

2014-010049

Klamath County, Oregon



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09/29/2014 12:48:23 PM

Fee: \$92.00

After Recording, Return To:

Green Diamond Resource Company
Attn: General Counsel
1301 Fifth Avenue, Suite 2700
Seattle, WA 98101-2613

**Until A Change Is Requested,
Send All Tax Statements To:**

Same as above



Space above reserved for recorder

**STATUTORY WARRANTY DEED
(Klamath County)**

JWTR, LLC, an Oregon limited liability company ("**Grantor**"), conveys and warrants to GREEN DIAMOND RESOURCE COMPANY, a Washington corporation ("**Grantee**"), the real property located in Klamath County, Oregon, described on the attached **Exhibit A** (the "**Property**"), free of encumbrances except as specifically set forth herein;

TOGETHER WITH all rights, privileges and interests appurtenant thereto, including (i) all trees growing or down and logs, fiber and woody biomass located thereon; (ii) all of Grantor's interest and rights in minerals, oil and gas, gravel and rock located thereon or thereunder; (iii) all of Grantor's right, title and interest in, to and under all structures, facilities and improvements, including all buildings, bridges and gates; (iv) all of Grantor's right, title and interest in, to and under all fixtures, systems, equipment and other items of personal property attached or appurtenant thereto; (v) all of Grantor's right, title and interest in, to and under all easements, road use agreements, rights-of-way and licenses appurtenant thereto, to the extent assignable and transferable; (vi) all of Grantor's interest in water rights appurtenant to or used in connection with the Property, including any rights, agreements or contracts related to the delivery of water to the extent they relate to the Property and stock in water companies providing water to the Property; and (vii) all of Grantor's right, title and interest in, to and under all licenses, permits, approvals and franchises relating to the zoning, land use, ownership, operation, occupancy, construction or maintenance thereof running to or in favor of the Grantor or the Property, to the extent assignable and transferable.

The true consideration for this conveyance stated in terms of dollars is \$2,079,658.00.

SUBJECT TO, and excepting and excluding from the covenants and warranties described herein and in ORS 93.850, the matters set forth on attached **Exhibit B**.

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, 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.

[Signature and acknowledgement on following page.]

DATED this 27 day of Sept., 2014.

GRANTOR:

JWTR, LLC,
an Oregon limited liability company

By: Samuel D. Porter
Samuel D. Porter, President

STATE OF OREGON)
)ss.
County of Klamath)

The foregoing instrument is acknowledged before me this 27 day of September 2014, by Samuel D. Porter as President of JWTR, LLC, an Oregon limited liability company.



Cherice F. Treasure
Notary Public for Oregon
Commission No.: 468299
My commission expires: 6/17/2016

Exhibit A

Legal Description of Property

TRACT B

DEEP CREEK PARCEL

PARCEL 1:

Section 3 - S1/2
Section 4 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 5 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 6 - Government Lots 1 and 2, S1/2 NE1/4, SE1/4
Section 7 - E1/2 NE1/4
Section 8 - N1/2, SE1/4, NE1/4 SW1/4
Section 9 - All
Section 10 - All
Section 11 - All
Section 12 - All
Section 13 - All
Section 14 - All
Section 15 - All
Section 16 - All
Section 17 - E1/2
Section 20 - NE1/4, E1/2 SE1/4
Section 21 - All
Section 22 - All
Section 23 - All
Section 24 - All
Section 25 - All
Section 26 - All
Section 27 - All
Section 28 - All
Section 29 - E1/2 E1/2
Section 32 - E1/2 E1/2
Section 33 - All
Section 34 - All
Section 35 - All
Section 36 - All

All being in Township 31 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

PARCEL 2:

Section 1 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 2 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 3 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 4 - Government Lots 1, 2, 3 and 4, S1/2 N1/2, S1/2
Section 5 - Government Lot 1, SE1/4 NE1/4, E1/2 SE1/4
Section 8 - E1/2 E1/2
Section 9 - All
Section 10 - All
Section 11 - All
Section 12 - All
Section 13 - All
Section 14 - All
Section 15 - All
Section 16 - All
Section 17 - E1/2 E1/2
Section 20 - E1/2 E1/2
Section 21 - All
Section 22 - All
Section 23 - All
Section 24 - All
Section 25 - All
Section 26 - All
Section 27 - All
Section 28 - All
Section 33 - All
Section 34 - All
Section 35 - All
Section 36 - All

All being in Township 32 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

YOUNG

The NE1/4 NE1/4 of Section 29, Township 32 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

