

**2015-010775****Klamath County, Oregon****09/30/2015 02:39:01 PM****Fee: \$92.00**

**After Recording Return To:**  
Oregon Department of Forestry  
Attn: Asset Unit, Bldg. D  
2600 State Street  
Salem, OR 97310

*(For Recorder's Use Only)*

**Consideration: \$8,196,289**

**Until a change is requested  
all tax statements shall be sent to:**  
(same)

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### **SPECIAL WARRANTY DEED**

**The Conservation Fund**, a Maryland non-profit corporation ("Grantor"), hereby conveys and specially warrants to the **State of Oregon**, acting through the Oregon Board of Forestry on behalf of the Oregon Department of Forestry ("Grantee"), the real property described in the attached Exhibit A, located in Klamath County, Oregon (the "Property"), free of encumbrances created or suffered by Grantor, except as set forth in the attached Exhibit B.

The purpose of this acquisition is to effect the Forest Legacy Program in accordance with the provisions of Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (16 U.S.C. 2103c) on the herein described land, which purposes include protecting environmentally important forest areas that are threatened by conversion to nonforest uses and for promoting forest land protection and other conservation opportunities. The purposes also include the protection of important scenic, cultural, fish, wildlife and recreational resources, riparian areas, and other ecological values.

The State of Oregon, the owner of the Deed, pursuant to the grant agreement Forest Legacy Project: Gilchrist Forest, 2013-DG-11062765-701 awarded by the United States Department of Agriculture (USDA) Forest Service on 8/16/2013 to the Grantee, Oregon Department of Forestry, acknowledges that the USDA Forest Service Forest Legacy Program funding for this acquisition is authorized by Title XII of the Food, Agriculture, Conservation and Trade Act of 1990 (P.L. 101-624; 104 Stat. 3359), as amended, and that the interest acquired cannot be sold, exchanged, or otherwise disposed. Except, however, the USDA Secretary of Agriculture (Secretary) may exercise discretion to consent to such sale, exchange, or disposition upon the Grantee's tender of equal valued land or interest in land acceptable to the Secretary and under the requirement that the United States is reimbursed the market value of the interest, proportional to its contribution in the original acquisition, at the time of disposal. The grant agreement is housed at the Oregon Department of Forestry, 2600 State Street, Salem Oregon 97310 and the USDA Forest Service Regional Office at 1220 SW 3<sup>rd</sup> Ave, Portland, Oregon 97204.

The true and actual consideration for this conveyance is \$8,196,289.00.

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, 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



**CERTIFICATE OF APPROVAL OF CONVEYANCE  
(ORS 93.808)**

THE STATE OF OREGON, acting by and through the Oregon Board of Forestry on behalf of the Oregon Department of Forestry hereby approves and accepts, pursuant to ORS 93.808, the conveyance by special warranty deed from The Conservation Fund, a Maryland non-profit corporation, to the State of Oregon of the real property described in the deed to which this Certificate is attached.

DATED this 25<sup>th</sup> day of September, 2015.

State of Oregon, acting by and through the  
Oregon Board of Forestry on behalf of  
the Oregon Department of Forestry

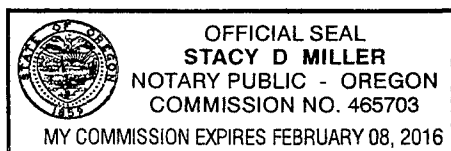
By: 

Name: Doug Decker

Title: Oregon State Forester

STATE OF OREGON       )  
                                  ) ss.  
County of Marion       )

This instrument was acknowledged before me on this 25<sup>th</sup> day of September, 2015, by Doug Decker as the State Forester and authorized representative of the Oregon Department of Forestry, acting under authority granted to him/~~her~~ by the Oregon Board of Forestry.



Notary Public for Oregon  
My Commission expires: 2-8-16

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **TRACT 1**

##### **Township 24 South, Range 11 East, Willamette Meridian**

The Southeast one quarter (SE 1/4) of the Southwest one quarter (SW 1/4) of Section 32, also being recorded as a part of Patent No. ORLAA 055979fd from the United States of America dated June 22, 1904, Records of Patents, General Land Office.

