

MTL 2675

2009-016100

Klamath County, Oregon



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12/24/2009 12:41:12 PM

Fee: \$82.00

AFTER RECORDING RETURN TO:  
The Conservation Fund  
1655 N. Fort Myer Drive, Suite 1300  
Arlington, Virginia 22209  
Attn: Mr. Paul Hurt

UNTIL A CHANGE IS REQUESTED,  
SEND ALL TAX STATEMENTS TO:  
The Conservation Fund  
1655 N. Fort Myer Drive, Suite 1300  
Arlington, Virginia 22209  
Attn: Mr. Paul Hurt

### STATUTORY SPECIAL WARRANTY DEED

CASCADE TIMBERLANDS (OREGON), LLC, a Delaware limited liability company ("Grantor"), conveys and specially warrants to THE CONSERVATION FUND, a Maryland non-profit corporation ("Grantee"), the real property in Klamath County, Oregon described on the attached Exhibit A free of encumbrances created or suffered by Grantor, except as specifically set forth on the attached 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 and actual consideration for this conveyance is \$2,000,000.

[Signature on Following Page]

82amt

Dated: December 23, 2009

CASCADE TIMBERLANDS (OREGON), LLC, a  
Delaware limited liability company

By: CASCADE TIMBERLANDS, LLC, a  
Delaware limited liability company

Its: Sole Member

By: [Signature]

Name: Gregory S. Lane

Title: Executive Vice President

STATE OF Montana )  
County of Flathead ) ss.

The foregoing instrument was acknowledged before me this 23 day of  
December, 2009, by Gregory S. Lane, as Executive Vice President of Cascade  
Timberlands, LLC, a Delaware limited liability company, as the Sole Member of Cascade  
Timberlands (Oregon), LLC, a Delaware limited liability company, on behalf of the company.

[Signature]  
Notary Public for Oregon Montana  
My commission expires: March 31, 2013  
Commission No.: \_\_\_\_\_



SARAH BELL  
NOTARY PUBLIC-MONTANA  
Residing at Whitefish, Montana  
My Comm. Expires March 31, 2013

Exhibit A

LEGAL DESCRIPTION

Unofficial  
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**LEGAL DESCRIPTION  
PHASE 1A**

**EXHIBIT A**

A PARCEL OF LAND LYING IN TOWNSHIP 24 SOUTH, RANGE 11 EAST AND TOWNSHIP 25 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**TOWNSHIP 24 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN**

ALL OF SECTION 30;

GOVERNMENT LOTS 1, 2, 3, 4, 5, AND 12 OF SECTION 31, THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 31; THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 32, THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 32, THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 32, THE NORTHWEST ONE QUARTER (NW 1/4) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 32, THE NORTHEAST ONE QUARTER (NE 1/4) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 32, THE SOUTHWEST ONE QUARTER (SW 1/4) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 32;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 32, ALSO BEING RECORDED AS A PART OF PATENT NO. ORORAA 055979FD FROM THE UNITED STATES OF AMERICA DATED JUNE 22, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE.

THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 31, ALSO BEING RECORDED AS A PART OF PATENT NO. 1043250 FROM THE UNITED STATES OF AMERICA DATED JANUARY 7<sup>TH</sup>, 1931, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOTS 8, 9, 18, 19 AND 20 OF SECTION 31, ALSO BEING RECORDED AS A PART OF PATENT NO. 56688 FROM THE UNITED STATES OF AMERICA DATED APRIL 17<sup>TH</sup>, 1909, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) AND THE NORTH ONE HALF (N 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 31, ALSO BEING RECORDED AS PATENT NO. 263106 FROM THE UNITED STATES OF AMERICA DATED MAY 1<sup>ST</sup>, 1912, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE SOUTH ONE HALF (S 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 31, ALSO BEING RECORDED AS A PART OF PATENT NO. MV-0643-305 FROM THE UNITED STATES OF AMERICA DATED NOVEMBER 7<sup>TH</sup>, 1907, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOTS 6, 7, 10, AND 11 OF SECTION 31, ALSO BEING RECORDED AS PATENT NO. 193652 FROM THE UNITED STATES OF AMERICA DATED APRIL 27<sup>TH</sup>, 1911, RECORDS OF PATENTS, GENERAL LAND OFFICE;

