

2011-004416

Klamath County, Oregon



00099957201100044160080084

04/05/2011 11:51:12 AM

Fee: \$77.00

AFTER RECORDING, RETURN TO:

William M. Ganong
Attorney at Law
514 Walnut Avenue
Klamath Falls OR 97601

SEND TAX STATEMENTS FOR PARCEL 1 TO:

Richard Geary
1211 SW Fifth Avenue, Suite 2980
Portland OR 97204

SEND TAX STATEMENTS FOR PARCEL 2 TO:

Susan G. Boehner
2219 Heights Drive
Boise ID 83702

EXCHANGE DEED

Parcel 1:

Susan G. Boehner; Alice Geary Kilham; Alice Geary Kilham, Edward G. Kilham, and Nancy E. Kilham, as Trustees of the Edward A. Geary Trust; and Dorothea G. Yellott and John I. Yellott, Jr., as Trustees of the John and Dorothea Yellott Trust Dated October 2, 2003, Grantors, convey to Richard Geary and the heirs of his body: Arthur R. Geary, Suzanne J. Geary, Sarah G. Gustafson, and Derek Parker, Grantees, all of Grantors' right, title, and interest in the real property in Klamath County, Oregon described on Exhibit A attached hereto and incorporated herein, which is referred to herein as "Parcel 1," and constitutes Klamath County Tax Lot No. R-3808-009BO-01700-000 and a portion of Tax Lot Nos. R-3808-005DO-01100-000 and R-3808-00800-00200-000.

Parcel 2:

Richard Geary and the heirs of his body: Arthur R. Geary, Suzanne J. Geary, who was formerly known as Suzanne J. Paymar, Sarah G. Gustafson, and Derek Parker, Grantors, convey to Susan G. Boehner; Alice Geary Kilham; Alice Geary Kilham, Edward G. Kilham, and Nancy E. Kilham, as Trustees of the Edward A. Geary Trust; and Dorothea G. Yellott and John I. Yellott, Jr., as Trustees of the John and Dorothea Yellott Trust Dated October 2, 2003, Grantees, proportionally, all of Grantor's right, title and interest in the real property in Klamath County, Oregon described on Exhibit B attached hereto and incorporated herein, which is referred to herein as "Parcel 2," and constitutes Klamath County Tax Lot Nos. R-3808-00000-00500-000 and R-3808-00700-00100-000, and portions of Tax Lot Nos. R-3808-005DO-01100-000 and R-3808-00800-00200-000.

The parties covenant and agree that following the execution, delivery, and recording of this Exchange Deed, Grantees' respective undivided interests in Parcel 2, as tenants in common, will be:

Susan G. Boehner	48.997%
Alice G. Kilham	7.066%
Alice G. Kilham, Edward G. Kilham, and Nancy E. Kilham, as Trustees of the Edward Geary Trust	12.953%
John I. Yellott, Jr. and Dorothea G. Yellott, as Trustees of the John and Dorothea Yellott Trust Dated October 2, 2003	<u>30.984%</u>
Total:	<u>100.00 %</u>

This deed is made in consummation of Property Line Adjustment PLA 10-10, Klamath County, Oregon, and constitutes an equitable exchange of value.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

///

///

///

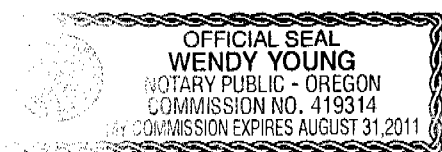
///

Susan G. Boehner

Susan G. Boehner

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on January 6, 2011 by Susan G. Boehner.



Wendy Young

Notary Public for Oregon

My Commission Expires: 8.31.2011

John I. Yellott, Jr., Trustee of the John and
Dorothea Yellott Trust Dated October 2,
2003

Dorothea G. Yellott, Trustee of the John and
Dorothea Yellott Trust Dated October 2,
2003

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

STATE OF CALIFORNIA, County of _____) ss.

