covering Parcel 2 described herein; Absolute Assignment of Leases and Rents given as additional security for Trust Deed just prior to this reference recorded August 6, 1999 in Volume M99, page 31671, Microfilm Records of Klamath County, Oregon covering Parcel 2 described herein; and Financing Statement recorded September 8, 1999 in Volume M99, page 36065, Microfilm Records of Klamath County, Oregon in favor of Coast Business Credit, a Division of Southern Pacific Bank, as secured party who subsequently assigned their interest to LaJolla Loans, Inc. in that document recorded September 13, 2002 in Volume M02, page 52258, Microfilm Records of Klamath County, Oregon covering Parcel 2 described herein. The above named Grantee agrees to assume the above described indebtedness upon the recording of this deed.

30 ACT

The true and actual consideration for this conveyance is **\$250,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 10th day of July, 2008

Klamath Cold Storage, Inc. an Oregon corporation

BY: Daryl J. Kollman
Daryl J. Kollman, President

STATE OF CALIFORNIA

ss.

COUNTY OF

On _____, 2008 before me, _____, personally appeared Daryl J. Kollman, as President of Klamath Cold Storage, Inc., an Oregon corporation personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that executed the same in authorized capacity(ies), and that by signatures(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

**SEE ATTACHMENT FOR
OFFICIAL NOTARIZATION**

Signature _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

San Diego

On July 10th 2008 before me,

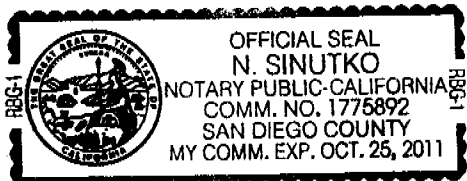
N. SINUTKO, NOTARY PUBLIC

Here Insert Name and Title of the Officer

personally appeared

Daryl J. Kollman

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

[Signature]

Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document:

Statutory Warranty Deed

Document Date:

Number of Pages:

Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

Signer's Name:

☐ Individual

☐ Corporate Officer — Title(s):

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other:

Signer Is Representing:

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

EXHIBIT "A" LEGAL DESCRIPTION

PARCEL 1

Lots 6A, 6B, 7A, 7B, 8A, 8B and 9A in Block 3 of RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2

Lots 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Block 11 of RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

Lots 6, 7, 8, and 9 in Block 19 and Lots 1, 2, 3, 4 and 5 in Block 20 of SECOND RAILROAD ADDITION TO THE CITY OF KLAMATH FALLS, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

All of Vacated Lake Street being bounded on the North by the South line of Lot 5 in Block 20 of Second Railroad Addition, on the West by the East line of Spring Street on the South by the North line of Lot 6 in Block 19 of Second Railroad Addition, and on the East by West line of the Southern Pacific Railroad right of way, all in Second Railroad Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.