

2009-000478

Klamath County, Oregon



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01/15/2009 01:54:25 PM

Fee: \$46.00

AFTER RECORDING RETURN TO:

DW & CB, L.L.C.

P.O. Box 32327

Bellingham, WA 98228

ATE 66346

GRANTOR:

Trillium Corporation

1329 N. State Street, Suite 201

Bellingham, WA 98225

GRANTEE:

DW & CB, L.L.C.

P.O. Box 32327

Bellingham, WA 98228

SEND TAX STATEMENTS TO:

DW & CB, L.L.C.

P.O. Box 32327

Bellingham, WA 98228

WARRANTY DEED

KNOW ALL BY THESE PRESENTS that TRILLIUM CORPORATION, a Washington corporation, hereinafter "Grantor," conveys and warrants to DW & CB, L.L.C., a Washington limited liability company, hereinafter "Grantee," the following described real property situated in Klamath County, State of Oregon:

SEE EXHIBIT A

Free of encumbrances except as specifically set forth herein:

SEE EXHIBIT B

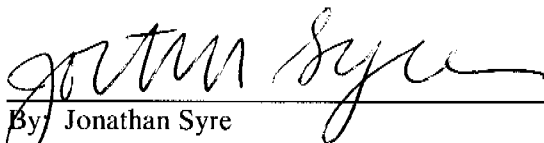
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS 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 \$59,000.00.

\$46 ATE

DATED this 13th day of January, 2009.

TRILLIUM CORPORATION, a
Washington corporation



By: Jonathan Syre
Its: President and CEO

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I, the undersigned, a Notary Public, do hereby certify that on this 13th day of January, 2009, JONATHAN SYRE, known to me to be the President and CEO of TRILLIUM CORPORATION, that executed the foregoing instrument as the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, personally appeared before me, and on oath stated that he is authorized to execute said instrument.

GIVEN under my hand and official seal this 13th day of January, 2009.





Notary Public in and for the State of
Washington, residing at: Sumas
My commission expires: 8/30/12

EXHIBIT A

Legal Description

Map No. R-4112-02100-00600-000

Key No. R743002

A portion of Section 21, Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Commencing at the Northeast corner of the NW 1/4 of said Section 21; thence Southerly along the East line of said NW 1/4 a distance of 100.0 feet to the true point of beginning; thence continuing Southerly along said East line to the point of intersection with a line drawn concentric with and distant 200.0 feet Northeasterly of, as measured radially to, said Main Track centerline; thence Southeasterly parallel with said Main Track centerline to the point of intersection with a line drawn parallel with and distant 360.0 feet Southerly of, as measured at right angles to, the North line of said Section 21; thence Easterly, parallel with said North line, a distance of 205.0 feet, more or less, to the point of intersection with the Northerly extension of a line drawn parallel with and distant 12.5 feet Westerly of, as measured at right angles to, said Railroad Company's most Easterly Spur tract centerline; thence Southerly parallel with said most Easterly Spur Tract centerline and the Northerly extension thereof, to the point of intersection with the South line of the NW 1/4 of the NE 1/4 of said Section 21; thence Westerly along said South line to the point of intersection with a line drawn parallel with, and distant 9.0 feet Easterly of, Burlington Northern Railroad Company's most Easterly passing track centerline, as now located and constructed; thence Northwesterly parallel with said most Easterly passing track to the point of intersection with a line drawn parallel with, and distant 100.0 feet Southerly of, the North line of Section 21; thence Easterly along said parallel line a distance of 225.0 feet, more or less, to the point of beginning.

Except any improvements located thereon.