The Northwest one quarter (NW 1/4) of the Northeast one quarter (NE 1/4) of Section 31, also being recorded as a part of Patent No. ORORAA 1043250 from the United States of America dated January 7th, 1931, Records of Patents, General Land Office;

Government Lots 8, 9, 18, 19 and 20 of Section 31, also being recorded as a part of Patent No. 56688 from the United States of America dated April 17th, 1909, Records of Patents, General Land Office;

The South one half (S 1/2) of the Northeast one quarter (NE 1/4) and the North one half (N1/2) of the Southeast one quarter (SE 1/4) of Section 31, also being recorded as Patent No. 263106 from the United States of America dated May 1st, 1912, Records of Patents, General Land Office;

The South one half (S 1/2) of the Southeast one quarter (SE 1/4) of Section 31, also being recorded as a part of Patent No. MV-0643-305 from the United States of America dated November 7th, 1907, Records of Patents, General Land Office;

Government Lots 6, 7, 10, and 11 of Section 31, also being recorded as Patent No. 193652 from the United States of America dated April 27th, 1911, Records of Patents, General Land Office;

Government Lots 14 and 15 of Section 31, also being recorded as a part of Patent No. ORLAA 017873 from the United States of America dated March 19th, 1908, Records of Patents, General Land Office;

Government Lot 13 of Section 31, also being recorded as a part of Patent No. 193651 from the United States of America dated April 27, 1911, Records of Patents, General Land Office;

Government Lots 16 and 17 of Section 31;

Parcel 1 of Land Partition 45-09 for lawful creation being all of Section 30; Lots 1, 2, 3, 4, 5 and 12 and the NE1/4 of the NE1/4 of Section 31 and all of Section 32 (except the SE1/4 of the SW1/4), Township 24 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.

## **TRACT 2**

### **Township 25 South, Range 11 East, Willamette Meridian**

Government Lot 3 and the Southeast one quarter (SE 1/4) of the Northwest one quarter (NW 1/4) of Section 3, also recorded as Patent No. MV-0643-308 from the United States of America Dated November 17, 1907, Records of Patents, General Land Office;

The East one half (E 1/2) of the Southwest one quarter (SW 1/4) of Section 3, also being recorded as a part of Patent No. 193627 From The United States of America dated April 11, 1911, Records of Patents, General Land Office;

The West one half (W 1/2) of the Southwest one quarter (SW 1/4) and Southwest one quarter (SW 1/4) of the Northwest one quarter (NW 1/4) of Section 3, and the Northeast one quarter (NE 1/4) of the Southeast one quarter (SE 1/4) of Section 4 also recorded as Patent No. ORLAA 056171 from the United States of America dated December 1, 1904, Records of Patents, General Land Office;

Government Lot 4 of Section 3;

Government Lot 1 of Section 4;

Government Lot 2 and the Southeast one quarter (SE 1/4) of the Northeast One Quarter (NE 1/4) of Section 4, also being recorded as a part of Patent No. ORLAA 013995 from the United States of America dated August 26, 1907, Records of Patents, General Land Office;

The West one half (W 1/2) of the Southeast one quarter (SE 1/4) ;Southwest one quarter (SW 1/4) of the Northeast one quarter (NE 1/4) of Section 4, and the Southeast one quarter (SE1/4) of the Southeast one quarter (SE1/4) of Section 4, also recorded as Patent No. ORLAA 056170 from the United States of America Dated December 1, 1904, Records of Patents, General Land Office;

Government Lots 3 and 4, and the South one half (S 1/2) of the Northwest one quarter (NW 1/4) of Section 4, also recorded as Patent No. ORLAA 056191 from the United States of America dated December 1, 1904, Records of Patents, General Land Office;

The Southwest one quarter (SW 1/4) of Section 4, also recorded as Patent No. ORLAA 056168 from the United States of America dated December 1, 1904, Records of Patents, General Land Office;

Government Lots 1, 2, 3 And 4 of Section 5, the South one half (S 1/2) of the Northeast one quarter (NE 1/4) of Section 5, the Southeast one quarter (SE 1/4) of the Northwest one quarter (NW 1/4) of Section 5, the Southeast one quarter (SE1/4) of Section 5, and Lots 1, 2 and 3 of Section 6; (also known as Parcel 1 of Land Partition 56-04, situated in Sections 5 and 6, Township 25 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon.)

Government Lots 4, 5, 6, 7, 8, 9, 10, 11, 12 And 13 of Section 6; (Also known as Parcel 1 of Land Partition 55-04, situated In Sections 6 and 7, Township 25 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon)

The Southeast one quarter (SE 1/4) of Section 6, also recorded as Patent No. 263108 from the United States of America dated May 1, 1912, Records of Patents, General Land Office;

Government Lot 21 of Section 6, also recorded as Patent No. MV-0747-386 from the United States of America dated March 16, 1908, Records of Patents, General Land Office;

Government Lot 20 of Section 6, also recorded as Patent No. 53939 from the United States of America dated March 29, 1909, Records of Patents, General Land Office;

The Southeast one quarter (SE 1/4) of Section 7, also recorded as a Part of Patent No. ORLAA 056196 from the United States of America dated December 21, 1904, Records of Patents, General Land Office, and Deed recorded December 23, 1943, In Volume 161, Page 1, Klamath County Records;

The Northeast one quarter (NE1/4) of Section 7, also recorded as Patent No. 263107 from the United States of America dated May 1, 1912, Records of Patents, General Land Office;