On _____, 20____, before me, _____,
Notary Public, personally appeared Dorothea G. Yellott and John I. Yellott, Jr., as Trustees of the
John and Dorothea Yellott Trust Dated October 2, 2003, who proved to me on the basis of
satisfactory evidence to be the persons whose names are subscribed to 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 executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Susan G. Boehner

STATE OF IDAHO, County of _____) ss.

This instrument was acknowledged before me on _____, 20____ by
Susan G. Boehner.

Notary Public for Idaho

My Commission Expires: _____

John I. Yellott, Jr., Trustee
John I. Yellott, Jr., Trustee of the John and
Dorothea Yellott Trust Dated October 2,
2003

Dorothea G. Yellott, Trustee
Dorothea G. Yellott, Trustee of the John and
Dorothea Yellott Trust Dated October 2,
2003

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

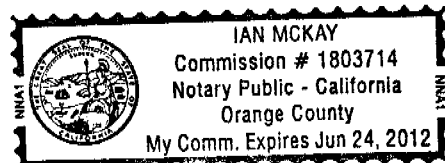
STATE OF CALIFORNIA, County of Orange) ss.

On January 12, 2011, before me, Ian McKay,
Notary Public, personally appeared Dorothea G. Yellott and John I. Yellott, Jr., as Trustees of the
John and Dorothea Yellott Trust Dated October 2, 2003, who proved to me on the basis of
satisfactory evidence to be the persons whose names are subscribed to 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 executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

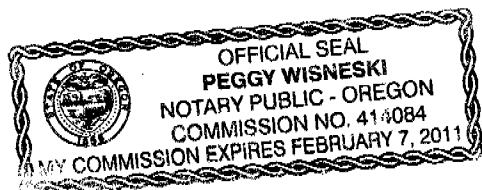
Signature _____



Alice Geary Kilham
Alice Geary Kilham, Trustee of the Edward
A. Geary Trust

STATE OF OREGON, County of Jackson) ss.

This instrument was acknowledged before me on 12/27, 2010 by
Alice Geary Kilham in her capacity as Trustee of the Edward A. Geary Trust.

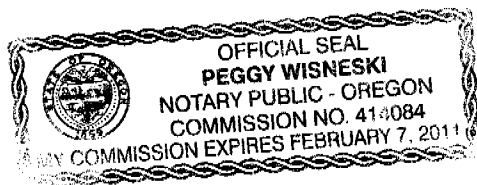


Peggy Wisneski
Notary Public for Oregon
My Commission Expires: 2/11/2011

Edward G. Kilham
Edward G. Kilham, Trustee of the Edward
A. Geary Trust

STATE OF OREGON, County of Jackson) ss.

This instrument was acknowledged before me on 12/27, 2010 by
Edward G. Kilham in his capacity as Successor Trustee of the Edward A. Geary Trust.

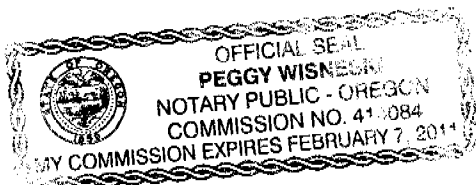


Peggy Wisneski
Notary Public for Oregon
My Commission Expires: 2/11/2011

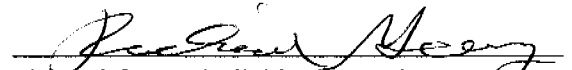
Nancy E. Kilham
Nancy E. Kilham, Trustee of the Edward
A. Geary Trust

STATE OF Oregon, County of Jackson ss.

This instrument was acknowledged before me on 12/27, 2011 by
Nancy E. Kilham in her capacity as Trustee of the Edward A. Geary Trust.

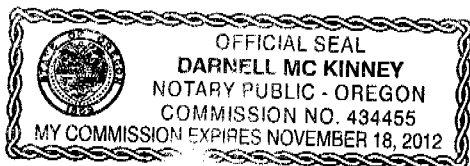


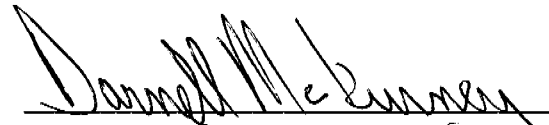
Peggy Wisneski
Notary Public for Oregon
My Commission Expires: 2/11/2011


Richard Geary, individually, and as attorney-
in-fact for Arthur R. Geary, Suzanne J.
Geary, Sarah G. Gustafson, and Derek
Parker

STATE OF OREGON, County of Multnomah) ss.