(Legal Description Continued)

GOVERNMENT LOTS 14 AND 15 OF SECTION 31, ALSO BEING RECORDED AS A PART OF PATENT NO. ORORAA 017873 FROM THE UNITED STATES OF AMERICA DATED MARCH 19<sup>TH</sup>, 1908, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOT 13 OF SECTION 31, ALSO BEING RECORDED AS A PART OF PATENT NO. 193651 FROM THE UNITED STATES OF AMERICA DATED APRIL 27<sup>TH</sup>, 1911, RECORDS OF PATENTS, GENERAL LAND OFFICE;  
GOVERNMENT LOTS 16 AND 17 OF SECTION 31;

**TOWNSHIP 25 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN**

GOVERNMENT LOT 3 AND THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 3, ALSO RECORDED AS PATENT NO. MV-0643-308 FROM THE UNITED STATES OF AMERICA DATED NOVEMBER 17<sup>TH</sup>, 1907, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE EAST ONE HALF (E 1/2) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 3, ALSO BEING RECORDED AS A PART OF PATENT NO. 193627 FROM THE UNITED STATES OF AMERICA DATED APRIL 11<sup>TH</sup>, 1911, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE WEST ONE HALF (W 1/2) OF THE SOUTHWEST ONE QUARTER (SW 1/4) AND SOUTHWEST ONE QUARTER (SW 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 3, AND THE NORTHEAST ONE QUARTER (NE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 4 ALSO RECORDED AS PATENT NO. ORLAA 056171 FROM THE UNITED STATES OF AMERICA DATED DECEMBER 1<sup>ST</sup>, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOT 4 OF SECTION 3;

GOVERNMENT LOT 1 OF SECTION 4;

GOVERNMENT LOT 2 AND THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 4, ALSO BEING RECORDED AS A PART OF PATENT NO. ORORAA 013995 FROM THE UNITED STATES OF AMERICA DATED AUGUST 26<sup>TH</sup>, 1907, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE WEST ONE HALF (W 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) AND SOUTHWEST ONE QUARTER (SW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 4, AND THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 4, ALSO RECORDED AS PATENT NO. ORLAA 056170 FROM THE UNITED STATES OF AMERICA DATED DECEMBER 1<sup>ST</sup>, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOTS 3 AND 4, AND THE SOUTH ONE HALF (S 1/2) OF THE NORTHWEST ONE QUARTER OF SECTION 4, ALSO RECORDED AS PATENT NO. ORLAA 056191 FROM THE UNITED STATES OF AMERICA DATED DECEMBER 1<sup>ST</sup>, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE;

(Legal Description Continued)

THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 4, ALSO RECORDED AS PATENT NO. ORLAA 056168 FROM THE UNITED STATES OF AMERICA DATED DECEMBER 1<sup>ST</sup>, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOTS 1, 2, 3 AND 4 OF SECTION 5, THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 5, THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 5, THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 5, AND LOTS 1, 2 AND 3 OF SECTION 6; (ALSO KNOWN AS PARCEL 1 OF LAND PARTITION 56-04, SITUATED IN SECTIONS 5 AND 6, TOWNSHIP 25 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.)

GOVERNMENT LOTS 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 13 OF SECTION 6; (ALSO KNOWN AS PARCEL 1 OF LAND PARTITION 55-04, SITUATED IN SECTIONS 6 AND 7, TOWNSHIP 25 SOUTH, RANGE 11 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.)

