

2009-006994

Klamath County, Oregon



00066309200900069940070079

05/19/2009 08:57:43 AM

Fee: \$51.00

AFTER RECORDING, RETURN TO:

MLM Pumice & Cinders, LLC
3708 Swan Lake Road
Klamath Falls, Oregon 97603

SEND TAX STATEMENTS TO:

MLM Pumice & Cinders, LLC
3708 Swan Lake Road
Klamath Falls, Oregon 97603

STATUTORY BARGAIN AND SALE DEED

This Statutory Bargain and Sale Deed is executed by Dave B. Wirth, Diana R. Wirth, Steve R. Wirth, and Shelley Wirth (collectively "Grantors").

RECITALS

A. Prior to executing this Statutory Bargain and Sale Deed, Dave B. Wirth, Diana R. Wirth, and Steve R. Wirth, executed the following transfers of interests in the real property located in Klamath County, Oregon, described on the attached Exhibit A (the "Mineral Reservation"):

1. Dave Brian Wirth granted, bargained, sold, and conveyed an undivided half interest in the Mineral Reservation to Steve Rand Wirth by Warranty Deed, dated August 30, 2000, and recorded in Klamath County, State of Oregon, at Vol. M00, Page 40095, on November 2, 2000, which functioned to convey an undivided half interest in Dave Brian Wirth's after acquired title to the Mineral Reservation to Steve Rand Wirth;

2. Dave B. Wirth, Personal Representative of the Estate of Maude E. Liskey, deceased, released, quitclaimed, and conveyed the Mineral Reservation to Dave B. Wirth

by Deed of Personal Representative, dated July 2, 2001, and recorded in Klamath County, State of Oregon, at Vol. M01, Page 32285, on July 2, 2001;

3. Dave B. Wirth released, quitclaimed, and conveyed his interest in the Mineral Reservation to Dave B. Wirth and Diana R. Wirth, as tenants in common, not as tenants by the entirety, by Quitclaim Deed, dated July 3, 2001, and recorded in Klamath County, State of Oregon, at Vol. M01, Page 32541, on July 5, 2001, which functioned to convey an undivided quarter interest in the Mineral Reservation to Dave B. Wirth and Diana R. Wirth, respectively;

4. Dave B. Wirth and Diana R. Wirth, as tenants in common and not as tenants by the entirety, released and quitclaimed their interests in approximately 181 acres, more or less, of the Mineral Reservation to Sierra Cascade LLC by Statutory Quitclaim Deed with Reservation of Royalties entered into on November 8, 2001, recorded in Klamath County, State of Oregon, at Vol. M01, Page 57454, on November 8, 2001; and

5. David and Diana Wirth leased the SW¼ of NE¼ of Section 15, Township 28 South, Range 8 East, Willamette Meridian, containing 40 acres, more or less, of the Mineral Reservation to Pat Schaffner and C.B. Foss by Pumice Mining Lease entered into and effective on August 1, 2006.

B. Grantors now wish to convey their respective interests in the Mineral Reservation, including without limitation the reserved royalty described in Recital A.4 above and the lessors' interest in the portion of the Mineral Reservation leased as described in Recital A.5 above, to MLM Pumice & Cinders, LLC, a Delaware limited liability company, as part of their initial capital contributions to that entity.

NOW, THEREFORE, Grantors convey to MLM Pumice & Cinders, LLC, a Delaware limited liability company, Grantee, all their right, title and interest in the real property located in Klamath County, Oregon, described on the attached Exhibit A.

The monetary consideration for this conveyance is \$100.

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 12th day of May, 2009.

GRANTORS:

Dave B. Wirth
Dave B. Wirth

Diana R. Wirth
Diana R. Wirth

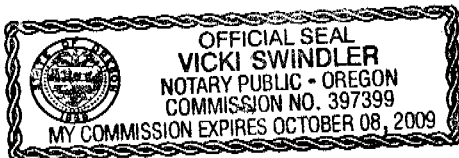
Steve R. Wirth
Steve R. Wirth

Shelley Wirth
Shelley Wirth

STATE OF OREGON)
) ss
COUNTY OF KLAMATH)

On this day personally appeared before me Dave B. Wirth, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 12th day of May, 2009.



Vicki Swindler
Printed Name: Vicki Swindler
Notary Public in and for the State of Oregon
My appointment expires 10-8-09

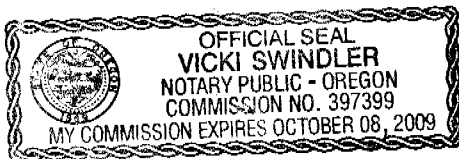
STATUTORY BARGAIN AND SALE DEED - PAGE 3 of 5

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STATE OF OREGON)
) ss
COUNTY OF KLAMATH)

On this day personally appeared before me Diana R. Wirth, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 12th day of May, 2009.

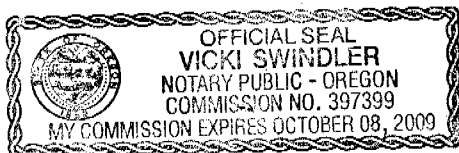


Vicki Swindler
Printed Name: Vicki Swindler
Notary Public in and for the State of Oregon
My appointment expires 10-8-09

STATE OF OREGON)
) ss
COUNTY OF KLAMATH)

On this day personally appeared before me Steve R. Wirth, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 12th day of May, 2009.

