

1st 1730294

2012-001951

Klamath County, Oregon



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02/22/2012 03:45:11 PM

Fee: \$62.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE
PERSON REPRESENTING 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:

**Jones Waldo
170 S. Main Street, Suite 1500
Salt Lake City, UT 84101**

Attn: Paul Harman

1. Title(s) of the Transaction(s) ORS 205.234(a):

Statutory Bargain and Sale Deed

2. Direct Party/Grantor(s) and address ORS 205.125(1)(b) and ORS 205.160:

**New Albertson's Inc., an Ohio corporation
PO Box 20
250 Parkcenter Boulevard
Boise, ID 83726
Attn: Joel Guth**

3. Indirect Party/Grantee(s) and address ORS 205.125(1)(a) and ORS 205.160:

**Tesoro Refining and Marketing Company
19100 Ridgewood Parkway
San Antonio, TX 78259
Attn: General Counsel**

4. Send Tax Statements To:

**Tesoro Companies
19100 Ridgewood Parkway
San Antonio, TX 78259
Attn: Director of Property Tax**

5. True and Actual Consideration:

**The true consideration for this conveyance is not stated in terms of dollars
because other property or value was either part of or the whole
consideration**

RETURN TO:

Jones Waldo
170 S. Main Street, Suite 1500
Salt Lake City UT 84101
ATTN: Paul Harman

**Until a change is requested,
MAIL TAX STATEMENT TO:**

Tesoro Companies
19100 Ridgewood Parkway
San Antonio TX 78259
ATTN: Director of Property Tax

NCS-494263

STATUTORY BARGAIN AND SALE DEED

NEW ALBERTSON'S, INC., an Ohio corporation (formerly a Delaware corporation), Grantor, conveys to TESORO REFINING AND MARKETING COMPANY, a Delaware corporation, Grantee, all that certain real located property located in the County of Klamath, State of Oregon, as more particularly described on Exhibit "A" attached hereto and made a part hereof, together with all easements, hereditaments and appurtenants thereto.

SUBJECT ONLY TO those matters set forth on Exhibit "B" attached hereto and made a part hereof ("Permitted Exceptions").

The true consideration for this conveyance is not stated in terms of dollars because other property or value was either part of or the whole consideration.

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, OF 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, OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated this 20 day of January, 2012.

GRANTOR:

NEW ALBERTSON'S, INC.
an Ohio corporation

By: [Signature]
Name: Joel Guth
Title: Region Counsel

LWC/GC

STATE OF IDAHO)
) ss.
County of Ada)

On this 5 day of January, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Joel Guth, to me known to be the Region Counsel of New Albertson's, Inc., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

1/19/2017

[Signature]
Notary Public in and for the
State of Idaho
Residing at Boise

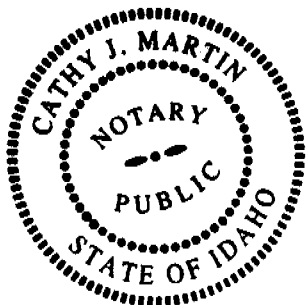


EXHIBIT A

Legal Description

Real Property located in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

PARCEL 1 OF LAND PARTITION 24-98, FILED DECEMBER 14, 1998 IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, SITUATED IN LOTS 1 THROUGH 8 OF BLOCK 1 AND LOTS 1, 2, 3, 8 AND 9 OF BLOCK 2 OF "BAILEY TRACTS NO. 2" AND THE NE 1/4 SE 1/4 OF SECTION 2, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

PARCEL 2:

LOT 9 IN BLOCK 1 OF BAILEY TRACTS NO. 2 ACCODING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, OF KLAMATH COUNTY, OREGON. EXCEPTING THEREFROM THAT PORTION CONVEYED TO KLAMATH COUNTY, A POLITICAL SUBDIVISION, BY DEED RECORDED APRIL 2, 1981 IN VOLUME M81 PAGE 5824, RECORDS OF KLAMATH COUNTY, OREGON.

Property ID: R521572

(Situs Address as disclosed on Klamath County Tax Roll: 5400 6th Street, Klamath Falls, OR)

EXHIBIT B

Permitted Exceptions

(Numbers correspond with exceptions on Title Commitment NCS-494263-ONT1)

- General and special taxes and assessments as a lien only and not yet due or payable at the time of closing.
6. Liens and assessments of Klamath Project and Enterprise Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
 7. Rules, regulations and assessments of South Suburban Sanitary District.
 8. Easement, including terms and provisions contained therein
Recording Information: February 19, 1964 in Volume 351, Page 203, June 16, 1964 in Volume 353, Page 529, June 23, 1964 in Volume 354, Page 69, all deed records of Klamath County, Oregon
In Favor of: State of Oregon, by and through its State Highway Commission
For: slope easements and maintenance of slopes or cuts or fills
 10. Easement, including terms and provisions contained therein:
Recording Information: March 17, 1964 in Volume 351 Page 563, records of Klamath County, Oregon
In Favor of: State of Oregon, by and through its State Highway Commission
For: slope easements and maintenance of slopes or cuts or fills
 12. Easement, including terms and provisions contained therein:
Recording Information: June 11, 1964 in Volume 353, Page 410, deed records of Klamath County, Oregon
In Favor of: State of Oregon, by and through its State Highway Commission
For: relocating the irrigation facilities
 14. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission recorded April 2, 1981 in Volume M81 Page 5923 Deed of Records, 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.
 15. Easement, including terms and provisions contained therein.
Recording Information: August 2, 1991 in Volume M91, Page 15211, deed records of Klamath County, Oregon
In Favor of: Pacificorp, dba Pacific Power & Light company
For: 10' wide underground electric distribution lines
 17. Memorandum of Annexation Agreement and the terms and conditions thereof:
Between: City of Klamath Falls

And: Albertson's Inc.
Recording Information: October 26, 1993 in Volume M93 Page 28119, deed
records of Klamath County, Oregon

18. Limited access provisions contained in Deed to the State of Oregon, by and through its State highway Commission recorded January 26, 1994 in Volume M94, Page 2737 Deed of Records, 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.
19. Easement on the recorded plat/partition as follows: Private Access Easement 30 feet wide, on Land Partition 24-98.
20. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:
Recording Information: May 2, 2000 in Volume M00 Page 15747, records of Klamath County, Oregon.
21. The following matters disclosed by an ALTA/ACSM survey made by Commercial Due Diligence Services on September 15, 2011, designated Job No. 11-08-145:30:

A: The fact that the a concrete curb encroaches up to 1.0' southerly in to the neighboring property.