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2008-015325

Klamath County, Oregon



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11/12/2008 03:39:08 PM

Fee: \$41.00

RECORDING REQUESTED BY

And When Recorded Mail to: *JWTR, LLC*  
*Attention: Tom Ludlow*

Name:

Street Address: *6400 Highway 66*  
City & State: *Klamath Falls, OR*  
*97601*

Mail Tax Statements to:

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

JWTR, L.L.C.  
6400 Highway 66  
Klamath Falls, OR 97601

Space Above for County Recorder's Use

804-83

QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, Grantor, (formerly known as Southern Pacific Transportation Company, a Delaware corporation) releases and quitclaims to JWTR, L.L.C., a limited liability company of the State of Oregon, Grantee, and unto its successors and assigns, all right, title and interest in and to the real property (hereinafter the "Property") situated in Klamath County, State of Oregon, as more particularly described in **Exhibit A**, hereto attached and hereby made a part hereof.

EXCEPTING from this quitclaim and RESERVING unto Grantor, its successors and assigns, forever, all minerals and all mineral rights of every kind and character beneath a plane five hundred feet (500') below the surface of the Property now known to exist or hereafter discovered, including without limiting the generality of the foregoing, oil and gas and rights thereto, but expressly excluding all water, water rights, and any minerals or other elements of any kind comprising or contained in any such water on or within the Property, together with the sole, exclusive and perpetual right to explore for, remove and dispose of said minerals by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the Property hereby quitclaimed, and in such manner as not to damage the Property, or to interfere with the use and full enjoyment thereof by the Grantee, its successors and assigns.


*Handwritten signature*

The true and actual consideration for this quitclaim is \$378,000.00.

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 11 day of NOVEMBER, 2008.

Attest:

  
Assistant Secretary

(Seal)

UNION PACIFIC RAILROAD COMPANY

By:



Title:

Assistant Vice President - Real Estate

**UNION PACIFIC RAILROAD COMPANY**  
**Klamath County, Oregon**  
**EXHIBIT "A"**

A parcel of land situated in the NE1/4 of Section 19, the SE1/4 and the SW1/4 of Section 18, Township 38 South, Range 9 East of the Willamette Meridian and in the SE1/4 of Section 13, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

**PARCEL 1:**

Beginning at a point 50 feet distant at right angles in a Westerly direction from a point on the center line of the California Northeastern Railway known as Engineers Station "G" 3531+00; thence following a line 50 feet distant at right angles from center line of said railway on Westerly side to a point on the North line of Section 19, Township 38 South, Range 9 East of the Willamette Meridian; thence West along section line between Sections 19 and 18, Township and Range aforesaid, to a point 50 feet distant at right angles and Westerly from center line of California Northeastern Railway, known as "H" line; thence Southerly along a line 50 feet distant at right angles to said center line known as "H" line, to point of beginning.

ALSO Beginning at a point on the center line of the California Northeastern Railway, known as "H" line, said point being at the intersection of said centerline with the south line of said Section 18; thence following said center line of said railway in a Northwesterly direction and embracing a strip of land 50.0 feet wide on each side of said centerline of said railway, to a point on the south line of the N1/2 of S1/2 of said Section 18, Township 38 South of Range 9 East of Willamette Meridian.

**PARCEL 2:**

Beginning at a point on the West line of Section 18, Township 38 South of Range 9 East of Willamette Meridian said point being South 173.62 feet from the quarter section corner common to Section 18, Township 38 South of Range 9 East of Willamette Meridian and Section 13, Township 38 South of Range 8 East of Willamette Meridian, said point being 100 feet distant in a Northerly direction at right angles from the center line of the Central Pacific Railway, formerly the California Northeastern Railway, known as the "H" line, thence following a line parallel to and distant 100 feet at right angles Northerly from said center line to a point on the south line of the N1/2 of S1/2 of Section 18, Township 38 South of Range 9 East of Willamette Meridian; thence West along said line to a point 100 feet Southerly at right angles from said center line at Engineer's station "H" 3566+17.2; thence North 50°49' West 181.5 feet to a point 100 feet Southerly at right angles from said center line of beginning of curve on said "H" line; thence along a series of curves concave to the left having varying radii and concentric with said center line a distance of 206.34 feet to a point; thence along a curve concave to

the left having a radius of 2764.82 feet, a distance of 430.41 feet to a point 100 feet radially opposite from said center line at engineer station "H" 3574+54.6 (the tangent to curve at last mentioned point bearing North 61° 50' 20" West); Thence West, 213.80 feet to a point 200 feet at right angles Southerly from said center line, said point on the northeasterly line of deed Volume 82, Page 181; thence, along said northeasterly line, North 69° 19' West along a line parallel with and distant 200 feet at right angles Southerly from the center line of the aforementioned "H" line a distance of 993.9 feet to a point on the West line of said Section 18, thence North 320.65 feet along said range line to the point of beginning.

**PARCEL 3:**

Commencing at a point on the range line between Section 18, Township 38 South of Range 9 East of Willamette Meridian, and Section 13, Township 38 South of Range 8 East of Willamette Meridian, said point being South 227.1 feet from the quarter section corner common to the aforesaid Section 18 and 13; thence continuing South along the range line 267.17 feet to the northeasterly line of deed volume 82, page 181; said point being 200 feet Southerly and at right angles from the center line of track of the Central Pacific Railway formally the California Northeastern Railway; thence North 69° 19' West to a point which is 300 feet opposite and at right angles Southerly from the quarter section line. Section 13, Township 38 South of Range 8 East of Willamette Meridian; thence West along a line parallel to and distant 300 feet Southerly from the above mentioned quarter section line to a point intersecting a meander line as described in deed from Abner Wood and Wife, to Southern Pacific Company, dated March 13, 1909, recorded April 6, 1909; thence Northwesterly along said meander line to the intersection with the aforementioned quarter section line of Section 13; thence East along said quarter section line to a point which is North 69° 19' West a distance of 643.0 feet from the point of beginning; thence South 69° 19' East a distance of 643.0 feet to the point of beginning, situate in the N1/2 of SE1/4 of Section 13, Township 38 South of Range 8 East of Willamette Meridian, in the County of Klamath, State of Oregon.

The above described parcels of land being portions of the parcels of land as conveyed by Abner Wood and wife to the Southern Pacific Company (predecessor in interest of Central Pacific Railway Company) by deed dated March 13, 1909, and recorded upon the records of Klamath County, on April 6, 1909, in Volume 26 of Deeds, page 92, Deed Records of Klamath County, Oregon.

Contains 28.5 Acres more or less.

OFFICE OF REAL ESTATE  
OMAHA, NEBRASKA  
March 17, 2008  
80483.leg

ACKNOWLEDGMENT

STATE OF NEBRASKA     )  
                                      ) ss.  
COUNTY OF DOUGLAS    )

On NOVEMBER 11, 2008, before me, STANLEY C. MISFELDT, Notary Public in and for said County and State, personally appeared TONY K. LOVE and M. E. HEENAN who are the ASSISTANT VICE PRESIDENT and the Assistant Secretary, respectively, of Union Pacific Railroad Company, a Delaware corporation, and who are personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to in the within instrument, and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official seal.

Stanley C. Misfeldt  
Notary Public

(Seal)