This instrument was acknowledged before me on December 23, 2010 by Richard Geary on behalf of himself and in his capacity as attorney-in-fact for Arthur R. Geary, Suzanne J. Geary, Sarah G. Gustafson, and Derek Parker.




Notary Public for Oregon
My Commission Expires: 11-18-2012

Parcel 1:

A TRACT OF LAND LOCATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 5, THE NORTH ONE-HALF OF SECTION 8, AND THE WEST ONE-HALF OF SECTION 9 ALL IN TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC" MARKING THE CORNER COMMON TO LOTS 983 AND 984 OF TRACT 1423, RUNNING Y RESORT, PHASE 12, THENCE ALONG THE NORTHERLY LINE OF SAID TRACT 1423 AND TRACT 1426, RUNNING Y RESORT, PHASE 12, 1ST ADDITION, THE FOLLOWING FOUR (4) COURSES: NORTH 89°32'43" WEST 294.62 FEET; THENCE NORTH 88°28'24" WEST 288.73 FEET; THENCE NORTH 88°27'11" WEST 481.07 FEET; THENCE NORTH 88°43'55" WEST 344.95 FEET; THENCE LEAVING THE NORTHERLY LINE OF SAID TRACT 1426, NORTH 00°24'25" EAST 1,449.57 FEET; THENCE NORTH 90°00'00" WEST 497.44 FEET; THENCE NORTH 00°24'25" EAST 649.14 FEET; THENCE NORTH 16°41'29" EAST 921.10 FEET TO THE CENTERLINE OF AN EXISTING DRAINAGE CANAL; THENCE ALONG SAID CANAL CENTERLINE, MEANDERING IN A SOUTHEASTERLY DIRECTION, APPROXIMATELY 3,637.00 FEET; THENCE LEAVING SAID CANAL CENTERLINE AND IN A SOUTHERLY DIRECTION, APPROXIMATELY 759.00 FEET TO THE NORTHERLY LINE OF LOT 956, OF SAID TRACT 1423, RUNNING Y RESORT PHASE 12; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT 1423, RUNNING Y RESORT PHASE 12, NORTH 88°40'02" WEST 1,136.02 FEET TO SAID CORNER OF LOTS 983 AND 984 AND THE **POINT OF BEGINNING**.

CONTAINING APPROXIMATELY 119.3 ACRES, MORE OR LESS.

THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER C.S. 7216 OF THE KLAMATH COUNTY SURVEY RECORDS.

EXHIBIT "B"

Parcel 2:

