

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by:

**2013-013660**

Klamath County, Oregon

12/12/2013 02:52:25 PM

Fee: \$67.00

AMERITITLE

Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference: MTC98948-CT

Please print or type information.

1. AFTER RECORDING RETURN TO –

Required by ORS 205.180(4) & 205.238:

Name: BRANDSNESS, BRANDSNESS,
& RUDD, P.C.Address: 411 PINE STREETCity, ST Zip: KLAMATH FALLS, OR 97601**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 instrument:

Document Title(s): WARRANTY DEED**3. DIRECT PARTY / GRANTOR Names and Addresses –** Required by ORS 205.234(1)(b)

for Conveyances list Seller; for Mortgages/Liens list Borrower/Debtor

Grantor Name & Address: CALEDONIA PROPERTIES, LLC;
1691 CROSS ROAD, KLAMATH FALLS, OR 97601

Grantor Name & Address: _____

Grantor Name & Address: _____

Grantor Name & Address: _____

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

for Conveyances list Buyer; for Mortgages/Liens list Beneficiary/Lender/Creditor

Grantee Name & Address: HILL ENTERPRISES COMPANY;
31194 NAPA VALLEY CREST, WAUKEE, IA 50263

Grantee Name & Address: _____

Grantee Name & Address: _____

Grantee Name & Address: _____

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: HILL ENTERPRISES COMPANYAddress: 31194 NAPA VALLEY CRESTCity, ST Zip: WAUKEE, IA 50263**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:**\$ PURSUANT TO AN IRC
1031 TAX DEFERRED
EXCHANGE ON BEHALF
OF GRANTOR/GRANTEE**

Handwritten signature 'LeTanto'.

RETURN TO: Brandsness, Brandsness & Rudd, P.C. 411 Pine Street Klamath Falls, OR 97601	MAIL TAX STATEMENTS: Hill Enterprises Company 31194 Napa Valley Crest Waukee, IA 50263
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- WARRANTY DEED -

Caledonia Properties, LLC, an Oregon limited liability company, Grantor, whose address is 1691 Cross Road, Klamath Falls, OR 97601, conveys and warrants to Hill Enterprises Company, an Iowa corporation, Grantee, whose address is 31194 Napa Valley Crest, Waukee, IA 50263, the following described real property situate in Klamath County, Oregon, free of encumbrances except as specifically set forth herein:

Parcel A:

Parcels 1 and 2 of Land Partition 05-11 being a re-plat of portions of Parcel 1 & 2 of LP 60-94 situated in the SW 1/4 of Section 28, the SE 1/4 of Section 29, Sections 31, 32, 33, Township 37 South, Range 8 East of the Willamette Meridian and Sections 4, 5, 6, the NE 1/4 of Section 7, The North 1/2 of Section 8, The NW 1/4 of Section 9, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, being recorded with the County Clerk on June 2, 2011 in Volume 2011-006764.

Parcel B:

A 60 foot wide drainage/irrigation easement across Parcel 3 of Land Partition 05-11 for the benefit of Parcel 2 of Land Partition 05-11 as created by the plat filed June 2, 2011 in Volume 2011-006764.

SUBJECT TO AND EXCEPTING: Those exceptions contained in the attached Exhibit 1:

The true and actual consideration for this transfer is pursuant to an IRC 1031 tax deferred exchange on behalf of Grantor/Grantee.

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, 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, 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 12 day of December, 2013.

CALEDONIA PROPERTIES, LLC

By Mark Campbell
Mark Campbell, Manager

STATE OF Oregon)
County of Klamath) ss.

Personally appeared before me this 12 day of December, 2013, the above named Mark Campbell as Manager of Caledonia Properties, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed.



