

2013-012510

Klamath County, Oregon

11/07/2013 02:24:05 PM

Fee: \$72.00

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

Maninderjit Singh
3805 Highway 97
Klamath Falls, OR 97601

Until a change is requested all tax statements
shall be sent to the following address:

Maninderjit Singh
3805 Highway 97
Klamath Falls, OR 97601

1ST AM

NCS-608070A

SPECIAL WARRANTY DEED

The Peninsula Group, LLC, a Washington limited liability company, Grantor, conveys and specially warrants to SSMSB LLC, an Oregon limited liability company, Grantee, the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Klamath, State of Oregon, described as follows:

See Exhibit A attached

This property is free from liens and encumbrances suffered or created by Grantor except as set forth on Exhibit B attached hereto and incorporated herein.

The true consideration for this conveyance is \$1,185,000.00.

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, 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, OF 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.

Dated this 4th day of November, 2013

Signatures are set forth on the following page.

Grantor: The Peninsula Group, LLC

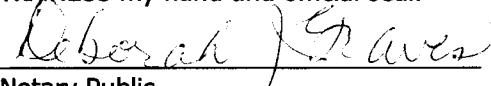
By: 
Name: Gerald L. Whitcomb
Title: Managing Member

STATE OF Washington)
)
COUNTY OF Thurston) SS:

On November 4, 2013 before me, Deborah Graves, Notary Public, personally appeared Gerald L. Whitcomb, 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 Washiinnngton that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Notary Public

[Seal]

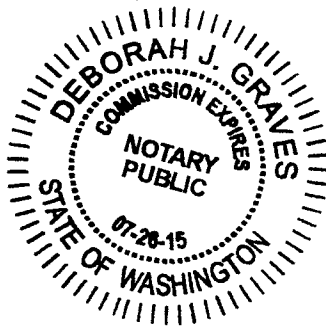


Exhibit A
Legal Description

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

PARCEL 1:

BEGINNING AT AN IRON PIN ON THE NORTH LINE OF BYRD AVENUE OF CHELSEA ADDITION, A SUBDIVISION OF KLAMATH COUNTY, STATE OF OREGON, WHICH IRON PIN IS AT A POINT SOUTH 0°06' WEST ALONG THE EAST SECTION LINE OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, A DISTANCE OF 688.5 FEET AND NORTH 89°49' WEST ALONG THE NORTH LINE OF BYRD AVENUE A DISTANCE OF 444.4 FEET FROM THE IRON AXLE (WITH BALL RACE) WHICH MARKS THE NORTHEAST CORNER OF SAID SECTION 19; THENCE RUNNING NORTH 89°49' WEST ALONG THE NORTH LINE OF BYRD AVENUE A DISTANCE OF 77.2 FEET TO AN IRON PIN WHICH LIES ON THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 97, 95 FEET AT RIGHT ANGLES FROM THE NORTHEASTERLY LEG OF SAME; THENCE NORTH 38°52' WEST ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 97 (NOTE: THE STATE HIGHWAY BEARING OF THIS LINE SHOWS NORTH 89°07 ½' WEST) A DISTANCE OF 130.55 FEET TO A POINT; THENCE NORTH 51°08' EAST AT RIGHT ANGLES A DISTANCE OF 192.77 FEET TO AN IRON PIN; THENCE SOUTH 38°52' EAST 15 FEET TO AN IRON PIN; THENCE SOUTH 0°06' WEST PARALLEL TO THE SECTION LINE A DISTANCE OF 211.1 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, IN THE NE ¼ NE ¼ OF SECTION 19.

PARCEL 2:

A PARCEL OF LAND LYING THE NE ¼ OF NE ¼ OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE NORTH LINE OF BYRD ST. OF CHELSEA ADDITION TO THE CITY OF KLAMATH FALLS; SAID POINT BEING 688.5 FEET SOUTH AND 234.3 FEET WEST FROM THE NORTHEAST CORNER OF SAID SECTION 19; THENCE NORTH 89°49' WEST ALONG THE NORTH LINE OF SAID BYRD ST. A DISTANCE OF 208.71 FEET; THENCE NORTH 0°11' EAST A DISTANCE OF 208.71 FEET; THENCE SOUTH 89°49' EAST A DISTANCE OF 208.71 FEET; THENCE SOUTH 0°11' WEST A DISTANCE OF 208.71 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF BLOCK 2 OF CHELSEA ADDITION TO KLAMATH FALLS, KLAMATH COUNTY, OREGON, LYING EASTERLY OF THE EAST RIGHT OF WAY LINE OF HIGHWAY 97, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK, KLAMATH COUNTY, OREGON. TOGETHER WITH THOSE PORTIONS OF CHELSEA STREET, BYRD AVENUE AND QUARRY STREET ADJACENT TO BLOCK TWO AS DESCRIBED IN VACATION RECORDED MARCH 17, 1993 IN VOLUME M93, PAGE 5572, RECORDS OF KLAMATH COUNTY, OREGON.