Government Lots 8, 9 and 16 of Section 7 being Parcel 1 of Land Partition No. 38-09, situated In Section 7, Township 25 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon

Government Lots 17, 18, 19 and 20 of Section 7, also recorded as Patent No. 264863 from The United States of America Dated May 9, 1912, Records of Patents, General Land Office;

The Northwest one quarter (NW 1/4) of Section 8, also recorded as Patent No. 263111 from the United States of America Dated May 1, 1912, Records of Patents, General Land Office;

The Southwest one quarter (SW 1/4) of Section 8, also recorded as Patent No. 100780 from the United States of America Dated January 6, 1910, Records of Patents, General Land Office;

### **TRACT 3**

**Tract of land lying in Township 25 South, Range 11 East, Willamette Meridian, Klamath County, Oregon, described more particularly described as follows:**

Government Lots 10 and 15 of Section 7;

The East one half (E 1/2) of Section 8;

All of Section 9;

The West one half (W 1/2) of Section 10;

All of Section 16;

All of Section 17;

All of Section 18.

#### **TRACT 4**

A tract of land being located in Section 22, Township 24 South, Range 10 East, of the Willamette Meridian and Parcel 2, Land Partition Plat 37-09, Official Records of Klamath County, Oregon lying in Sections 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 35, and 36; Township 24 South, Range 10 East, Sections 18 and 19; Township 24 South, Range 11 East, and Sections 1, 2, 3, 4, 5, 8, 9, 10, and 11; Township 25 South, Range 10 East of the Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

#### **Township 24 South, Range 10 East, Willamette Meridian**

The Southeast one quarter (SE 1/4) of Section 11;

The Southwest one quarter (SW 1/4) of Section 12;

The Southeast one quarter (SE 1/4) of Section 12;

All of Section 13;

All of Section 14, except the Southwest one quarter (SW 1/4) of the Southeast one quarter (SE 1/4) of said Section 14;

The East one half (E 1/2) of the East one half (E 1/2) of Section 15;

The East one half (E 1/2) of the Northeast one quarter (NE 1/4) of Section 22;

The Southeast one quarter (SE 1/4) of Section 22;

The East one half (E 1/2) of the Southwest one quarter (SW 1/4) of Section 22;

The East one half (E 1/2) of the East one half (E 1/2) of Section 23;

The West one half (W 1/2) of the West one half (W 1/2) of Section 23;

The Northeast one quarter (NE 1/4) of the Northwest one quarter (NW 1/4) of Section 23;

All of Section 24;

All of Section 25;

The Northeast one quarter (NE 1/4) of the Northeast one quarter (NE 1/4) of Section 26;

The South one half (S 1/2) of the Northeast one quarter (NE 1/4) of Section 26;

The Southeast one quarter (SE 1/4) of Section 26;

The Northeast one quarter (NE 1/4) of Section 35;

The North one half (N 1/2) of the Southeast one quarter (SE 1/4) of Section 35;

The Southeast one quarter (SE 1/4) of the Southeast one quarter (SE 1/4) of Section 35;

The Southeast one quarter (SE 1/4) of the Northwest one quarter (NW 1/4) of Section 35;

All of Section 36;

**Township 24 South, Range 11 East, Willamette Meridian**

All of Section 18, except the Southeast one quarter (SE 1/4) of the Southeast one quarter (SE 1/4) of said Section 18, all lying Southwesterly of the Freemont Highway 31;  
All of Section 19;

**Township 25 South, Range 10 East, Willamette Meridian**

The South one half (S 1/2) of the Northeast one quarter (NE 1/4) of Section 1;  
Government Lots 1 and 2 of Section 1;  
The South one half (S 1/2) of the Northeast one quarter (NE 1/4) of Section 2;  
Government Lots 1 and 2 of Section 2;  
The South one half (S 1/2) of the Northwest one quarter (NW 1/4) of Section 2;  
Government Lots 3 and 4 of Section 2;  
The West one half (W 1/2) of the Southeast one quarter (SE 1/4) of Section 2;  
The Southwest one quarter (SW 1/4) of Section 2;  
The South one half (S 1/2) of the Northeast one quarter (NE 1/4) of Section 3;  
Government Lots 2 and 3 of Section 3;  
The Southeast one quarter (SE 1/4) of Section 3;  
The West one half (W 1/2) of the Southeast one quarter (SE 1/4) of Section 4;  
The Southwest one quarter (SW 1/4) of the Northeast one quarter (NE 1/4) of Section 4;  
The South one half (S 1/2) of the Northwest one quarter (NW 1/4) of Section 4;  
Government Lot 4 of Section 4;  
Government Lot 1 of Section 5;  
The Southwest one quarter (SW 1/4) of Section 8;  
The Southeast one quarter (SE 1/4) of Section 8;  
All of Section 9;  
All of Section 10;  
The West one half (W 1/2) of Section 11;  
The Northwest one quarter (NW 1/4) of the Northeast one quarter (NE 1/4) of Section 11;  
The Southwest one quarter (SW 1/4) of the Northeast one quarter (NE 1/4) of Section 11;  
The Southeast one quarter (SE 1/4) of the Northeast one quarter (NE 1/4) of Section 11;  
The Northwest one quarter (NW 1/4) of the Southeast one quarter (SE 1/4) of Section 11;

