

NTC 891848

2011-006204
Klamath County, Oregon



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05/17/2011 03:10:54 PM

Fee: \$72.00

After recording return to (and until a change is requested all tax statements shall be sent to):

RLF Running Y Ranch, LLC
619 North Cascade Ave., Suite 200
Colorado Springs, CO 80903

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made effective as of May 17, 2011, by and between JELD-WEN, inc., a corporation with its headquarters at 3250 Lakeport Blvd., Klamath Falls, Oregon 97601 ("**Grantor**"), and RLF Running Y Ranch, LLC, a Colorado limited liability company, whose address is 619 N Cascade Avenue, Suite 200 Colorado Springs, CO 80903 ("**Grantee**").

WITNESS, that Grantor, for and in consideration of the sum of Ten and no/100ths Dollars, (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, and conveys unto Grantee and its successors and assigns forever, all that real property located in Klamath County, Oregon, legally described on **Exhibit A** attached hereto and incorporated herein by this reference (the "Real Property");

TOGETHER with all with all and singular hereditaments and appurtenances thereto belonging, and all of Grantor's rights in all privileges, easements and other interests appurtenant thereto, any and all buildings, fixtures and other improvements located thereon, all timber and timber rights, all minerals, oil, gas, and gravel and other hard rock rights on and under the land; and all water rights, and conservation and mitigation rights.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto Grantee and its successors and assigns forever.

Grantor covenants with the Grantee and its successors and assigns that Grantor is lawfully seized of the premises above described, has good right, full power and lawful authority to convey the same, that the Real Property is free and unencumbered. And Grantor, for itself and its successors and assigns, covenants and agrees that Grantor shall and will warrant and forever defend the above described Real Property in the quiet and peaceable possession of Grantee and its successors and assigns, against the lawful claims of all and every person or persons claiming the whole or any part thereof by, through or under Grantor, subject, however, to those matters set forth on **Exhibit B** attached hereto and incorporated herein by this reference.

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.

Dated this 17th day of May, 2011.

[Signature and notary appear on the following page]

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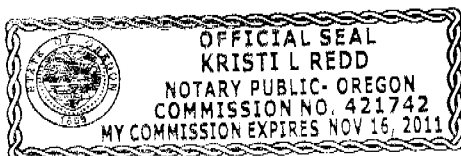


EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

A tract of land situated in Sections 6 and 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a point on the Northerly boundary of State Highway 140 West 658 feet North (610 feet on Klamath County Survey 4035) of the East-West centerline of said Section 7; thence following the Caledonia-Wocus division line South $88^{\circ} 04' 41''$ West to the Southerly boundary of said highway which is the True Point of Beginning, then continuing to follow the Caledonia-Wocus division line South $88^{\circ} 04' 41''$ West to a stone marked with across, mentioned as the "place of beginning" in Deed Volume 47, page 331, Deed Records of Klamath County, Oregon, located at the Easterly end of the cross-dike between the Caledonia and Wocus Tracts, which point is 2621 feet West of the section line common to sections 7 and 8, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence North 24° East 100 feet; thence North 66° West 1050 feet, more or less, to the centerline of the Caledonia Canal in the SE1/4 of the NW1/4 of Section 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence Northerly along the centerline of said Caledonia Canal to the intersection of said centerline with the Southerly boundary of State Highway 140 West; thence Southeasterly along the Southerly boundary of said highway to the true point of beginning.

PARCEL 2:

Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Section 8: All that portion of said section lying South and West of the Orindale Draw State Highway.

Section 9: That portion of the S1/2 lying Southerly of the South Right of way line of Lake of the Woods Highway 140

Section 15: that portion of the SW1/4 SW1/4 lying Westerly of the Lake of the Woods State Hwy 140

Section 16: lying Westerly of the West Right of way line of Lake of the Woods Highway 140

Section 17: E1/2, NW1/4, N1/2 SW1/4, SE1/4 SW1/4 and Lot 2

Section 18: SE1/4 SE1/4; N1/2 NE1/4, SE1/4 NE1/4 all those portions of the N1/2 SE1/4, SW1/4 NE1/4, NE1/4 NW1/4, SE1/4 NW1/4 lying North and East of Government Meander line.

Section 20: The portion of SE1/4 North of Government Meander line: portion of W1/2 North and East of Government Meander line, and NE1/4

Section 21: All

Section 27: All, except that portion thereof in State Highway 140 and that portion lying Northeasterly of State Highway 140

Section 28: SE1/4 SE1/4, N1/2 SE1/4, E1/2 NW1/4, and the portion of W1/2 NW1/4 North of Government Meander line through said Section 28; NE1/4

Section 29: The portion of NE1/4 NE1/4 North of Government Meander line through Section 29.