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 6, ALSO RECORDED AS PATENT NO. 263108 FROM THE UNITED STATES OF AMERICA DATED MAY 1<sup>ST</sup>, 1912, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOT 21 OF SECTION 6, ALSO RECORDED AS PATENT NO. MV-0747-386 FROM THE UNITED STATES OF AMERICA DATED MARCH 16<sup>TH</sup>, 1908, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOT 20 OF SECTION 6, ALSO RECORDED AS PATENT NO. 53939 FROM THE UNITED STATES OF AMERICA DATED MARCH 29<sup>TH</sup>, 1909, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 7, ALSO RECORDED AS A PART OF PATENT NO. ORLAA 056196 FROM THE UNITED STATES OF AMERICA DATED DECEMBER 21<sup>ST</sup>, 1904, RECORDS OF PATENTS, GENERAL LAND OFFICE, AND DEED RECORDED DECEMBER 23, 1943, IN VOLUME 161, PAGE 1, KLAMATH COUNTY RECORDS;

THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 7, ALSO RECORDED AS PATENT NO. 263107 FROM THE UNITED STATES OF AMERICA DATED MAY 1<sup>ST</sup>, 1912, RECORDS OF PATENTS, GENERAL LAND OFFICE;

GOVERNMENT LOTS 8, 9 AND 16 OF SECTION 7;

GOVERNMENT LOTS 17, 18, 19 AND 20 OF SECTION 7, ALSO RECORDED AS PATENT NO. 264863 FROM THE UNITED STATES OF AMERICA DATED MAY 9<sup>TH</sup>, 1912, RECORDS OF PATENTS, GENERAL LAND OFFICE;

THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 8, ALSO RECORDED AS PATENT NO. 263111 FROM THE UNITED STATES OF AMERICA DATED MAY 1<sup>ST</sup>, 1912, RECORDS OF PATENTS, GENERAL LAND OFFICE;

(Legal Description Continued)

THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 8, ALSO RECORDED AS PATENT NO. 100780 FROM THE UNITED STATES OF AMERICA DATED JANUARY 6<sup>TH</sup>, 1910, RECORDS OF PATENTS, GENERAL LAND OFFICE;

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Exhibit B

ENCUMBRANCES

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8. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Forest Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied; in addition thereto a penalty may be levied if notice of disqualification is not timely given.

9. Agreement for rights of way, subject to the terms and provisions thereof;  
Dated: October 11, 1943  
Recorded: October 25, 1943  
Volume: 159, page 300, Microfilm Records of Klamath County, Oregon  
Between: Gilchrist Timber Company and The Shevlin-Hixon Company Blanket description

Assignment, subject to the terms and provisions thereof;  
Volume: 245, page 590, Deed Records of Klamath County, Oregon  
Assignor: Shevlin-Hixon Company  
Assignee: Brooks-Scanlon, Inc.

Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Dated: March 28, 1972  
Recorded: March 31, 1972  
Volume: M72, page 3363, Microfilm Records of Klamath County, Oregon

Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Dated: January 25, 1979  
Recorded: January 29, 1979  
Volume: M79, page 2403, Microfilm Records of Klamath County, Oregon

Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Dated: February 6, 1979  
Recorded: March 14, 1979  
Volume: M79, page 6707, Microfilm Records of Klamath County, Oregon

# EXHIBIT B

(Exception No. 9 Continued)

Assignment and Agreement, subject to the terms and provisions thereof;

Recorded: February 9, 1987

Volume: M87, page 2089, Microfilm Records of Klamath County, Oregon

Assignor: Diamond International Corporation

Assignee: Diamond Group, Inc.

Assignment, Acceptance and Assumption, subject to the terms and provisions thereof;

Recorded: April 8, 1988

Volume: M88, page 5056, Microfilm Records of Klamath County, Oregon

(Affects several parcels)

10. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: May 30, 1991  
Recorded: June 10, 1991  
Volume: M91, page 10874, Microfilm Records of Klamath County, Oregon  
Grantor: United States of America, acting by and through the Forest Service, Department of Agriculture  
Grantee: Gilchrist Timber Company  
For: Perpetual Easement for Road  
Affects: Township 24 South, Range 11 East of the Willamette Meridian, Sections 32 and 33
11. Subject to the terms and provisions as set out in Patent:  
Dated: February 5, 1999  
Recorded: June 8, 1999  
Volume: M99, page 22521, Microfilm Records of Klamath County, Oregon
12. An easement created by instrument, subject to the terms and provisions thereof,  
Dated: December 20, 2004  
Recorded: December 30, 2004  
Volume: M04, page 89560, Microfilm Records of Klamath County, Oregon  
In favor of: Crown Pacific Limited Partnership  
For: Access