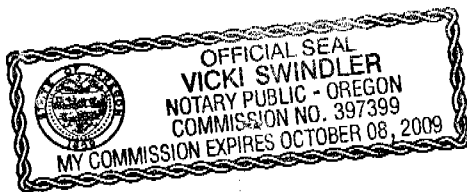


Vicki Swindler
Printed Name: Vicki Swindler
Notary Public in and for the State of Oregon
My appointment expires 10-8-09

STATE OF OREGON)
) ss
COUNTY OF KLAMATH)

On this day personally appeared before me Shelley Wirth, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 12th day of May, 2009.



Vicki Swindler
Printed Name: Vicki Swindler
Notary Public in and for the State of Oregon
My appointment expires 10-8-09

EXHIBIT A

In Township 27 South, Range 7 East, Willamette Meridian:

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 34;

In Township 27 South, Range 8 East, Willamette Meridian:

Out lots 1, 2, 3, 4 and 6 of CORRALL SPRINGS, Klamath County, Oregon, according to the duly recorded plat thereof on file in the office of the County Clerk of Klamath County, Oregon. (Situate in Section 16).

E $\frac{1}{2}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of NE $\frac{1}{4}$ and NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21;
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 28;
NE $\frac{1}{4}$ of Section 29;
The fractional W $\frac{1}{2}$ of W $\frac{1}{2}$ and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 31;
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SW $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 33;

In Township 28 South, Range 7 East, Willamette Meridian;

All, except the NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 1; Lot 1 of Section 2;
All, except the NW $\frac{1}{4}$ of Section 10;
SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of Section 11;
W $\frac{1}{2}$ of W $\frac{1}{2}$ and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of E $\frac{1}{2}$ of Section 12;
All of Section 13;
All of Section 14;

In Township 28 South, Range 7 East, Willamette Meridian;

All, except the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 15;
All, except W $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 22;
All of Section 23;
All of Section 24;
All of Section 25;
All of Section 26;
E $\frac{1}{2}$ of E $\frac{1}{2}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 27;
SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 33;
W $\frac{1}{2}$ of SW $\frac{1}{4}$ and E $\frac{1}{2}$ of W $\frac{1}{2}$ and S $\frac{1}{2}$ of SE $\frac{1}{4}$ and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and NE $\frac{1}{4}$ of NE $\frac{1}{4}$ and N $\frac{1}{2}$ of SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 34;
All of Section 35;
All of Section 36;

In Township 28 South, Range 8 East, Willamette Meridian:

SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 3;
The fractional W $\frac{1}{2}$ of Section 4;
S $\frac{1}{2}$ of S $\frac{1}{2}$ and N $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 5;
The fractional N $\frac{1}{2}$ of N $\frac{1}{2}$ and
The fractional S $\frac{1}{2}$ of NW $\frac{1}{4}$ and

The fractional W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 6;
 The fractional W $\frac{1}{2}$ of NW $\frac{1}{4}$ and
 The fractional S $\frac{1}{2}$ of Section 7;
 All of Section 8;
 W $\frac{1}{2}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ and SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 9;
 SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and W $\frac{1}{2}$ of SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 10;
 N $\frac{1}{2}$ of NE $\frac{1}{4}$ and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and W $\frac{1}{2}$ of Section 15;
 E $\frac{1}{2}$ of Section 16;
 N $\frac{1}{2}$ of N $\frac{1}{2}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 17;
 S $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of N $\frac{1}{2}$
 of SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and E $\frac{1}{2}$ of N $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ and the fractional W
 $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 18;
 All, except E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 19;
 S $\frac{1}{2}$ and E $\frac{1}{2}$ of NW $\frac{1}{4}$ and S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Section 20;
 All, except the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21;
 All of Section 22;
 All, except the W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Section 23;
 All of Section 26;

In Township 28 South, Range 8 East, Willamette Meridian:

All, except the N $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 27;
 All of Section 28;
 All of Section 29;
 All of Section 30;
 All of Section 31;
 All of Section 32;
 All of Section 33;
 All of Section 34;
 All of Section 36;

In Township 29 South, Range 7 East, Willamette Meridian:

All, except the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 1;
 All of Section 2;

In Township 29 South, Range 8 East, Willamette Meridian;

The fractional N $\frac{1}{2}$ of N $\frac{1}{2}$ of Section 1;
 All of Section 2;
 All of Section 3;
 All of Section 4;
 All of Section 5;
 All, except lots 4 and 7 of Section 6.

Map Tax Lot: R-2808-01700-00100-000; R-2808-01800-00100-000; R-2808-01800-00300-000; R-2808-
 019A0-02400-000; R-2808-020B0-00100-000; R-2808-00000-00500-000; R-2808-00000-00500-000; R-
 2808-00000-01200-000; R-2808-00000-01400-000; R-2808-00000-01500-000; R-2907-00000-00100-
 000; R-2907-00000-00100-000; R-2907-00000-00200-000; R-2908-00000-00200-000; R-2908-00000-
 00400-000; R-2908-00600-00100-000; R-2807-00000-00100-000; and R-2807-00000-00100-00.