Section 34: SE1/4, E1/2 SW1/4, NW1/4, N1/2 NE1/4, SW1/4 NE1/4

Section 35: All that portion of said section lying South and West of the Orindale Draw State Highway.

Section 36: All that portion of said section lying South and West of the Orindale Draw State Highway.

PARCEL 3:

Those portions of Sections 6 and 7, Township 38 South Range 8 East of the Willamette Meridian, within the following described boundaries:

Beginning at the section corner common to Sections 7, 8, 17 and 18; thence North along the section line common to Sections 7 and 8 to Southerly boundary of the Klamath Lake Highway; thence Northwesterly along the Southerly boundary of the Klamath Lake Highway to its intersection with a line parallel to the East-West center line of Section 7 and North 658 feet of said line (said line being the division line between the Caledonia and Wocus Tracts); thence following said Caledonia-Wocus division line Westerly to a point on the Easterly end of the crossdike between the Caledonia and Wocus Tracts, which point is 2621 feet West of the Section line common to Sections 7 and 8; thence South 24° West 100 feet; thence North 66° West 1000 feet, more or less, to the Westerly end of the crossdike; thence North 24° East 200 feet; thence North 66° West 50 feet to the center of the Caledonia Canal in the SE1/4 NW1/4 of Section 7; thence Northerly along the center line of said Caledonia Canal to intersection of said center line with the West boundary of Lot 3, Section 6, Township 38 South, Range 8 East of the Willamette Meridian; thence South along the West boundary of Lot 3, continuing South along the West boundary of Lot 4 in said Section 6; thence continuing South along the West boundaries of Lots 4 and 5 in Section 7, Township 38 South, Range 8 East of the Willamette Meridian, to the intersection of the West boundary of Lot 5 with the Easterly boundary of the Old State Highway #421 in S1/2 NW1/4 of Section 7; thence Southwesterly along said Easterly boundary of the old State Highway #421 to its intersection in Lot 6 with the East line of the W1/2 NW1/4 SW1/4 of Section 7; thence South $0^{\circ} 16'$ West 973 feet, more or less, to the South line of NW1/4 SW1/4 of Section 7, which point is 660 feet East of the Southwest corner of

(Parcel 3 Continued)

Lot 6; thence South $14^{\circ} 58'$ East 403.9 feet to a meander point in Lot 7, Section 7; thence following the Government Meander line Southerly and Easterly to the intersection of said Meander Line with the South line of Section 7; thence East along the South line of Section 7 to the point of beginning.
(Legal Description Continued)

SAVING AND EXCEPTING from any of the above described real property any portions lying within the boundaries of the State Highway.

ALSO SAVING AND EXCEPTING that portion conveyed to State of Oregon, by and thru its State Highway Commission by Deed recorded September 12, 1967 in Volume M67 at page 7067, Microfilm Records of Klamath County, Oregon.

PARCEL 4:

A parcel of land located in Section 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the quarter section corner on the East line of Section 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon; thence North 658 feet thence West 2621 feet to a stone marked with a cross which stone is the place of beginning; thence South 24° West 100 feet; thence North 66° West 1000 feet; thence North 24° East 200 feet; thence South 66° East 1000 feet; thence South 24° West 100 feet to the place of beginning.

PARCEL 5:

Township 39 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

Section 2: N1/2 NE1/4 and SW1/4 NE1/4

EXHIBIT B

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. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm 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.
10. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Grazing Fire Patrol.
11. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.
12. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Wocus Irrigation District.
13. An easement created by instrument, subject to the terms and provisions thereof,
Dated: August 23, 1917
Recorded: August 30, 1917
Volume: 47, page 264, Deed Records of Klamath County, Oregon
For: A 60 foot right of way
14. Easement and release of damages, subject to the terms and provisions thereof, given by Geary Investment Company, an Oregon corporation, et al., to The California Oregon Power Company, a California corporation, dated December 11, 1923, recorded October 4, 1924, in Volume 64, page 489,

Deed Records of Klamath County, Oregon, relative to raising and/or lowering the waters of Upper Klamath Lake between the elevations of 4137 and 4143.3 feet above sea level.

15. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 1, 1925
Recorded: February 18, 1926
Volume: 69, page 298, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Electric transmission line
16. Rights of way for transmission line, subject to the terms and provisions thereof, given by George E. Stevenson and Myler C. Stevenson, husband and wife, to The California Oregon Power Company, a California corporation,
Dated: October 1, 1925
Recorded: February 18, 1926
Volume: 69 page 299, Deed Records of Klamath County, Oregon.

17. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
Recorded: March 14, 1952
Volume: 253, page 447, Deed Records of Klamath County, Oregon
18. Easement for irrigation and/or drainage purposes, subject to the terms and provisions thereof, given by Edward A. Geary, et al, to Wocus Drainage District, a municipal corporation, dated September 1, 1954, recorded September 7, 1954, in Volume 269 page 163, Deed Records of Klamath County, Oregon.
19. An easement created by instrument, subject to the terms and provisions thereof,
Dated: December 27, 1954
Recorded: January 7, 1955
Volume: 271, page 415, Deed Records of Klamath County, Oregon
In favor of: The State of Oregon, by and through its State Highway Commission
For: Slopes
(Affects strips of land 10 feet in width lying adjacent to the Northeasterly and Southwesterly lines of State Highway No. 140 in Government Lots 5 and 6 and in the Southwest Southeast of Section 6 and in Government Lots 12 and 13 of Section 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon)
20. An easement created by instrument, subject to the terms and provisions thereof,
Dated: December 27, 1954
Recorded: January 7, 1955
Volume: 271, page 419, Deed Records of Klamath County, Oregon
In favor of: The State of Oregon, by and through its State Highway Commission
For: Two strips of land, each 10 feet wide, lying adjacent to the Northeasterly and Southwesterly lines of State Highway No. 140 in the NW1/4 SW1/4 and in Government Lot 3 of Section 6, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.
21. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 15, 1955
Recorded: May 28, 1956
Volume: 283, page 411, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Co.
For: Transmission and distribution of electricity
22. An easement created by instrument, subject to the terms and provisions thereof,
Recorded: September 30, 1960
Volume: 324, pages 373, 379 and 382, Deed Records of Klamath County, Oregon
For: A 40 foot roadway right of way

23. Reservations and restrictions in deed, subject to the terms and provisions thereof, from Edward A. Geary, et al., to Ruth H. Teasdel, dated June 30, 1966, recorded July 18, 1966, in Volume M66 page 7241, Microfilm Records of Klamath County, Oregon.
24. Right of way for transmission line, subject to the terms and provisions thereof, given by Ruth H. Teasdel to Pacific Power & Light Company, a corporation, dated February 4, 1970, recorded February 17, 1970, in Volume M70 page 1218, Microfilm Records of Klamath County, Oregon.
25. Easement and release of damages relative to raising and/or lowering the waters of Upper Klamath Lake between the levels of 4137 and 4143.3 feet above sea level, subject to the terms and provisions thereof, given by Donald Blackwell Hunt, also known as Donald B. Hunt, and Esther Cecilia Hunt, his wife, to California Oregon Power Company, a California corporation, and The California Oregon Power Company, a California corporation, dated February 26, 1943, recorded August 31, 1943, in Volume 158 page 183, Deed Records of Klamath County, Oregon, as modified by agreement between The California Oregon Power Company, a California corporation, and Donald Blackwell Hunt, also known as Donald B. Hunt, and Esther Cecilia Hunt, his wife, dated June 30, 1948, recorded August 6, 1948, in Volume 223 page 400, Deed Records of Klamath County, Oregon.
26. An easement created by instrument, subject to the terms and provisions thereof,
Dated: November 3, 1980
Recorded: November 7, 1980
Volume: M80, page 21654, Microfilm Records of Klamath County, Oregon
For: An easement for ingress and egress over the Old State Highway #421 from its intersection in Section 8 with the Klamath Lake Highway to the Caledonia Canal in Section 7
27. Letter dealing with water contracts, subject to the terms and provisions thereof, dated April 1, 1980, recorded December 2, 1980, in Volume M80 page 23384, Microfilm Records of Klamath County, Oregon.
28. An easement created by instrument, subject to the terms and provisions thereof,
Dated: November 16, 1987
Recorded: September 19, 1988
Volume: M88, page 15465, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Power and Light
For: 20 foot wide right of way
29. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.
Recorded: September 8, 1967
Volume: M67, page 7067, Microfilm Records of Klamath County, Oregon
30. An easement created by instrument, subject to the terms and provisions thereof,
Dated: March 25, 1998
Recorded: April 1, 1998
Volume: M98, page 10632, Microfilm Records of Klamath County, Oregon
In favor of: PacifiCorp, an Oregon corporation
For: Power transmission, distribution and communication lines

33. An easement created by instrument, subject to the terms and provisions thereof,

Dated: May 3, 2005

Recorded: October 6, 2005

Volume: M05, page 65924, Microfilm Records of Klamath County, Oregon

In favor of: PacifiCorp, an Oregon corporation

For: Power distribution and communication lines

34. Declaration of Covenants and Restrictions for the Klamath Community Youth Sports Complex
Compensatory Mitigation Project (mouse field), but omitting restrictions, if any, based on race,
color, religion, sex, handicap, familial status or national origin, unless and only to the extent that
said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b)
relates to handicap but does not discriminate against handicapped persons, subject to the terms and
provisions thereof,

Recorded: June 11, 2009

Volume: 2009-008113, Microfilm Records of Klamath County, Oregon