

WTC 88740

2011-012326
Klamath County, Oregon



00109636201100123260060067

11/02/2011 03:38:11 PM

Fee: \$62.00

RECORDING COVER SHEET

ALL TRANSACTIONS, ORS: 205.234

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet DO NOT affect the transaction(s) contained in the instrument itself.

AFTER RECORDING RETURN TO:

Monique Pecora
Fidelity National Title Group
7130 Glen Forest Drive, Suite 403
Richmond, VA 23226

- 1) **NAME(S) OF THE TRANSACTION(S) required by ORS 205.234(a)**
Special Warranty Deed
- 2) **DIRECT PARTY / GRANTOR, required by ORS 205.12(1)(b) and ORS 205.160**
South Valley Bank & Trust, with a mailing address of 803 Main Street, Klamath Falls, OR 97601
- 3) **INDIRECT PARTY / GRANTEE, required by ORS 205.125(1)(a) and ORS 205.160**
Pilot Travel Centers LLC, a Delaware limited liability company, with a mailing address of 5508 Lonas Drive, Knoxville, TN 37909
- 4) **TRUE and ACTUAL CONSIDERATION (if any), ORS 93.030**
\$600,000.00
- 5) **ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:**
InTax, Inc., P.O. Box 54650, Lexington, KY 40555
- 6) **FULL OR PARTIAL SATISFACTION ORDER or WARRANT FILED IN THE COUNTY CLERK'S LIEN RECORDS, ORS 205.212(1)(e)**
None
- 7) **THE AMOUNT OF THE CIVIL PENALTY or THE AMOUNT, INCLUDING PENALTIES, INTEREST AND OTHER CHARGES FOR WHICH THE WARRANT, ORDER OR JUDGMENT WAS ISSUED. ORS 205.125(1)(c) and ORS 18.325.**

- 8) Recorded to correct _____
Previously recorded as _____

624m

Property Location: 3817 N. Hwy 97
Klamath Falls, OR

Parcel No. 3809-019AA-00100-000
3809-019AA-00400-000
3809-019AA-00500-00
3809-019AA-00600-000

The State of Oregon:

County of Klamath

SPECIAL WARRANTY DEED
(Klamath Falls, OR)

SOUTH VALLEY BANK & TRUST, an Oregon Banking Corporation, with a mailing address of 803 Main Street, Klamath Falls, OR 97601 (the "Grantor"), for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby GRANT, SELL, AND CONVEY unto **PILOT TRAVEL CENTERS LLC**, a Delaware limited liability company, with a mailing address of 5508 Lonas Drive, Knoxville, TN 37909 (the "Grantee"), that certain property located in Klamath County, Oregon, as particularly described on Exhibit A attached hereto, together with all improvements thereon, and all rights and interests appurtenant thereto (collectively, the "Property").

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns, forever, and Grantor does hereby bind itself, its successors and assigns, to warrant and forever defend, said Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof, by, through or under Grantor, but not otherwise.

THIS CONVEYANCE IS MADE EXPRESSLY SUBJECT TO those matters set forth on Exhibit B attached hereto (the "Permitted Exceptions").

EXECUTED this 1st day of November, 2011.

SOUTH VALLEY BANK & TRUST

By: William E. Castle
Printed: William E. Castle
Its: President/CEO

ACKNOWLEDGMENT

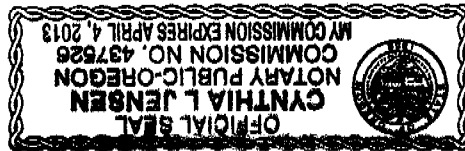
STATE OF OREGON)
) SS:
COUNTY OF Klamath)

Personally appeared before me, a Notary Public of the State and County aforesaid, William E. Castle, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity as President/CEO of South Valley Bank & Trust, the within named bargainer, and that as such, President/CEO being duly and fully authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by himself as President/CEO.

WITNESS my hand and official seal.

This the 1st day of November, 2011.

