

NJC 82591

Title Order No. 08308798
Escrow No. 08308798

2008-012704

Klamath County, Oregon



00053006200800127040030032

09/11/2008 11:34:06 AM

Fee: \$31.00

After Recording Return To:

JDS Investments

6429 Spear St.
San Diego, CA 92120

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

JDS Investments

6429 Spear St.
San Diego, CA 92120

STATUTORY WARRANTY DEED

V.S. Inc., a corporation duly organized and existing under the laws of the State of Oregon, Grantor, conveys and warrants to JDS Investments, a California general partnership consisting of Douglas M. Selik, Janet S. Selik and Sallianne Zamudio, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Parcel 1 of Land Partition 57-07 being a replat of Lots 1 and 4, Block 1, TRACT 1239 and a replat of Parcel 2 of Land Partition 7-97 located in the NE 1/4 of Section 9, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

*of the NE 1/4

The property is free from encumbrances EXCEPT: SEE 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 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.

The true consideration for this conveyance is \$2,400,000.00, paid by/to a Qualified Intermediary pursuant to a Section 1031 deferred exchange. (Here comply with the requirements of ORS 93.030)

Dated this 22 day of August, 2008

V.S. Inc.

By Vinod Mehta, President

STATE OF OREGON }
County of Jackson ss

This instrument was acknowledged before me this 22 day of August, 2008, by Vinod Mehta, as the President of V.S. Inc., an Oregon corporation, on behalf of the corporation.



Laurie J. Hanley
Notary Public for the State of Oregon
My Commission Expires:

8-21-09

ORSPSTW2

31amt

EXHIBIT "A" "B"

1. Taxes for the fiscal year 2008-2009, a lien not yet due and payable.
Account No: 3909-009AA-00900-000 Key No: 817398
Code No: 044
2. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath County Drainage Service District.
3. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of South Suburban Sanitary District.
4. Conditions and restrictions, affecting the East 70 feet of the herein described property, as contained in Warranty Deed:
Dated: July 10, 1979
Recorded: July 19, 1979
Volume: M79, page 17132, Microfilm Records of Klamath County, Oregon.
5. Subject to reservations and restrictions as set out in instrument wherein Washburn Enterprises, Inc. is grantor and Theodore J. Paddock, et al, is grantee, dated July 10, 1979 and recorded July 19, 1979 in Volume M79, page 17132, Microfilm Records of Klamath County, Oregon, to wit:

"This grant is made subject to the following conditions and restrictions: (a) grantees, and any one claiming by, through or under grantees, shall not cause or permit any permanent building, structure or other obstruction, other than signs, gasoline pumps or similar service facilities, to be placed or located on the Easterly 70 feet of said parcel parallel to Washburn Way. Said 70 foot strip shall be maintained in such manner as to permit vehicular traffic to pass on either side of such permitted service facilities in the most direct Northerly and Southerly direction; (b) Said 70 foot strip shall be reserved for the use of the owner and occupants of adjoining properties bordering on Washburn Way upon which similar conditions and restrictions are imposed for the use and enjoyment of the owners and occupants, their customers, employees and invitees, for parking of automobiles and access to and egress from said parcels; (c) Grantees, in consideration of the reservations or granting of similar conditions and restrictions upon adjoining properties, agrees to maintain said 70 foot strip in a safe and suitable condition for the uses and purposes herein described; (d) The foregoing reservations and conditions are deemed to be appurtenant to the parcel herein conveyed of the use and benefit of the owners and occupants, their employees and invitees, of the subject property and the owners and occupants, their customers, employees and invitees, of the adjoining properties similarly restricted."

6. Reservations and restriction as contained in plat dedication of Tract 1239 – Re-subdivision of Lot 5, Block 1, Washburn Park Tract 1080.

“Said plat subject: Building setback lines as prescribed in present applicable ordinances; all existing easements and/or as shown on the annexed plat; additional restrictions as provided for in any recorded protective covenants.”

7. Easements as dedicated or delineated on the recorded plat of Tract 1239 – Re-subdivision of Lot 5, Block 1 Washburn Park Tract 1080.
For: Building setback line
Affects: The East 70 feet
8. Easements as dedicated or delineated on the recorded plat of Tract 1239 – Re-subdivision of Lot 5, Block 1 Washburn Park Tract 1080.
For: Sewer
Affects: The East 20 feet
9. Easements as dedicated or delineated on the recorded plat of Tract 1239 – Re-subdivision of Lot 5, Block 1 Washburn Park Tract 1080.
For: Gas pipeline
Affects: The East 10 feet
10. Right of Way Easement, subject to the terms and provisions thereof;
Dated: January 15, 1980
Recorded: January 24, 1980
Volume: M80, page 1454, Microfilm Records of Klamath County, Oregon
In favor of: CP National Corporation
For: Exclusive right to construct, reconstruct, maintain and operate a pipe line
Affects: The East 10 feet
(Note: Said easement is also delineated on the face of the said plat).
11. Annexation Agreement, subject to the terms and provisions thereof, by and between the City of Klamath Falls and Washburn Enterprises, Inc., and Oregon corporation, dated January 22, 1985, recorded April 19, 1985, in Volume M85, page 5729, Microfilm Records of Klamath County, Oregon.
12. Traffic Through-Way Easement as set out in Land Partition 57-07. (Affects Parcel 1 and 3)
13. Reservations or exceptions in patents or in Acts authorizing the issuance thereof.