

2013-013781

Klamath County, Oregon



00146326201300137810070074

12/17/2013 10:54:29 AM

Fee: \$67.00

Prepared by and please return to:

Tiffany Burnett  
c/o Real Estate Entity Management  
Wal-Mart Realty  
2001 SE 10<sup>th</sup> St.  
Bentonville, AR 72716

LIMITED WARRANTY DEED AND BILL OF SALE  
[IMPROVEMENTS ONLY]

STATE OF OREGON           §  
  §     KNOW ALL PERSONS BY THESE PRESENTS:  
COUNTY OF KLAMATH   §

KNOW ALL PERSONS BY THESE PRESENTS:

That **RETAIL TRUST III**, a Delaware statutory trust ("Grantor"), having a mailing address of c/o Wilmington Trust Company, Rodney Square North, 1100 North Market Street, Wilmington, Delaware 19890-0001, for the consideration of the sum of Ten (\$10.00) Dollars and other good and valuable consideration, in hand paid by **WAL-MART REAL ESTATE BUSINESS TRUST**, a Delaware statutory trust ("Grantee"), having a mailing address of 702 S.W. Eighth Street, Bentonville, Arkansas 72716, receipt of which Grantor hereby acknowledges, does grant, bargain, sell, and convey unto Grantee and unto Grantee's successors and assigns forever all buildings, structures and other improvements, but not the land, (collectively, the "Improvements") located on the land situated in the City of Klamath Falls, County of Klamath, State of Oregon, which land is more particularly described on Exhibit A attached hereto. This conveyance is subject to the easements, restrictions, reservations, and other matters of record set forth on Exhibit B attached hereto (collectively, the "Permitted Encumbrances").

TO HAVE AND TO HOLD the same unto Grantee and unto its successors and assigns forever with all appurtenances thereunto belonging. And Grantor hereby covenants with Grantee that Grantor has not done or suffered anything to be done whereby the Improvements are or may be encumbered in any way whatsoever, and that the said Grantor will WARRANT AND DEFEND the said Improvements against all persons claiming by, through or under Grantor, except for the Permitted Encumbrances. Grantor does hereby covenant with Grantee that it is lawfully seized in fee of the Improvements, that it has a good right to sell and convey the same, that the same is unencumbered except for the Permitted Encumbrances and that the title and quiet possession thereto it will warrant and forever defend against the lawful claims of all persons.


This Limited Warranty Deed and Bill of Sale is executed as of the date set forth below, to be effective December 11, 2012.

IN TESTIMONY WHEREOF, Grantor has executed this instrument on the corresponding dates set forth below, to be effective as of the date set forth above.

GRANTOR:

**RETAIL TRUST III,**  
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust III created under a Trust Agreement dated as of December 1, 1992

By:   
Name: Mark H. Brzoska  
Title: Assistant Vice President

Date of Execution: Feb. 6, 2013

By: \_\_\_\_\_  
William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust III created under a Trust Agreement dated as of December 1, 1992

Date of Execution: \_\_\_\_\_, 2013

This Limited Warranty Deed and Bill of Sale is executed as of the date set forth below, to be effective December 11, 2012.

IN TESTIMONY WHEREOF, Grantor has executed this instrument on the corresponding dates set forth below, to be effective as of the date set forth above.

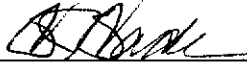
GRANTOR:

**RETAIL TRUST III,**  
a Delaware statutory trust

By: Wilmington Trust Company, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for Retail Trust III created under a Trust Agreement dated as of December 1, 1992

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date of Execution: \_\_\_\_\_, 2013

By:   
William J. Wade, not in his individual capacity, but solely as Individual Owner Trustee for Retail Trust III created under a Trust Agreement dated as of December 1, 1992

Date of Execution: Feb. 5, 2013

STATE OF DELAWARE                    )  
  ) SS.  
COUNTY OF NEW CASTLE            )

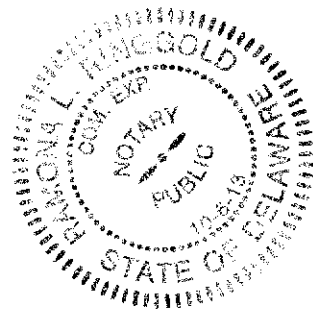
Know all men by these presents that before me, the below-named Notary Public in and for the State and County named above duly commissioned to take acknowledgments, there personally appeared Mark H. Brzoska, who is personally known to me to be a person who signed the legal instrument to which this acknowledgment is attached and which was produced to me in the State and County aforesaid, and being by me first duly sworn he/she did acknowledge before me, depose and say to me that he/she is a Assistant Vice President of **WILMINGTON TRUST COMPANY**, a Delaware trust company, not in its individual capacity, but solely as Corporate Owner Trustee for RETAIL TRUST III, a Delaware statutory trust, created under a Trust Agreement dated as of December 1, 1992, named as one of the parties to the aforementioned legal instrument; that he/she had signed the same as the trustee and on behalf of such statutory trust; that he/she had signed his/her name thereto on behalf of said statutory trust in such capacity by like order; and that the execution of said legal instrument was the free and voluntary act and deed of said trust for the consideration, purposes, and uses set forth in such legal instrument.

