

RECORD

2012-012141

Klamath County, Oregon

11/01/2012 11:29:38 AM

Fee: \$67.00

mtc 90304 KR

Until a change is requested, all tax statements shall be sent to:

Bengard Exchange BX120610, OR, LLC

Attn: Bill Jensen Glenda Sibbald

PO Box 80090

Salinas CA 93912

1501 E McAndrews Rd
Medford, OR 97504

After recording return to:

Terry Bengard Bengard Exchange

Attn: Bill Jensen Glenda Sibbald

PO Box 80090 1501 E. McAndrew Rd

Salinas CA 93912 Medford, OR 97504

STATUTORY WARRANTY DEED

Kennedy Land Company, LLC, a California Limited Liability Company, Grantor, conveys and warrants to Bengard Exchange BX120610, OR, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit A attached hereto and
by this reference incorporated herewith

SUBJECT TO AND TOGETHER WITH:

See Exhibit B attached hereto and
by this reference incorporated herewith

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 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 2009.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration.

Dated this 31st day of October 2012.

Kennedy Land Company, LLC, a California Limited Liability Company

By William D. Kennedy, Manager

State of Oregon)
) ss
County of Klamath)

The foregoing instrument was acknowledged before me this 3rd day of October, 2012, by William Kennedy as Manager for Kennedy Land Company, LLC, a California Limited Liability Company.

Kristi L. Redd
Notary Public for Oregon
My commission expires: 11/16/2015



Exhibit A

PARCEL 1:

The following described real property in Township 39 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon:

SE1/4 SW1/4 and S1/2 SE1/4 of Section 22; NW1/4 SE1/4, S1/2 S1/2, NE1/4 SE1/4 of Section 23; W1/2 SW1/4; SE1/4 SW1/4 of Section 24; NW1/4, W1/2 NE1/4; N1/2 SW1/4 and Government Lots 1, 2, 3, 4 and 5 of Section 25; all of Section 26; NE1/4 and E1/2 NW1/4 and NE1/4 SE1/4 and Government Lots 1, 2, 3, 4, 5 and 6 of Section 27; Lots 1 and 2 of Section 34; Government Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16 and N1/2 NW1/4 and W1/2 NE1/4 of Section 35;

And a piece or parcel of land situate in Government Lot 13 and the SE1/4 SE1/4 of Section 35, more fully described as follows: Beginning at the Section corner at the Southeasterly corner of the said Section 35, and running thence North 89°53' West along the Township line marking the Southerly boundary of the said Section 35, 803.4 feet; thence North 33°29' West 869.0 feet; thence North 59°19' West 850 feet, more or less, to Lost River; thence Northeasterly following Lost River, 1000 feet, more or less, to its intersection with the line marking the Easterly boundary of the said Government Lot 13; thence South along said boundary line 510 feet more or less, to the Northwesterly corner of the said SE1/4 SE1/4 of Section 35; thence South 89°45' East along the Northerly boundary of the said SE1/4 SE1/4 of Section 35, 1338.0 feet, more or less, to the Northeasterly corner thereof on the Section line marking the Easterly boundary of the said Section 35; thence South 0°3' East along the said Section line, 1317 feet, more or less to the said point of beginning.

PARCEL 2:

The SW1/4 of the SW1/4 of Section 27;

Government Lot 3 and the E1/2 of the SE1/4 of Section 28; the NW1/4 of the NW1/4 of Section 34; all in Township 39 South, Range 11 1/2 East of the Willamette Meridian.

EXCEPTING THEREFROM the following a piece or parcel of the NE1/4 of SE1/4 and of Government Lot 3 of Section 28, Township 39 South, Range 11 1/2 East of the Willamette Meridian, more fully described as follows:

Beginning at a point in the line marking the Easterly boundary of said Government Lot 3, from which the Section corner common to Sections 21, 22, 27 and 28, Township 39 South, Range 11 1/2 East of the Willamette Meridian bears North 0°15' West 2428.7 feet distant and running thence South 53°45 1/2' West 876.3 feet; thence South 72°21' West 638.5 feet, more or less, to a point in the line marking the Westerly boundary of said NE1/4 of the SE1/4 of said Section 28, and running thence North 0°04' West along said boundary line and along the Westerly boundary line of said Government Lot 3, 1773.5 feet, more or less, to the Northwesterly corner of said Government Lot 3; thence North 89°34' East along the Northerly boundary of said Government Lot 3, 90.0 feet, more or less, to a point in the Southerly water line of Lost River; thence Southeasterly along said water line of Lost River to a point due North of the point of beginning; thence South 140 feet, more or less, to the point of beginning.