Exhibit B

Exceptions to Title

1. Liens for current year real property taxes not yet due or payable.
2. The agreements listed in a Part II of Schedule 2.1.6 of the Asset Purchase Agreement among JWTR, LLC, JWTR OREGON, LLC, JWTR LOGGING COMPANY, JWTR TRANSPORTATION, LLC, SOUTHERN OREGON ROUND STOCK, INC., LEE SMITH LOGGING CO., INC., as Sellers, and GREEN DIAMOND RESOURCE COMPANY, as Buyer, dated as of July 24, 2014 (as amended), insofar as they pertain to the Property.
3. Discrepancies and conflicts in boundary lines, encroachments, shortage of area and similar matters which an ALTA survey would disclose to the extent such matters do not materially impair the use of the Property or improvements thereon as currently used by Grantor.
4. Rights of the public in roads and highways.
5. Rights of way for utility lines now installed on the Property.
6. Unpatented mining claims.
7. Reservations in federal patents or in acts authorizing the same.
8. Zoning, entitlement, conservation restrictions and other land use and environmental regulations by any applicable federal, state or local municipal entity or government or other administrative, judicial or other governmental department, commission, court, board, bureau, agency or instrumentality applicable to the Property.

THE FOLLOWING AFFECT TRACT C (SORT YARD, NURSERY AND SEED ORCHARD)

9. Taxes for the fiscal year 2014-2015, a lien, not yet due and payable.
10. 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.
11. 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.

12. 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.
13. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads or highways.
14. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 2, 1926
Recorded: April 26, 1926
Volume: 69, page 493, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Transmission and distribution of electricity and for purposes connected therewith
(Affects the S1/2 SE1/4 of Section 22, Township 39 Range 8)
15. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 31, 1928
Recorded: June 13, 1928
Volume: 80, page 478, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Transmission and distribution of electricity and for all purposes connected therewith
(Affects S1/2 SE1/4 Section 22 and the NE1/4 NE1/4 Section 27, Township 39 Range 8)
16. Agreement, subject to the terms and provisions thereof;
Dated: July 29, 1935
Recorded: August 21 1935
Volume: 105, page 135, Deed Records of Klamath County, Oregon
By and Between: United States of America and H.H. VanValkenburg and Emma VanValkenburg
For: Pumping water from Klamath River
(Affects 20.0 acres in SW1/4 SE1/4, Section 22, 30.0 acres in SE1/4 SE1/4, Section 22, 30.0 acres in W1/2 NE1/4 NE1/4 and W1/2 E1/2 NE1/4 NE1/4, Section 27, 30.0 acres in W1/2 SE1/4 NE1/4 and W1/2 E1/2 SE1/4 NE1/4, Section 27, and 40.0 acres in NW1/4 NW1/4, Section 26, all in Township 39 Range 8)
17. An easement created by instrument, subject to the terms and provisions thereof,
Dated: February 20, 1948
Recorded: February 25, 1948
Volume: 217, page 253, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: Transmission and distribution of electricity
(Affects the W1/2 NW1/4 Section 33, Township 40, Range 12)

18. An easement created by instrument, subject to the terms and provisions thereof,
Dated: June 12, 1956
Recorded: June 14, 1956
Volume: 284, page 142, Deed Records of Klamath County, Oregon
In favor of: The California Oregon Power Company
For: A 10 foot right of way for the transmission and distribution of electricity
(Affects the W1/2 NW1/4 Section 33, Township 40, Range 12)
19. An easement created by instrument, subject to the terms and provisions thereof,
Dated: April 14, 1964
Recorded: October 12, 1965
Volume: M65, page 2570, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Power & Light Company
For: Electric transmission and distribution lines 125 feet in width
(Affects NW/14 NW1/4 Section 33, Township 40, Range 12)
20. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 24, 1971
Recorded: November 8, 1971
Volume: M71, page 11639, Microfilm Records of Klamath County, Oregon
In favor of: Benjamin D. Morrison and Martha D. Morrison
For: Roadway
(Affects a portion Township 38, Range 11)
21. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 22, 1971
Recorded: November 8, 1971
Volume: M71, page 11691, Microfilm Records of Klamath County, Oregon
In favor of: Benjamin D. Morrison and Martha D. Morrison
For: 30 foot roadway
(Affects a portion of Section 8, Township 38, Range 11)
22. An easement created by instrument, subject to the terms and provisions thereof,
Dated: September 12, 1989
Recorded: November 14, 1989
Volume: M89, page 21942, Microfilm Records of Klamath County, Oregon
In favor of: Pacific Northwest Bell Telephone Company
For: An easement 10 feet in width for an underground communication line
right of way
(Affects S1/2 SE1/4, Section 14, E1/2 SE1/4, Section 22; NW1/4 NE1/4, NE1/4 NW1/4,
S1/2 NW1/4, NW1/4 SW1/4, Section 23 all in Township 39 Range 8)