GIVEN under my hand and official seal this 6 day of February, 2013.

Ramona L. Ringgold  
Notary Public

My Commission Expires:

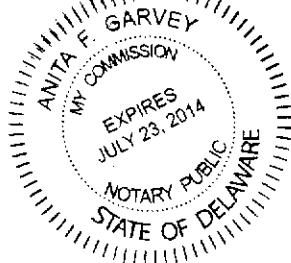
\_\_\_\_\_  
RAMONA L. RINGGOLD  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires 10-06-2013



STATE OF DELAWARE )  
 ) SS.  
COUNTY OF NEW CASTLE )

Know all men by these presents that before me, the below-named Notary Public in and for the State and County named above duly commissioned to take acknowledgments, there personally appeared **WILLIAM J. WADE**, who is personally known to me to be a person who signed the legal instrument to which this acknowledgment is attached and which was produced to me in the State and County aforesaid, and being by me first duly sworn he did acknowledge before me, depose and say to me that he is the Individual Owner Trustee for RETAIL TRUST III, a Delaware statutory trust, created under a Trust Agreement dated as of December 1, 1992, named as one of the parties to the aforementioned legal instrument; that he had signed the same, not in his individual capacity, but solely as Individual Owner Trustee of such statutory trust; that he had signed his name thereto on behalf of said statutory trust in such capacity by like order; and that the execution of said legal instrument was the free and voluntary act and deed of said trust for the consideration, purposes, and uses set forth in such legal instrument.

IN WITNESS WHEREOF, I have signed and imprinted my official notarial seal on this acknowledgment in the State and County named above on this 5<sup>th</sup> day of February, 2013.



*Arita L. Garvey*  
Notary Public

ANITA F. GARVEY  
Print Name

My Commission Expires: \_\_\_\_\_

**PREPARED BY AND RETURN TO:**  
Tiffany Burnett  
c/o Real Estate Entity Management  
Wal-Mart Realty  
2001 SE 10<sup>th</sup> St.  
Bentonville, AR 72716

**MAIL TAX BILLS TO:**  
Wal-Mart Real Estate Business Trust  
702 S.W. Eighth Street  
Bentonville, Arkansas 72716

## EXHIBIT A

### DESCRIPTION OF LAND

ALL that certain lot or parcel of land, described below, located in Klamath Falls, Klamath County, Oregon:

A TRACT OF LAND SITUATED IN LOTS 1, 2, AND 3, BLOCK 1, OF "TRACT 1080 - WASHBURN PARK", ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATH COUNTY, OREGON, AND THE SE1/4 NE1/4 OF SECTION 9, T39S, R9EWM, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE S00°02'00"E, ALONG THE EAST LINE OF SAID LOT 2, 60.00 FEET; THENCE S89°58'00"W 209.00 FEET; THENCE S00°02'00"E 209.00 FEET; THENCE N89°58'00"E 181.66 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 2; THENCE ALONG THE BOUNDARIES OF SAID LOTS 2 AND 1, ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS POINT BEARS N68°55'22"W 532.96 FEET AND CENTRAL ANGLE EQUALS 49°28'52") 460.27 FEET, ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT (THE LONG CHORD OF WHICH BEARS S84°01'29"W 384.34 FEET) 386.00, N89°26'30"W 40.35 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, AND N89°26'30"W 359.98 FEET TO A POINT FROM WHICH THE SOUTHWEST CORNER OF SAID LOT 1 BEARS N89°26'30"W 260.00 FEET; THENCE N00°07'15"W, PARALLEL TO THE WEST LINE OF SAID LOT 1, 619.18 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE CONTINUING N00°07'15"W 32.00 FEET; THENCE S89°25'35"E 359.98 FEET TO A POINT ON THE WEST LINE OF SAID LOT 3; THENCE N89°58'00"E 77.06 FEET TO A POINT ON THE EAST LINE OF SAID LOT 3; THENCE S00°02'00"E 32.00 FEET TO THE POINT OF BEGINNING, CONTAINING 14.319 ACRES, MORE OR LESS, AND WITH BEARINGS BASED ON SAID "TRACT 1080 -- WASHBURN PARK".

TOGETHER WITH the benefits of an easement granted in that certain Agreement of Easement with Covenants and Restrictions Affecting Land between Wal-Mart Stores, Inc. and Washburn Enterprises, Inc. dated May 21, 1991, and recorded June 25, 1991, in M91, Page 12081.

**EXHIBIT B**

**PERMITTED ENCUMBRANCES**

This conveyance is made subject to the easements, encumbrances, restrictions, and other matters of record.