PARCEL 3:

The South 30 feet of the SW1/4 SE1/4 of Section 28, Township 39 South, Range 11 1/2 East of the Willamette Meridian.

The W1/2, SE1/4, SE1/4 NE1/4 of Section 36, EXCEPT the Northerly 24.13 acres more particularly described in that certain deed from D.D. Liskey, et al., to H.V. Holzhouser, et al., recorded in Deed Book 130 at page 89, and described as follows: Beginning at a point in the line marking the Easterly boundary of the said SE1/4 NE1/4 of Section 36, Township 39 south, Range 11 1/2 east of the Willamette Meridian from which the quarter section corner in the East boundary of the said Section 36, bears South 0° 07' East 530.5 feet distance, and running thence West, parallel with the Southerly boundary of the said SE1/4 NE1/4 of Section 36, 1323.7 feet, more or less, to a point in the Westerly boundary of the said SE1/4 NE1/4 of Section 36; thence North 0° 04' West, along the said boundary line 793.6 feet more or less to the Northwestern corner of the SE1/4 NE1/4 of Section 36; thence North 89° 55' East along the Northerly boundary of the said SE1/4 NE1/4 of Section 36, 1323.0 feet, more or less, to the Northeastly corner thereof; thence South 0° 07' East along the Easterly boundary of the said SE1/4 NE1/4 of Section 36, 793.9 feet, more or less to the point of beginning

That certain parcel more particularly described as follows: Beginning at a point in the line marking the Western boundary of the W1/2 NE1/4 of Section 36, Township 39 South, Range 11 1/2 East of the Willamette Meridian from which the quarter section corner at the Northwestern corner of the said NE1/4 of Section 36 bears North 0°09' East 1013.4 feet distant, and running thence South 0°09' West 1632.3 feet, more or less, to the Southwesterly corner of the said W1/2 NE1/4 of said Section 36; thence East 1324.2 feet, more or less to the Southeast corner of the said W1/2 NE1/4 of said Section 36; thence North 0°4' West along the Easterly boundary of the said W1/2 NE1/4 of said Section 36, 530.5 feet; thence West 697.7 feet; thence North 29°35' West 1269.2 feet, more or less, to the point of beginning, an being a portion of the said W1/2 NE1/4 of Section 36.

SW1/4, W1/2 SE1/4 EXCEPTING the South 30 feet of said W1/2 SE1/4;

The SW1/4 NE1/4; S1/2 NW1/4 in Section 28,

AND a piece or parcel of the NE1/4 SE1/4 and of Government Lot 3, Section 28, more particularly described as follows: Beginning at a point in the line marking the Easterly boundary of the said Government Lot 3, from which the Section corner common to Section 21, 22, 27 and 28, aforesaid Township and Range, bears North 0°15' West 2428.7 feet distant and running thence South 53°45 1/2' West, 876.3 feet; thence South 72°21' West, 638.5 feet, more or less to a point in the line marking the Westerly boundary of the said NE1/4 SE1/4 of said Section 28, and running thence North 0°04' West, along said boundary line and along the Westerly boundary of said Government Lot 3, 1773.5 feet, more or less, to the Northwestern corner of said Government Lot 3; thence North 89°34' East along the Northerly boundary of said Government Lot 3, 90.0 feet, more or less, to a point in the Southerly water line of Lost River; thence Southeasterly along the said water line of Lost River to a point due North of the point of beginning; thence South 140 feet, more or less, to the point of beginning.

Exhibit B

1. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Easements, encumbrances, or claims thereof, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Unpatented mining claims whether or not shown by the public records.
5. 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.
6. 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.
7. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Irrigation District.
8. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Basin Improvement District.
9. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Poe Valley Improvement District.
10. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
11. Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of the within described streams, rivers, lakes or other water bodies; and that any adverse claim based on the assertion (a) that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of such water bodies (b) that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940; or (c) that any portion of the subject land is now or at any time has been below the ordinary high water line of such water bodies. The water bodies to which this exception pertains are: Lost River.
12. Any improvement located upon the insured property which is described or defined as a Mobile Home under the provisions of Chapters 446.561 through 446.646, Oregon Revised Statutes, and is subject to registration as provided therein.