Cynthia L. Jensen
Notary Public
Printed: Cynthia L. Jensen



My Commission Expires: 4/4/2013

This instrument prepared by:
Kristin K. Seabrook
Pilot Travel Centers LLC
5508 Lonas Drive
Knoxville, TN 37909

Direct future tax bills to:
Pilot Travel Centers LLC
c/o InTax, Inc.
P.O. Box 54650
Lexington, KY 40555

Exhibit A

LEGAL DESCRIPTION

TRACT 1:

A piece or parcel of land situated in the NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and more particularly described as follows:

Beginning at an iron pipe which is South 0° 06' West 323.4 feet and North 89° 49' West 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, which point of beginning is also the Northeast corner of that certain tract of land conveyed to Elmer W. and Flora M. Zigler on page 238, Deed Volume 278 of the Records of Klamath County, Oregon; thence North 89° 49' West along the Northerly boundary of said tract of land conveyed on page 238 Deed Volume 278, a distance of 334.8 feet to an iron pipe set at its intersection with a line which is parallel to and 192.77 feet Northeasterly of, when measured at right angles to, the Northeasterly right of way line of the Dalles-California Highway (No. US 97) as the same is now located across said Section 19; thence North 38° 52' West parallel to and 192.77 feet distant from said Northeasterly highway right of way line a distance of 147.25 feet to an iron pipe; thence South 89° 49' East a distance of 427.3 feet to an iron pipe; thence South 0° 06' West a distance of 114.35 feet more or less, to the point of beginning.

TRACT 2:

Beginning at a point which is South 0° 06' West a distance of 477.4 feet and North 89° 49' West a distance of 234.2 feet from the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence North 0° 06' East a distance of 154 feet to a point; thence North 89° 49' West a distance of 336 feet, more or less, to a point on a line which is parallel to and distant 192.77 feet at right angles from the Northeasterly right of way line of the Dalles-California Highway; thence South 38° 52' East a distance of 200 feet, more or less, to a point which is North 0° 06' East a distance of 211.1 feet from the North line of Byrd Avenue in Chelsea Addition; thence South 89° 49' East a distance of 210.2 feet to the place of beginning, being in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. TOGETHER WITH an easement for ingress and egress as granted by instrument recorded September 26, 1986 in Volume M86, page 17486, Microfilm Records of Klamath County, Oregon.

TRACT 3:

All that portion of the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:
Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0° 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89° 49' West a distance of 174.2 feet to a point; thence South 0° 06' West a distance of 300.0 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0° 06' East a distance of 479.45 feet to a point; thence North 89° 44' West a distance of 427.3 feet to a point; thence North 38° 46' West a distance of 268.15 feet to a point on the North line of said Section 19; thence South 89° 44' East along said North line a distance of 833.95 feet to the point of beginning.

EXCEPTING THEREFROM a tract of land situated in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the section corner common to Sections 17, 18, 19 and 20, said Township and Range; thence South 0° 06' West along the East line of said Section 19, a distance of 388.5 feet to a point; thence North 89° 49' West a distance of 174.2 feet to a point; thence South 0° 06' West a distance of 89 feet to the

True Point of Beginning of this description; thence continuing South 0° 06' West a distance of 211 feet to a point on the North line of Byrd Avenue; thence West along said North line a distance of 60 feet to a point; thence North 0° 06' East a distance of 211 feet to a point; thence South 89° 49' East 60 feet to the point of beginning.

AND EXCEPTING THEREFROM an Easterly portion thereof conveyed to The State of Oregon, by and through its Department of Transportation, by Warranty Deed recorded May 5, 2003 in Volume M03, page 29566, Microfilm Records of Klamath County, Oregon, being more particularly described as follows:

A parcel of land lying in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon and being a portion of that property designated as Parcel 3 and described in that deed to Ernst Brothers LLC, recorded in Book M00, page 13950, Microfilm Records of Klamath County, Oregon, the said parcel being that portion of said property described as follows:

