

NTC 84931-KR

2009-011407

Klamath County, Oregon

RECORDING REQUESTED BY
And When Recorded Mail to:

00071606200900114070040045

08/25/2009 11:20:44 AM

Fee: \$36.00

Name: **Peterson Machinery Co.**
Attn: Neil Sayre
Street Address: **PO Box 5258**
City & State: **San Leandro, CA 94577**

2009-011924

Klamath County, Oregon



00072228200900119240040045

09/04/2009 03:21:46 PM

Fee: \$36.00

Mail Tax Statements to:

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

Peterson Machinery Co.
P.O. Box 5258
San Leandro, California 94577

This document is being re-recorded to correct
a call in the legal description in 2009-011407.

Space Above for County Recorder's Use

2537-75

QUITCLAIM DEED

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation, (formerly known as Southern Pacific Transportation Company, a Delaware corporation), Grantor, releases and quitclaims to PETERSON MACHINERY CO., an Oregon corporation, 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 now known to exist or hereafter discovered underlying the Property, including without limiting the generality of the foregoing, oil and gas and rights thereto, 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, and in such manner as not to damage the surface of the Property, or to interfere with the use thereof by the Grantee, its successors and assigns.

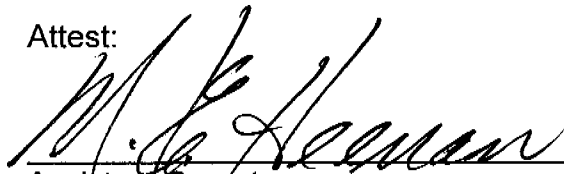
The true and actual consideration for this quitclaim is \$64,848.00.

36amt


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 4 day of AUGUST, 2009.

Attest:


Assistant Secretary

UNION PACIFIC RAILROAD COMPANY

By: 
Title: Assistant Vice President - Real Estate



ACKNOWLEDGMENT

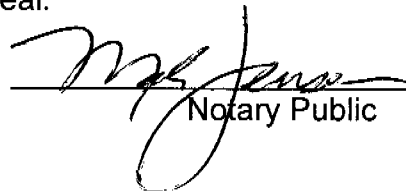
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On AUGUST 4, 2009, before me, MARK JENSEN, 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.



(Seal)



Notary Public

Union Pacific Railroad Company

Klamath County, Oregon

Exhibit "A"

A parcel of land situated in the SW1/4 of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath Falls, Oregon, being a portion of a railroad spur owned by Union Pacific Railroad as shown on Central Pacific Railway map v-1/s5-d, being more particularly described as follows:

Commencing at the W1/4 corner of said Section 33, thence North 00°00'49" East, 69.37 feet; thence South 55°27'00" East, 407.10 feet; thence South 10°46'30" West, 10.93 feet; thence South 49°37'44" ~~West~~ ^{East}, 197.05 feet; thence along the arc of a 467.68 foot radius curve to the right, through a central angle of 03°03'47" (the long chord of which bears South 22°58'12" West, 25.00 feet) an arc distance of 25.00 feet to the TRUE POINT OF BEGINNING; thence South 40°26'39" East, 21.98 feet to a point of curvature; thence, along that property described in D.V. M03, Page 45180 the following four (4) courses: along the arc of a 487.68 foot radius curve to the right, through a central angle of 08°57'21" (the long chord of which bears South 30°04'20" West, 76.15 feet) an arc distance of 76.23 feet; thence South 34°33'00" West, 211.60 feet to a point of curvature; thence along the arc of a 686.05 foot radius curve to the left, through a central angle of 46°23'30" (the long chord of which bears South 11°21'16" West, 540.44 feet) an arc distance of 555.49 feet to a point of compound curvature; thence along the arc of a 467.60 foot radius curve to the left, through a central angle of 27°33'00" (the long chord of which bears South 25°36'59" East, 222.68 feet) an arc distance of 224.84 feet to a point to the cusp of a curve to right; thence, along said curve, along the arc of a 911.87 foot radius curve to the right, through a central angle of 07°50'00" (the long chord of which bears North 39°28'47" West, 124.60 feet) an arc distance of 124.69 feet to a point of compound curvature; thence, along that property described in D.V. 2007-005864 the following five (5) courses; along the arc of a 484.18 foot radius curve to the right, through a central angle of 12°38'00" (the long chord of which bears North 18°09'31" West, 106.54 feet) an arc distance of 106.76 feet to a point of compound curvature; thence along the arc of a 702.55 foot radius curve to the right, through a central angle of 22°37'00" (the long chord of which bears North 00°32'00" West, 275.52 feet) an arc distance of 277.32 feet; thence North 10°46'30" East, 70.23 feet to a point of compound curvature; thence along the arc of a 706.05 foot radius curve to the right, through a central angle of 01°26'56" (the long chord of which bears North 17°13'13" East, 17.85 feet) an arc distance of 17.85 feet to a point on said curve; thence continuing along the arc of said 706.05 foot radius curve to the right, through a central angle of 16°37'00" (the long chord of which bears North 26°14'29" East, 204.05 feet) an arc distance of 204.77 feet; thence, along that property described in D.V. M99, Page 25631 the following two (2) courses; North 34°33'00" East, 211.60 feet to a point of curvature; thence along the arc of a 467.68 foot radius curve to the left, through a central angle of 10°03'01" (the long chord of which bears North 29°31'29" East, 81.93 feet) an arc distance of 82.04 feet to the point of beginning.

And also, a parcel of land situated in the SW1/4 of Section 33, Township 38 South, Range 9 East of the Willamette Meridian, Klamath Falls, Oregon, owned by Union Pacific Railroad as shown on Central Pacific Railway map v-1/s5-d, described as Parcel 1 in easement deed from the Central Pacific Railway Company and the Southern Pacific Company, Grantor's, to the State of Oregon, Grantee, by deed recorded April 16, 1956 in Volume 282 of Deeds on Page 224, of the Records of Klamath County, Oregon.

Containing a total area of 0.452 acres, more or less.

Union Pacific Railroad Co.
Real Estate Department
Omaha, NE.
LD 0253775
July 10, 2009