Kristen C. Wells
Notary Public for Oregon
My Commission expires: 6-18-2016

SPECIAL EXCEPTIONS:

7. Taxes for the fiscal year 2013-2014, a lien now due and payable.

Account No: 3708-00000-01100-000	Key No: 376701
Amount: \$408.28	Code No: 183

Account No: 3708-00000-01200-000	Key No: 376729
Amount: \$2,323.27	Code No: 183

Account No: 3808-00000-00400-000	Key No: 583522
Amount: \$1,660.87	Code No: 183

Account No: 3808-00000-00403-000	Key No: 896959
Amount: \$212.40	Code No: 053

Account No: 3808-004CO-00101-000	Key No: 882444
Amount: \$112.52	Code No: 053

Account No: 3808-004DO-00101-000	Key No: 882445
Amount: \$108.28	Code No: 053

Account No: 3808-005DO-01000-000	Key No: 882456
Amount: \$307.15	Code No: 183

Account No: 3808-00600-00100-000	Key No: 419942
Amount: \$940.67	Code No: 053

Account No: 3808-00700-00101-000	Key No: 894090
Amount: \$24.41	Code No: 053

Account No: 3808-00800-00100-000	Key No: 421065
Amount: \$42.16	Code No: 183

Account No: 3808-00800-00201-000	Key No: 894066
Amount: \$0.71	Code No: 053

Account No: 3808-009BO-01800-000	Key No: 882331
Amount: \$150.08	Code No: 053

8. 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.

9. The premises herein described are within and subject to the statutory powers, including the power of assessment and easements of Klamath Lake Timber Fire Patrol.

10. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Wocus Drainage District.

11. Intentionally deleted.

12. Rights of the public and of governmental bodies in and to that portion of the premises described herein, now or at any time lying below the high water mark of the Upper Klamath Lake, including any ownership rights which may be claimed by the State of Oregon, in and to any portion of the premises now or at any time lying below the ordinary high water mark thereof.
13. Any claim based on any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public to use any waters which may cover the land for fishing or navigation, or to use any portion of the land which is now or may formerly have been covered by water.
14. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
15. Terms, provisions, conditions and reservations contained in Deed:
Dated: August 23, 1917
Recorded: August 30, 1917
Volume: 47, page 264, Deed Records of Klamath County, Oregon
16. Subject to Water Right Agreement, subject to the terms and provisions thereof:
Recorded: August 13, 1924
Volume: 64, page 376, Deed Records of Klamath County, Oregon
17. Intentionally deleted.
18. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 1, 1925
Recorded: February 18, 1926
Volume: 69, page 298, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Electric transmission line
(Affects Sections 7 and 8 in Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon and other property)
19. Rights of way for transmission line, subject to the terms and provisions thereof, given by George E. Stevenson and Myler C. Stevenson, husband and wife, to The California Oregon Power Company, a California corporation, dated October 1, 1925, recorded February 18, 1926, in Volume 69 page 299, Deed Records of Klamath County, Oregon.
20. Intentionally deleted.
21. Basements and releases of claims for damages, subject to the terms and provisions thereof, relative to raising and/or lowering the waters of Upper Klamath Lake between the levels of 4137 and 4143.3 feet above sea level, given to The California Oregon Power Company, a California corporation, by instruments recorded May 1, 1923 in Volume 61, page 116 and April 5, 1932, in Volume 97 page 211, 213, 215, 217, 219, 221, 223, 225, and 227, Deed Records of Klamath County, Oregon.

22. Right of way for transmission line, subject to the terms and provisions thereof, given by George F. Stevenson and Myler C. Stevenson, his wife, to The California Oregon Power Company, a California corporation, dated November 10, 1939 and recorded December 26, 1939 in Volume 126 page 192, Deed Records of Klamath County, Oregon.

23. Joint obligations with other lands in and to the premises set out as Parcel 2 of Tract B, subject to the terms and provisions thereof, as disclosed in deed from George H. Stevenson and Myler Stevenson, husband and wife, to The California Oregon Power Company, a California corporation, dated April 1, 1940, recorded April 1, 1940, in Volume 128 page 207, Deed Records of Klamath County, Oregon.