A PARCEL OF LAND LYING IN THE NE 1/4 NE 1/4 OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, AND BEING A PORTION OF BYRD AVENUE AND CHELSEA STREET VACATED BY THE CITY OF KLAMATH FALLS ORDINANCE NO. 93-6, RECORDED MARCH 17, 1993 IN BOOK M93 PAGE 5572 OF KLAMATH COUNTY RECORD OF DEEDS: THE SAID PARCEL BEING THAT PORTION OF VACATED BYRD AVENUE AND CHELSEA STREET INURING TO SAID BLOCK 3, CHELSEA ADDITION, KLAMATH COUNTY, OREGON, LYING NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF VACATED CHELSEA STREET AND THE NORTHEASTERLY LINE EXTENDED OF THAT PROPERTY DESIGNATED AS PARCEL 2 AND DESCRIBED IN THAT WARRANTY DEED TO THE STATE OF OREGON, BY AND THROUGH ITS STATE HIGHWAY COMMISSION, RECORDED MARCH 27, 1950 IN BOOK 237 PAGE 545 OF KLAMATH COUNTY RECORD OF DEEDS: THENCE NORTHWESTERLY IN A STRAIGHT LINE TO THE SOUTHEASTERLY CORNER OF THAT PROPERTY DESIGNATED AS PARCEL 1 AND DESCRIBED IN SAID STATE OF OREGON DEED.

PARCEL 4:

A PORTION OF THE NE 1/4 NE 1/4 OF SECTION 19, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, DESCRIBED AS FOLLOWS:

THE WESTERLY 30 FEET OF THE FOLLOWING DESCRIBED PARCEL: BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 17, 18, 19 AND 20, SAID TOWNSHIP AND RANGE; THENCE S. 0°06' W. ALONG THE EAST LINE OF SAID SECTION 19, A DISTANCE OF 388.5 FEET TO A POINT; THENCE N 89°49' W. A DISTANCE OF 174.2 FEET TO A POINT; THENCE S. 0°06' W. A DISTANCE OF 89 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING S. 0°06' W. 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 N. 0°06' E. A DISTANCE OF 211 FEET TO A POINT; THENCE S. 89°49' E. 60 FEET TO THE POINT OF BEGINNING.

TAX PARCEL NUMBER: P813962 AND R432204 AND R432197 AND R432231 AND R873410

Exhibit B
Permitted Exceptions

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or 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.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes for the fiscal year 2013-2014 a lien due, but not yet payable.
7. City liens, if any, of the City of Klamath Falls.
8. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
9. Easement, including terms and provisions contained therein:
Recording Information: July 22, 1948 in Volume 223, Page 123, Deed records of Klamath County, Oregon
In Favor of: The California Oregon Power Co.
For: down guy and anchor
Parcel 3 (Lot 8, Block 2)
10. Easement, including terms and provisions contained therein:
Recording Information: October 7, 1949 in Volume 234, Page 362, Deed records of Klamath County, Oregon
In Favor of: The California Oregon Power Company
For: electric circuits and overhang
Parcel 1

11. Limited access provisions contained in Deed from the the State of Oregon, by and through its State Highway Commission recorded October 16, 1975 in Volume M75, Page 12811 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.
12. Geothermal Resources reservation as contained in Deed including the terms and provisions thereof:
Recorded: October 16, 1975 in Volume M75, Page 12811, Deed records of Klamath County, Oregon
From: State of Oregon, by and through its Department of Transportation
To: Ernest R. Sessom and Doris C. Sessom
13. Reservation as contained in Deed including the terms and provisions thereof:
Recorded: October 16, 1975 in Volume M75, Page 12811, Deed records of Klamath County, Oregon
From: State of Oregon, by and through its Department of Transportation
To: Ernest R. Sessom and Doris C. Sessom
For advertising sign and condition & maintenance of Property
14. Easement, including terms and provisions contained therein:
Recording Information: September 26, 1986 in Volume M86, Page 17486, Deed records of Klamath County, Oregon
In Favor of: Howard C. Hassett and Mary A. Hassett
For: 32' wide non-exclusive perpetual easement for ingress and egress
Parcels 1 and 2
15. Easement, including terms and provisions contained therein:
Recording Information: November 13, 1986 in Volume M86, Page 20574, Deed records of Klamath County, Oregon
In Favor of: Pacific Power & Light Company, a corporation
For: 10' wide underground distribution line
Parcels 1 and 2
16. Easements for utilities over and across the premises formerly included within the boundaries of Chelsea Street, Byrd Avenue and Quarry Street now vacated, if any such exists. Ordinance No. 93-6, a copy of which was recorded March 17, 1993 in Volume M93, Page 5572, Deed records of Klamath County, Oregon

17. Relinquishment of Access as contained in Conveyance of Access Rights Recorded in Klamath County
Recorded: July 11, 2003
Recording No.: Volume M03 Page 48270, records of Klamath County, Oregon
From: The Peninsula Group, LLC, a Washington Limited Liability company which took title as Columbus Properties, LLC., a Washington Limited Liability company
To: State of Oregon, by and through its Department of Transportation
18. Relinquishment of Access as contained in Deed Recorded in Klamath County.
Recorded: July 11, 2003
Recording No.: Volume M03 Page 48273, records of Klamath County, Oregon
From: The State of Oregon, by and through its Department of Transportation
To: The Peninsula Group
19. Conditions and Restrictions in Deed including the terms and provisions thereof:
Recorded: July 11, 2004 in Volume M03 Page 48273, records of Klamath County, Oregon
From: The State of Oregon, by and through its Department of Transportation
To: The Peninsula Group
20. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: The Peninsula Group LLC
Grantee/Beneficiary: Wells Fargo Bank National Association
Trustee: First American Title Company
Amount: \$51,750,000.00
Recorded: October 31, 2006
Recording Information: 2006-21803, records of Klamath County, Oregon

Modification and/or amendment by instrument:
Recording Information: October 1, 2010 in 2010-011689, records of Klamath County, Oregon
21. Easement, including terms and provisions contained therein:
Recording Information: March 12, 2012 in 2012-002664, records of Klamath County, Oregon
In Favor of: The Peninsula Group LLC
For: Access, Ingress and Egress