

mtc 95969
AFTER RECORDING RETURN TO:

2013-003602
Klamath County, Oregon
04/04/2013 03:32:08 PM
Fee: \$62.00

Grantee
c/o American Realty Capital V, LLC
7621 Little Avenue, Suite 200
Charlotte, North Carolina 28226
Attention: James A. (Jim) Mezzanotte

All tax statements shall be sent to the following address:

Grantee
c/o American Realty Capital V, LLC
200 Dryden Road, Suite 1100
Dresher, PA 19025
Attention: Judi Stillman

Property tax account No.:

STATUTORY SPECIAL WARRANTY DEED

(ORS 93.855)

PELICAN POINTE ASSISTED LIVING LLC, an Oregon limited liability company, grantor ("Grantor") conveys and specially warrants to ARHC PPKLAOR01, LLC, a Delaware limited liability company, grantee ("Grantee"), the real property described in Exhibit A attached hereto free of encumbrances created or suffered by Grantor except those exceptions to the title to said property set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$20,950,000.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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,

62 AMT

OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009,
AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 22nd day of MARCH, 2013.

GRANTOR:

PELICAN POINTE ASSISTED LIVING LLC,
an Oregon limited liability company

By: BURGHARDT INVESTMENT CORPORATION,
Manager

By: 
Dale L. Burghardt, President

STATE OF _____)
) ss.
County of _____)

This instrument was acknowledged before me on the ____ day of _____, 2013,
by Dale L. Burghardt as President of Burghardt Investment Corporation, a Manager for Pelican
Pointe Assisted Living LLC.

NOTARY PUBLIC FOR _____
My Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE)

On MARCH 22, 2013 before me, EDWARD JENNINGS - NOTARY PUBLIC
DATE

personally appeared, DALE L. BURGHAEDT

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

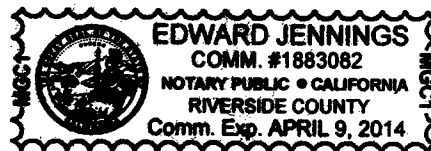
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Edward Jennings

(SEAL)

NOTARY PUBLIC SIGNATURE



OPTIONAL INFORMATION

THIS OPTIONAL INFORMATION SECTION IS NOT REQUIRED BY LAW BUT MAY BE BENEFICIAL TO PERSONS RELYING ON THIS NOTARIZED DOCUMENT.

TITLE OR TYPE OF DOCUMENT STATUTORY SPECIAL WARRANTY DEED

DATE OF DOCUMENT _____ NUMBER OF PAGES _____

SIGNERS(S) OTHER THAN NAMED ABOVE _____

SIGNER'S NAME _____ SIGNER'S NAME _____

RIGHT THUMBPRINT

RIGHT THUMBPRINT

EXHIBIT A TO DEED

Legal Description of Property

PARCEL 1:

THAT PORTION OF TRACT 40B LYING SOUTH AND WESTERLY OF THE U.S.B.R. "A" CANAL AND EASTERLY OF WASHBURN WAY AND ALL OF TRACT 40C, ENTERPRISE TRACTS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

EXCEPTING THEREFROM THAT PORTION DEEDED TO KLAMATH COUNTY IN VOLUME 335, PAGE 87, AND PARCEL DEEDED TO UNITED STATES OF AMERICA FOR CANALS AND LATERALS RECORDED JUNE 25, 1909 IN VOLUME 27, PAGE 236 AND IN VOLUME 38, PAGES 209 AND 210, ALL DEED RECORDS OF KLAMATH COUNTY, OREGON, AND THAT PORTION OF TRACT 40C DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH IRON PIN ON THE EAST RIGHT OF WAY LINE OF WASHBURN WAY, SAID POINT BEING NORTH 00°20'00" EAST ALONG THE CENTERLINE OF WASHBURN WAY AND ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 332.19 FEET AND SOUTH 89°33'03" EAST A DISTANCE OF 30.00 FEET FROM THE 5/8 INCH IRON PIN MARKING THE WEST ONE-QUARTER CORNER OF SECTION 34; THENCE NORTH 00°20'00" EAST ALONG THE EAST RIGHT OF WAY LINE OF WASHBURN WAY A DISTANCE OF 285.00 FEET TO A ONE-HALF INCH IRON PIN; THENCE SOUTH 89°33'03" EAST PARALLEL WITH THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION A DISTANCE OF 472.43 FEET TO A ONE-HALF INCH IRON PIN; THENCE CONTINUING SOUTH 89°33'03" EAST A DISTANCE OF 29 FEET MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF THE U.S.B.R. "A" CANAL; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE IN THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION; THENCE NORTH 89°33'03" WEST ALONG THE NORTH LINE OF "MILLS GARDEN" (SOUTH 89°45' WEST BY SAID SUBDIVISION PLAT) A DISTANCE OF 20.96 FEET, MORE OR LESS, TO A TWO-INCH IRON PIPE; THENCE CONTINUING NORTH 89°33'03" WEST ALONG SAID SUBDIVISION LINE A DISTANCE OF 606.40 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY.