13. An easement created by instrument, subject to the terms and provisions thereof dated January 8, 1931, recorded January 12, 1931, Volume 93 Page 404, Deed Records of Klamath County, Oregon in favor of The California Oregon Power Company for transmission and distribution of electricity.

14. Reservation as contained in Deed, subject to the terms and provisions thereof dated September 28, 1935 recorded October 30, 1935 Volume 105, Page 324, Deed Records of Klamath County, Oregon to wit: excepting and reserving unto the grantors herein all oil, gas and minerals of whatsoever kind and description in, over and upon said properties hereinabove described; reserving also the right to go upon said property at any time and mine said oil, gas and minerals if any such there should be, and remove the same from said property for said mining purposes.

15. An easement created by instrument, subject to the terms and provisions thereof dated December 2, 1935, recorded December 18, 1935, Volume 105 Page 464, Deed Records of Klamath County, Oregon in favor of The California Oregon Power Company for transmission and distribution of electricity.

16. Reservation of one half of a mineral, mining and oil as contained in Deed, subject to the terms and provisions thereof dated January 30, 1936 recorded March 5, 1936 Volume 106, Page 50, Deed Records of Klamath County, Oregon.

17. Agreement, subject to the terms and provisions thereof dated August 17, 1936 recorded August 26, 1936 Volume 107, Page 145, Deed Records of Klamath County, Oregon between the United States of America and D.D. Liskey, a single man and Dave Liskey and Maude Liskey, husband and wife for irrigation contract.

18. Reservation as contained in Warranty Deed for the right to use and maintain roadway over the East side of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 36; dated June 3, 1938 recorded June 3, 1938, Volume 116, Page 63, Deed Records of Klamath County, Oregon.

19. An easement created by instrument, subject to the terms and provisions thereof dated June 23, 1938 recorded June 29, 1938 Volume 124, Page 486, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.

20. An easement created by instrument, subject to the terms and provisions thereof dated May 20, 1941 recorded June 19, 1941 Volume 138, Page 5986, Deed Records of Klamath County, Oregon in favor of the California Oregon Power Company, a California Corporation for transmission and distribution of electricity.

21. An easement created by instrument, subject to the terms and provisions thereof dated October 30, 1944 recorded November 24, 1946 Volume 171, Page 44, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.

22. An easement created by instrument, subject to the terms and provisions thereof dated March 9, 1945 recorded March 16, 1945 Volume 174, Page 261, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.

23. An easement created by instrument, subject to the terms and provisions thereof dated February 5, 1945 recorded March 16, 1945 Volume 174, Page 263, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.

24. An easement created by instrument, subject to the terms and provisions thereof dated January 16, 1946 recorded January 31, 1946 Volume 184, Page 489, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.
25. An easement created by instrument, subject to the terms and provisions thereof dated January 34(sic), 1953 recorded February 4, 1953, Volume 259, Page 107, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.
26. Reservation in patent of all the oil and gas, subject to the terms and provisions thereof dated July 19, 1965 recorded July 27, 1965 Volume M65, Page 371, Microfilm Records of Klamath County, Oregon.
27. An easement created by instrument, subject to the terms and provisions thereof dated July 27, 1967 recorded August 3, 1967 Volume M67, Page 6024, Microfilm Records of Klamath County, Oregon in favor of the Pacific Power & Light Company for transmission and distribution lines.
28. An easement created by instrument, subject to the terms and provisions thereof dated January 29, 1982 recorded February 3, 1982 Volume M82, Page 1387, Microfilm Records of Klamath County, Oregon in favor of Pacific Power & Light Company for transmission and distribution lines. Corrected by instrument dated January 30, 1985 recorded March 21, 1985 Volume M85, Page 4215, Microfilm Records of Klamath County, Oregon.
29. An easement created by instrument, subject to the terms and provisions thereof dated June 23, 1938 recorded June 29, 1938 volume 124, Page 486, Deed Records of Klamath County, Oregon in favor of the California Oregon Power for transmission and distribution of electricity.
30. An easement created by instrument, subject to the terms and provisions thereof dated May 20, 2003 recorded January 13, 2004 Volume M04, Page 01986, Microfilm Records of Klamath County, Oregon, in favor of PacifiCorp, an Oregon Corporation for electric power distribution and communication lines.

Rest of Page Intentionally Left Blank