Also,

That portion of Section 21, Township 41 South, Range 12 East of the Willamette Meridian, in the County of Klamath, State of Oregon, described as follows:

Beginning at the point of intersection of the South line of said Section 21 and a line drawn parallel with and distant 25.0 feet Easterly of, as measured at right angles to, Burlington Northern Railroad Company's Klamath Falls, Oregon, to Bieber, California, Branch line Main Track centerline; thence Northerly parallel with said Main Track centerline to the point of intersection with a line drawn parallel with and distant 9.0 feet easterly of, said Railroad Company's most Easterly passing track centerline, as now located and constructed; thence Northwesterly parallel with said passing track to the point of intersection with the North line of the SW 1/4 of the NE 1/4 of said Section 21; thence Easterly along said North line to the point of intersection with a line drawn parallel with and distant 200.0 feet Easterly of, said Main Track centerline; thence Southerly along said parallel line to the South line of said Section 21; thence Westerly along said south line to the point of beginning.

Except any improvements located thereon.

EXHIBIT B

Permitted Exceptions

1. (Deleted)
2. Municipal liens, if any, imposed by the City of Malin.
3. The subject property lies within the boundaries of the Klamath Irrigation District and is subject to the levies and assessments thereof.
4. The rights of the public in and to that portion of the herein described property lying within the limits of roads and highways.
6. Covenants, conditions, restrictions and reservations, including the terms and provisions therein contained in deed,
Recorded: November 16, 1922
Book: 59
Page: 317
As follows: subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; but excepting, nevertheless, and reserving unto the United States, rights of way, over, across, and through said lands for canals and ditches constructed on to be constructed, by its authority, all in the manner prescribed and directed by the Act of Congress approved August 30, 1890
7. Covenants, conditions, restrictions and reservations, including the terms and provisions therein contained in Deed,
Recorded: June 8, 1927
Book: 75
Page: 528
As follows: Subject to any vested and accrued water rights for mining agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, Laws and decisions of Courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.
8. An easement created by instrument, including the terms and provisions thereof,
Recorded: December 4, 1931
Book: 96
Page: 356
In favor of: The California Oregon Power Company

For: Transmission and distribution of electricity

9. Covenants, conditions, restrictions and reservations, including the terms and provisions therein contained in Deed,
Recorded: December 19, 1931
Book: 96
Page: 422
As follows: "...excepting and excluding from the last above described tract, a right of way previously granted for Government Drainage Canal.
10. An easement created by instrument, including the terms and provisions thereof,
Recorded: March 14, 1942
Book: 146
Page: 500
In favor of: The California Oregon Power Company
For: Transmission and distribution of electricity
11. Covenants, conditions, restrictions and reservations, including the terms and provisions therein contained in Deed,
Recorded: June 30, 1989
Book: M89
Page: 11883
Fee No.: 2164
12. An easement created by instrument, including the terms and provisions thereof,
Recorded: June 30, 1989
Book: M89
Page: 11883
In favor of: Burlington Northern Railroad Company (formerly named Burlington Northern Inc.) a Delaware Corporation
For: "... reserving, however unto, said Grantor, its right, privilege and easement to construct, maintain, repair, renew, use, operate over, replace or remove railroad tracks, drainage facilities and appurtenances thereto in, along, over, upon across that portion of the premises herein conveyed."
13. An easement created by instrument, including the terms and provisions thereof,
Recorded: July 5, 1996
Book: M96
Page: 23775
In favor of: Tuscarora Gas Transmission Company, a Nevada partnership
For: Right of Way easement
14. An easement created by instrument, including the terms and provisions thereof,
Dated: December 24, 2002
Recorded: January 9, 2003
Book: M03
Page: 1600
In favor of: Centurytel of Eastern Oregon, Inc. DBA Centurytel
For: Communications Line Right of Way easement

15. ANY UNRECORDED LEASEHOLDS; rights of vendors and holder of security interest on personal property installed upon said property, and rights of tenants to remove trade fixtures at the expiration of the term.
16. Possible reversionary rights of present or previous owners and/ or rights of adjoining property owners, dependent upon the intent and/or purpose of the instrument under which title to the rights herein described were conveyed.
17. Any unrecorded permits, licenses, easements, and agreements entered into by Burlington Northern Railway Company or its predecessors in interest, pertaining to the use of the right of way by other parties for water, sewer and electric lines, private and public roads and railroad crossings.