PARCEL 2:

A TRACT OF LAND SITUATED IN TRACTS 40B AND 40C, ENTERPRISE TRACTS, IN THE NW 1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED NORTH 0°24' WEST A DISTANCE OF 792.2 FEET FROM THE 2 INCH IRON PIPE MARKING THE INITIAL POINT OF "MILLS GARDENS" SUBDIVISION, SAID INITIAL POINT BEING NORTH 0°24' WEST A DISTANCE OF 15.0 FEET AND NORTH 89°45' EAST A DISTANCE OF 30 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 34 ACCORDING TO THE OFFICIALLY RECORDED PLAT OF SAID "MILLS GARDENS" SUBDIVISION; THENCE NORTH 0°24' WEST A DISTANCE OF 85.00 FEET TO AN IRON PIN; THENCE NORTH 89°36' EAST A DISTANCE OF 100.0 FEET IT AN IRON PIN; THENCE SOUTH 0°24' EAST A DISTANCE OF 85.0 FEET TO AN IRON PIN; THENCE SOUTH 89°36' WEST A DISTANCE OF 100.0 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY.

EXHIBIT B TO DEED

SEE ATTACHED

Subject to the Reservations and restrictions, as contained in the plat dedication of Enterprise Tracts, as follows:

"Saving and excepting, however and with the specific reservation from such dedication that said company and its successors and assigns shall have the right forever to build, construct and operate transportation lines, water, gas telephone and electric light systems on, through and over all roads and way in said tracts for all time to come and the free and unobstructed use thereof for the purpose of constructing and laying therein said systems."

Right of Way, subject to the terms and provisions thereof;

Dated: July 23, 1982
Recorded: July 23, 1982
Volume: M82, page 9447, Microfilm Records of Klamath County, Oregon
In favor of: Bob Wood
For: C. P. National Corporation

Non Remonstrance Agreement, subject to the terms and provisions thereof:

Dated: May 24, 1999
Recorded: June 3, 1999
Volume: M99, page 21952, Microfilm Records of Klamath County, Oregon
Between: City of Klamath Falls and Harder Development II, LLC

Special Ordinance Annexing certain Territory to the City of Klamath Falls, subject to the terms and provisions thereof;

Recorded: December 13, 1999
Volume: M99, page 48983, Microfilm Records of Klamath County, Oregon

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

Dated: May 8, 2000
Recorded: September 13, 2000
Volume: M00, page 33433, Microfilm Records of Klamath County, Oregon
In favor of: PacifiCorp, an Oregon corporation dba Pacific Power & Light Company
For: Utilities

Nonexclusive Installation and Service Agreement, subject to the terms and provisions thereof;

Dated: July 13, 2010
Recorded: January 24, 2011
Volume: 2011-000831, Microfilm Records of Klamath County, Oregon
Owner: Pelican Pointe Assisted Living, LLC
Operator: Falcon Cable Systems Company, LP
For: Video/cable services

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

Dated: April 20, 2011
Recorded: May 11, 2011
Volume: 2011-005837, Microfilm Records of Klamath County, Oregon
In favor of: City of Klamath Falls, Oregon
For: Public use of pedestrian access and sidewalk