

2012-002834

Klamath County, Oregon



00115422201200028340100102

03/16/2012 11:35:23 AM

Fee: \$82.00

RECORDING COVER SHEET

ORS 205.234

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

Reference - Escrow No. OM120603SL
Title Order No. 0093152

Please print or type information.

1 AFTER RECORDING RETURN TO -

Required by ORS 205.180(4) & 205.238:

Name: **The Conservation Fund**

Address: **1655 N. Fort Myer Dr., Suite 1300**

City, ST Zip: **Arlington, VA 22209**

Attn: **Paul F. Hurt, Esq.**

2 TITLE(S) OF THE TRANSACTION(S) - Required by ORS 205.234(1)(a)

Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the conveyance instrument:

Document Title(s): Statutory Special Warranty Deed

3 DIRECT PARTY / GRANTOR Names and Addresses - Required by ORS 205.234(1)(b)

Seller Name & Address: **Cascade Timberlands (Oregon) LLC, a Delaware Limited Liability Company, PO Box 5507, Whitefish, MT 59937**

4 INDIRECT PARTY / GRANTEE Names and Addresses - Required by ORS 205.234(1)(b)

Buyer Name & Address: **The Conservation Fund, a Maryland non-profit corporation, 1655 N. Fort Myer Dr, Ste 1300, Arlington, VA 22209**

5 For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Name: **The Conservation Fund, a Maryland non-profit corporation**

Address: **1655 N. Fort Myer Dr, Ste 1300**

City, ST Zip: **Arlington, VA 22209**

Attn: **Paul F. Hurt, Esq.**

6 TRUE AND ACTUAL CONSIDERATION - Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:

\$3,561,629.06

Return to:
AmeriTitle

829mJ

WTC 93152

After Recording Return To:
The Conservation Fund
1655 N. Fort Myer Dr., Suite 1300
Arlington, VA 22209
Attn: Paul F. Hurt, Esq.

(For Recorder's Use Only)

**Until a change is requested
all tax statements shall be sent to:**
The Conservation Fund
1655 N. Fort Myer Dr., Suite 1300
Arlington, VA 22209
Attn: Paul F. Hurt, Esq.

STATUTORY SPECIAL WARRANTY DEED

Cascade Timberlands (Oregon), LLC, a Delaware limited liability company ("Grantor"), hereby conveys and specially warrants to **The Conservation Fund**, a Maryland non-profit corporation ("Grantee"), the real property described in the attached Exhibit A, located in Klamath County, Oregon (the "Property"), free of encumbrances created or suffered by Grantor, except as set forth in 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, 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.

The true and actual consideration for this conveyance is \$3,561,629.06.

Signatures on Next Page

77Pmt

DATED: March 13, 2012

GRANTOR:

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

As: President

STATE OF Montana)
County of Flathead) ss

This instrument was acknowledged before me on March, 13, 2012, by Gregory S. Lane, as President of Cascade Timberlands, LLC, as sole member of Cascade Timberlands (Oregon), LLC, acting under authority granted to him/her by the company.

[Signature]
NOTARY PUBLIC FOR Montana
My Commission Expires: March 31, 2013



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

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND BEING LOCATED IN SECTION 22, TOWNSHIP 24 SOUTH, RANGE 10 EAST, OF THE WILLAMETTE MERIDIAN AND PARCEL 2, LAND PARTITION PLAT 37-09, OFFICIAL RECORDS OF KLAMATH COUNTY, OREGON LYING IN SECTIONS 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, AND 36; TOWNSHIP 24 SOUTH, RANGE 10 EAST, SECTIONS 18 AND 19; TOWNSHIP 24 SOUTH, RANGE 11 EAST, AND SECTIONS 1, 2, 3, 4, 5, 8, 9, 10, AND 11; TOWNSHIP 25 SOUTH, RANGE 10 EAST, OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOWNSHIP 24 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 11;

THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 12;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 12;

ALL OF SECTION 13;

ALL OF SECTION 14, **EXCEPT** THE SOUTHWEST ONE QUARTER (SW 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 14;

THE EAST ONE HALF (E 1/2) OF THE EAST ONE HALF (E 1/2) OF SECTION 15;

THE EAST ONE HALF (E 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 22;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 22;

THE EAST ONE HALF (E 1/2) OF THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 22;

THE EAST ONE HALF (E 1/2) OF THE EAST ONE HALF (E 1/2) OF SECTION 23;

THE WEST ONE HALF (W 1/2) OF THE WEST ONE HALF (W 1/2) OF SECTION 23;

THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 23;

ALL OF SECTION 24;

ALL OF SECTION 25;

THE NORTHEAST ONE QUARTER (NE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 26;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 26;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 26;

THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 35;

THE NORTH ONE HALF (N 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 35;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 35;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 35;

ALL OF SECTION 36;

TOWNSHIP 24 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN

ALL OF SECTION 18, EXCEPT THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SAID SECTION 18, ALL LYING SOUTHWESTERLY OF THE FREEMONT HIGHWAY 31;

ALL OF SECTION 19;

TOWNSHIP 25 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN

THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 1;

LOTS 1 AND 2 OF SECTION 1;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 2;

LOTS 1 AND 2 OF SECTION 2;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 2;

LOTS 3 AND 4 OF SECTION 2;

THE WEST ONE HALF (W 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 2;

THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 2;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 3;

LOTS 2 AND 3 OF SECTION 3;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 3;

THE WEST ONE HALF (W 1/2) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 4;

THE SOUTHWEST ONE QUARTER (SW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 4;

THE SOUTH ONE HALF (S 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 4;

LOT 4 OF SECTION 4;

LOT 1 OF SECTION 5;

THE SOUTHWEST ONE QUARTER (SW 1/4) OF SECTION 8;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 8;

ALL OF SECTION 9;

ALL OF SECTION 10;

THE WEST ONE HALF (W 1/2) OF SECTION 11;

THE NORTHWEST ONE QUARTER (NW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 11;

THE SOUTHWEST ONE QUARTER (SW 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 11;

THE SOUTHEAST ONE QUARTER (SE 1/4) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 11;

THE NORTHWEST ONE QUARTER (NW 1/4) OF THE SOUTHEAST ONE QUARTER (SE 1/4) OF SECTION 11;

ALSO THE FOLLOWING DESCRIBED LANDS, BEING OUTSIDE THE BOUNDARY OF SAID PARCEL 2, LAND PARTITION PLAT NO. 37-09, OFFICIAL RECORDS OF KLAMATH COUNTY, OREGON, SAID LANDS LYING IN SECTION 22, TOWNSHIP 24 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOWNSHIP 24 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN

THE EAST ONE HALF (E 1/2) OF THE NORTHWEST ONE QUARTER (NW 1/4) OF SECTION 22;

THE WEST ONE HALF (W 1/2) OF THE NORTHEAST ONE QUARTER (NE 1/4) OF SECTION 22;

EXHIBIT B
PERMITTED EXCEPTIONS

1. 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.

2. 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: May 12, 1967
Recorded: May 18, 1967
Volume: M67, page 3710, 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

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)

3. Easement, subject to the terms and provisions thereof;
Recorded: February 18, 1981
Volume: M81, page 2763, Microfilm Records of Klamath County, Oregon
In favor of: The United States of America
Affects: Township 24 South, Range 10, / Township 24 South, Range 8, / Township 25 South, Range 9, / Township 25 South, Range 8, / Township 25 South, Range 10, / Township 24 South, Range 9, / Township 23 South, Range 9,
For: Roads
4. An easement created by instrument, subject to the terms and provisions thereof,
Dated: January 26, 1981
Recorded: August 21, 1981
Volume: M81, page 14934, 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 9; Township 24 South, Range 10
5. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 19, 1982
Recorded: November 8, 1982
Volume: M82, page 14775, Microfilm Records of Klamath County, Oregon
Grantor: United States of America, acting by and through the Forest Service, Department of Agriculture
Grantee: Diamond International Corporation
For: Perpetual Easement for Road
Affects: Township 24 South, Range 11, Sections 17 and 18
6. Supplement No. 3 to Road Right of Way Construction and Use Agreement (Original Agreement dated March 18, 1975), subject to the terms and provisions thereof;
Dated: October 19, 1982
Recorded: November 22, 1982
Volume: M82, page 15513, Microfilm Records of Klamath County, Oregon
Between: Diamond International Corporation and Acting Regional Forester, Forest Service, Department of Agriculture
Affects: Township 24 South, Range 11, Sections 17 and 18
7. Easement, subject to the terms and provisions thereof;
Recorded: June 12, 1991
Volume: M91, page 11081, Microfilm Records of Klamath County, Oregon
In favor of: The United States of America
For: Road use
Affects: Township 24 South, Range 8 / Township 24 South, Range 9 / Township 25 South, Range 10 Township 25 South, Range 8 / Township 25 South, Range 9 / Township 24 South, Range 10

Termination of Segments of an Easement, subject to the terms and provisions thereof;

Recorded: September 2, 1993

Volume: M93, page 22399, Microfilm Records of Klamath County, Oregon

8. Declaration of Access Easement, subject to the terms and provisions thereof;

Dated: December 23, 2009

Recorded: January 28, 2010

Volume: 2010-001037, Microfilm Records of Klamath County, Oregon

For: Roadways