24. Right of way, subject to the terms and provisions thereof, given by Geary Bros. to The California Oregon Power Company, dated July 5, 1950, recorded July 10, 1950 in Volume 240 page 135, Deed Records of Klamath County, Oregon.

25. Intentionally deleted.

26. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided 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.

Recorded: March 14, 1952

Volume: 253, page 444, Deed Records of Klamath County, Oregon

27. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided 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.

Recorded: March 14, 1952

Volume: 253, page 447, Deed Records of Klamath County, Oregon

28. Basement for irrigation and/or drainage purposes, subject to the terms and provisions thereof, given by Edward A. Geary, et al, to Wocus Drainage District, a municipal corporation, dated September 1, 1954, recorded September 7, 1954, in Volume 269 page 163, Deed Records of Klamath County, Oregon.

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

Dated: December 27, 1954

Recorded: January 7, 1955

Volume: 271, page 415, Deed Records of Klamath County, Oregon

In favor of: The State of Oregon, by and through its State Highway Commission

For: Slopes

(Affects strips of land 10 feet in width lying adjacent to the Northeasterly and Southwesterly lines of State Highway No. 140 in Government Lots 5 and 6 and in the Southwest Southeast of Section 6 and

in Government Lots 12 and 13 of Section 7, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon)

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

Dated: December 29, 1954

Recorded: January 7, 1955

Volume: 271, page 419, Deed Records of Klamath County, Oregon

In favor of: The State of Oregon, by and through its State Highway Commission

For: Two strips of land, each 10 feet wide, lying adjacent to the Northeasterly and Southwesterly lines of State Highway No. 140 in the NW1/4 SW1/4 and in Government Lot 3 of Section 6, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

31. Easement for irrigation and/or drainage purposes, subject to the terms and provisions thereof, given by Edward A. Geary, et al, to Wocus Drainage District, a municipal corporation, dated September 1, 1954, recorded September 7, 1954, in Volume 269 page 163, Deed Records of Klamath County, Oregon.

32. Reservations and restrictions in deed, subject to the terms and provisions thereof, from Edward A. Geary, et al., to Ruth H. Teasdel, dated June 30, 1966, recorded July 18, 1966, in Volume M66 page 7241, Microfilm Records of Klamath County, Oregon.

33. Limited access provisions contained in Deed to the State of Oregon, by and through its State Highway Commission, which provided 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.

Recorded: September 12, 1967

Volume: M67, page 7067, Microfilm Records of Klamath County, Oregon

Indenture of Access, subject to the terms and provisions thereof;

Dated: July 25, 2006

Recorded: August 1, 2006

Volume: 2006-015462 Microfilm Records of Klamath County, Oregon

Indenture of Access, subject to the terms and provisions thereof;

Dated: May 17, 2007

Recorded: May 24 2007

Volume: 2007-009377, Microfilm Records of Klamath County, Oregon

34. Intentionally deleted.

35. Intentionally deleted.

36. Drainage Ditch Improvement Agreement, subject to the terms and provisions thereof:

Dated: August 3, 1978

Recorded: February 27, 1986

Volume: M86, page 3317, Microfilm Records of Klamath County, Oregon

First Party: Caledonia Ranch (Alice Geary Kilham, individually and as Trustee of Trust of Edward A. Geary; Martha Dorman Smith as Trustee under the Testamentary Trust of Arthur M. Geary, deceased; Dorothea Mellott, Susan Jane Geary; Richard Geary)

Second Party: Double D Land Co.

37. Intentionally deleted.

38. Intentionally deleted.

39. Intentionally deleted.

40. Declaration of Restrictive Covenant (Open Space), subject to the terms and provisions thereof;

Dated: November 16, 2005

Recorded: November 16, 2005

Volume: M05, page 69208, Microfilm Records of Klamath County, Oregon

41. Declaration of Restrictive Covenant (Waiver of Remonstrance), subject to the terms and provisions thereof,

Dated: June 8, 2011

Recorded: June 10, 2011

Volume: 2011-007108, Microfilm Records of Klamath County, Oregon.