23. 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: December 13, 1989
Volume: M89, page 24105, Microfilm Records of Klamath County, Oregon
24. An easement created by instrument, subject to the terms and provisions thereof,
Dated: December 21, 1994
Recorded: January 3, 1995
Volume: M95, page 16, Microfilm Records of Klamath County, Oregon
In favor of: Ritter Ranch, a partnership and Bruce Ritter and Diane Louise Ritter
For: Roadway
(Affects a portion of Section 7, Township 38, Range 11)
25. An easement created by instrument, subject to the terms and provisions thereof, Dated:
May 16, 1995
Recorded: August 17, 1995
Volume: M95, page 21892, Microfilm Records of Klamath County, Oregon
In favor of: Pacificorp, an Oregon corporation dba Pacific Power & Light Company
For: Overhead distribution line
(Affects a portion of Section 7, Township 38, Range 11)
26. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 16, 1995
Recorded: August 17, 1995
Volume: M95, page 21915, Microfilm Records of Klamath County, Oregon
In favor of: Pacificorp, an Oregon corporation dba Pacific Power & Light Company
For: Overhead distribution line
(Affects a portion of Section 7, Township 38, Range 11)
27. Road Use Permit, subject to the terms and provisions thereof;
Dated: December 18, 1995
Recorded: March 26, 1996
Volume: M96, page 8279, Microfilm Records of Klamath County, Oregon
By and Between: Weyerhaeuser Company and US West Communications
28. Reservations as contained in Deed, subject to the terms and provisions thereof;
Dated: August 27, 1996
Recorded: August 30, 1996
Volume: M96, page 26895, Microfilm Records of Klamath County, Oregon
Grantor: Weyerhaeuser Company
Grantee: U.S. Timberlands Klamath Falls, L.L.C.
(Affects Portion Township 40, Range 12 and Township 38, Range 11)

29. An easement created by instrument, subject to the terms and provisions thereof,
Dated: October 14, 1997
Recorded: October 24, 1997
Volume: M97, page 34986, Microfilm Records of Klamath County, Oregon
In favor of: Telephone utilities of Eastern Oregon, Inc., dba PTI Communications
For: Telephone right of way
(Affects Township 40, Range 12 East, Section 28)
30. Easements as reserved in Warranty Deed, subject to the terms and provisions thereof;
Recorded: April 1, 1998
Volume: M98, page 10565, Microfilm Records of Klamath County, Oregon
(Affects sort yard Parcel, Township 39 South, Range 8 East)

THE FOLLOWING AFFECT TRACT D (SOUTHERN OREGON ROUND STOCK)

31. Taxes for the fiscal year 2014-2015, a lien, not yet due and payable.
32. 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.
33. Easement for existing public utilities in vacated street area and the conditions imposed hereby.
34. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
35. An easement created by instrument, subject to the terms and provisions thereof,
Dated: May 3, 1912
Recorded: May 4, 1914
Volume: 42, page 105, Deed Records of Klamath County, Oregon
In favor of: California Oregon Power Company
For: 50' wide pole and wire line across W1/2 NW1/4 of Section 34 and other property
36. An easement created by instrument, subject to the terms and provisions thereof,
Dated: December 14, 1918
Recorded: January 20, 1919
Volume: 49, page 632, Deed Records of Klamath County, Oregon
In favor of: California Oregon Power Company
For: Electric transmission line across W1/2 NW1/4 of Section 34 and other property

THE FOLLOWING AFFECT TRACT E (WORDEN)

37. Taxes for the fiscal year 2014-2015, a lien, not yet due and payable.
38. 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.
39. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
40. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Van Brimmer Ditch Company.
41. Covenants, conditions, restrictions, and easements as shown on recorded plat of Worden Townsite. Reference is made to said plat for particulars.
42. Easements as dedicated or delineated on the recorded plat.
For: Public utilities

THE FOLLOWING AFFECT ALL OF KLAMATH COUNTY PROPERTY

43. Subject to ancestral rights, if any, of descendants of aboriginal inhabitants to occupy, use and possess any portion of the premises, as reserved by treaties, understandings, practice, statutes, judicial decision, for food gathering, shelter, religious ceremonies, social and economic gatherings, battlefields and burial sites
44. Subject to the terms and provisions of an Easement, Road Use Agreements, and Rights-of-Way Assignment and Assumption Agreement, dated and recorded of even date herewith in the Records of Klamath County, Oregon.
Assignors: JWTR, LLC, an Oregon limited liability company and JWTR Oregon, LLC, an Oregon limited liability company
Assignee: Green Diamond Resource Company, a Washington corporation