A TRACT OF LAND LOCATED IN THE SOUTH ONE-HALF OF SECTION 5, THE NORTH ONE-HALF OF SECTION 7, AND THE NORTH ONE-HALF OF SECTION 8, ALL IN TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "W&H PACIFIC" MARKING THE NORTHWEST CORNER OF LOT 1046 OF TRACT 1426, RUNNING Y RESORT, PHASE 12, 1ST ADDITION, THENCE NORTH 90°00'00" WEST 223.95 FEET TO THE EASTERLY BOUNDARY OF PROPERTY DESCRIBED IN VOLUME M03, PAGE 75105 OF THE KLAMATH COUNTY DEED RECORDS; THENCE NORTH 00°00'00" WEST ALONG SAID EASTERLY BOUNDARY, 203.56 FEET TO THE NORTHEAST CORNER OF SAID PROPERTY; THENCE NORTH 90°00'00" WEST ALONG THE NORTHERLY LINE OF SAID PROPERTY 660.00 FEET TO THE NORTHWEST CORNER THEREOF; THENCE SOUTH 00°00'00" EAST ALONG THE WESTERLY LINE OF SAID PROPERTY 203.56 FEET; THENCE LEAVING SAID WESTERLY LINE SOUTH 90°00'00" WEST 537.28 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF OREGON STATE HIGHWAY 140, 40.00 FEET FROM CENTERLINE WHEN MEASURED PERPENDICULAR TO SAID CENTERLINE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN (7) COURSES: NORTH 43°28'47" WEST 357.90 FEET; THENCE NORTH 46°31'13" EAST 10.00 FEET; THENCE NORTH 43°28'47" WEST 998.96 FEET; THENCE NORTH 46°31'13" EAST 10.00 FEET; THENCE NORTH 43°28'47" WEST 200.00 FEET; THENCE NORTH 46°31'13" EAST 20.00 FEET; THENCE NORTH 43°28'47" WEST 808.53 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE NORTH 59°31'11" EAST 274.49 FEET; THENCE NORTH 23°26'24" WEST 48.43 FEET TO THE APPROXIMATE CENTERLINE OF THE EXISTING DRAINAGE CANAL; THENCE ALONG SAID CANAL CENTERLINE THE FOLLOWING TWENTY-TWO (22) COURSES; NORTH 66°46'02" EAST 129.68 FEET; THENCE NORTH 81°52'26" EAST 190.38 FEET; THENCE NORTH 65°06'35" EAST 67.65 FEET; THENCE NORTH 40°17'14" EAST 40.75 FEET; THENCE NORTH 00°08'09" EAST 18.20 FEET; THENCE NORTH 30°35'28" EAST 77.80 FEET; THENCE NORTH 40°38'29" EAST 173.22 FEET; THENCE NORTH 58°24'50" EAST 300.37 FEET; THENCE NORTH 66°36'20" EAST 178.62 FEET; THENCE NORTH 55°22'24" EAST 231.44 FEET; THENCE NORTH 46°29'52" EAST 159.29 FEET; THENCE NORTH 46°32'01" EAST 445.97 FEET; THENCE NORTH 51°26'48" EAST 304.95 FEET; THENCE NORTH 54°16'06" EAST 276.26 FEET; THENCE NORTH 53°56'44" EAST 439.32 FEET; THENCE NORTH 49°56'15" EAST 46.60 FEET; THENCE NORTH 43°33'45" EAST 126.61 FEET; THENCE NORTH 44°20'01" EAST 205.14 FEET; THENCE NORTH 44°15'33" EAST 222.66 FEET; THENCE NORTH 35°48'35" EAST 35.52 FEET; THENCE SOUTH 76°43'06" EAST 98.20 FEET TO THE APPROXIMATE CENTERLINE OF A DRAINAGE CANAL SERVING THE RUNNING Y RANCH PROPERTY; THENCE ALONG THE CENTERLINE OF SAID CANAL, MEANDERING IN A SOUTHEASTERLY DIRECTION, APPROXIMATELY 2170.00 FEET; THENCE LEAVING SAID CANAL CENTERLINE SOUTH 16°41'29" WEST 921.10 FEET; THENCE SOUTH 00°24'25" WEST 649.14 FEET; THENCE SOUTH 90°00'00" EAST 497.44 FEET; THENCE SOUTH 00°24'25" WEST 1,449.57 FEET TO THE NORTHERLY LINE OF LOT 1057, TRACT 1426, RUNNING Y RESORT PHASE 12, 1ST ADDITION; THENCE ALONG THE NORTHERLY LINE OF SAID TRACT 1426, THE FOLLOWING FOUR (4) COURSES: NORTH 88°43'55" WEST 403.37 FEET; THENCE NORTH 88°17'59" WEST 451.10 FEET; THENCE NORTH 88°55'18" WEST 906.12 FEET; THENCE NORTH 87°33'57" WEST 265.36 FEET TO SAID NORTHWEST CORNER OF SAID LOT 1046 AND THE POINT OF BEGINNING. CONTAINING APPROXIMATELY 314.0 ACRES, MORE OR LESS. THE BASIS OF BEARINGS FOR THIS DESCRIPTION IS PER C.S. 7216 OF THE KLAMATH COUNTY SURVEY RECORDS.