Beginning at the Northeast corner of Section 19; thence Southerly along the East line of Section 19, a distance of 118.415 meters to the Northerly line of that property described in that deed to Alvin M. Hamlin, Trustee and Merry Anne Hamlin, Trustee, recorded in Book M96, page 5936, Microfilm Records of Klamath County, Oregon; thence Westerly along said Northerly line, a distance of 40.300 meters; thence Northerly on a line parallel with and 40.300 meters Westerly of the East line of Section 19, a distance of 32.433 meters; thence Easterly on a line parallel with and 86 meters Southerly of the North line of Section 19, a distance of 5.800 meters; thence Northerly on a line parallel with and 34.500 meters Westerly of the East line of Section 29, a distance of 86 meters to the North line of Section 19; thence Easterly along the North line of Section 19, 34.500 meters to the point of beginning.

TRACT 4:

Beginning at a point on the Northeasterly right of way line of State Highway No. 97 which lies South 0° 06' West along the East section line a distance of 688.5 feet and North 89° 49' West along the North line of Byrd Avenue in Chelsea Addition, a distance of 521.6 feet and North 38° 52' West along the Northeasterly right of way line of State Highway No. 97 (Note: State Highway bearing of this line shows North 39° 7 1/2' West) a distance of 130.55 feet from the iron axle which marks the Northeast corner of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, running thence; continuing North 38° 52' West along the Northeasterly right of way line of State Highway No. 97, a distance of 250 feet to a point; thence North 51° 08' East a distance of 192.77 feet to a point; thence South 38° 52' East a distance of 250 feet to a point; thence South 51° 08' West a distance of 192.77 feet, more or less to the point of beginning, in the NE1/4 NE1/4 of Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH an easement for ingress and egress as granted by instrument recorded September 26, 1986 in Volume M86, page 17486, Microfilm Records of Klamath County, Oregon.

Being the same property conveyed to Grantor under Trustee's Deed recorded April 15, 2011 and recorded at Instrument No. 2011-004871, Microfilm Records of Klamath County.

Exhibit B

PERMITTED EXCEPTIONS

- 1) Taxes for fiscal year 2011-2012, a lien not yet due and payable.
- 2) Limited access provisions contained in Deed to or from State of Oregon, by and through its State Highway Commission, which provides 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.
- 3) Reservations and restrictions as contained in Deed from Dunn & Baker, as grantor, to James M. Baker, as grantee, recorded January 3, 1938 in Vol. 113, Pg. 533, Deed Records of Klamath County.
- 4) Easement in favor of United States of America recorded November 9, 1951, recorded in Vol. 251, Pg. 23 and recorded April 12, 1954 in Vol. 266, Pg. 316, Records of Klamath County.
- 5) Right of Way to California Oregon Power Company recorded September 8, 1958, Vol. 303, Pg. 249, Deed Records of Klamath County.
- 6) Easement to City of Klamath Falls recorded August 1, 1978 in Vol. M78, Pg. 20134, Microfilm Records of Klamath County.
- 7) Easement to Jessie Lee Hosford recorded March 25, 1983 in Vol. M83, Pg. 4449, Microfilm Records of Klamath County.
- 8) Easement to Howard C. Hassett and Mary A. Hassett recorded September 26, 1986 in Vol. M86, Pg. 17486, Microfilm Records of Klamath County.
- 9) Easement for flow and sheet flow of surface water recorded September 24, 1986 in Vol. M86, PG. 17490, Microfilm Records of Klamath County.
- 10) Easement to Howard C. Hassett and Mary A. Hassett and Fairbanks Motel Associate recorded September 26, 1986 in Vol. M86, Pg. 17494, Microfilm Records of Klamath County.
- 11) Agreement and Easement to Howard C. Hassett and Mary A. Hassett and Fairbanks Motel Associates recorded September 26, 1986 in Vol. M86, Pg. 17512, Microfilm Records of Klamath County.
- 12) Easement to Fairbanks Motel Associates recorded September 26, 1986 in Vol. M86, Pg. 17518, Microfilm Records of Klamath County.
- 13) Encroachment of a planter and concrete slab on the southerly boundary as revealed by survey dated December 7, 2010 Job No. 2654-02 by Adkins Consulting Engineers, Inc.