Also the following described lands, being outside the boundary of said Parcel 2, Land Partition Plat No. 37-09, official Records of Klamath County, Oregon, said lands lying in Section 22, Township 24 South, Range 10 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

**Township 24 South, Range 10 East, Willamette Meridian**

The East one half (E 1/2) of the Northwest one quarter (NW 1/4) of Section 22;  
The West one half (W 1/2) of the Northeast one quarter (NE 1/4) of Section 22;



## **TRACT 5**

### **Township 24 South, Range 10 East, Willamette Meridian**

The South one half (S 1/2) of the Northwest one quarter (NW 1/4) of the Northeast one quarter (NE 1/4) of Section 17;

The Southwest one quarter (SW 1/4) of the Northeast one quarter (NE 1/4) of Section 17;

The East one half (E 1/2) of the Northwest one quarter (NW 1/4) of Section 17;

### **Township 25 South, Range 10 East, Willamette Meridian**

The Southwest one quarter (SW 1/4) of Section 4;

### **Township 24 South, Range 11 East, Willamette Meridian**

The North one half (N 1/2) of the Southeast one quarter (SE 1/4) of Section 35 (subject to an existing right of way for Oregon State Highway 31 Fremont Highway);

### **Township 25 South, Range 11 East, Willamette Meridian**

Government Lot 14 of Section 6;

## **TRACT 6**

Parcel 1, Partition Plat 44-09, being Government Lots 16 and 17 in the West half (W 1/2) of Section 31, Township 24 South, Range 11 East of the Willamette Meridian, Klamath County, Oregon

**EXHIBIT B**  
**ENCUMBRANCES**

1. Agreement, including the terms and provisions thereof;  
Dated: October 11, 1943  
Recorded: October 25, 1943  
Instrument No.: Volume 159, page 300  
Between: Gilchrist Timber Company and The Shevlin-Hixon Company  
  
Assignment, subject to the terms and provisions thereof;  
Recorded: March 12, 1951  
Instrument No.: Volume 245, page 590  
Assignor: Shevlin-Hixon Company  
Assignee: Brooks-Scanlon, Inc.  
  
Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Recorded: March 31, 1972  
Instrument No.: M72, page 03363  
  
Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Recorded: January 29, 1979  
Instrument No.: M79, page 02403  
  
Consent and Subordination Agreement, subject to the terms and provisions thereof;  
Recorded: March 14, 1979  
Instrument No.: M79, page 06707  
  
Assignment and Agreement, subject to the terms and provisions thereof;  
Recorded: February 9, 1987  
Instrument No.: M87, page 02089  
Assignor: Diamond International Corporation  
Assignee: Diamond Group Inc.  
  
Assignment, subject to the terms and provisions thereof;  
Recorded: April 8, 1988  
Instrument No.: M88, page 05056  
Assignor: Diamond Group  
Assignee: Crown Pacific LTD
2. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: United States of America  
Recorded: May 22, 1985  
Instrument No.: Volume 254, page 623
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: United States of America  
Recorded: February 18, 1981  
Instrument No.: M81, page 02763

4. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Gilchrist Timber Company  
Recorded: August 21, 1981  
Instrument No.: M81, page 14934
5. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Diamond International Corporation  
Recorded: November 8, 1982  
Instrument No.: M82, page 14775
6. Supplement No. 3 to Road Right of Way Construction and use Agreement, including the terms and provisions thereof,  
Dated: October 19, 1982  
Recorded: November 22, 1982  
Instrument No.: M82, page 15513
7. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: United States of America  
Recorded: June 12, 1991  
Instrument No.: M91, page 11081  
  
Termination of Segments of an Easement, subject to the terms and provisions thereof;  
Recorded: September 2, 1993  
Instrument No.: M93, page 22399
8. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Gilchrist Timber Company  
Recorded: June 10, 1991  
Instrument No.: M91, page 10874
9. Patent, including the terms and provisions thereof,  
Recorded: June 8, 1999  
Instrument No.: M99, page 22521
10. Declaration of Access Easement, including the terms and provisions thereof,  
Recorded: December 20, 2004  
Instrument No.: M04, page 89560
11. Declaration of Access Easement, including the terms and provisions thereof,  
Recorded: January 28, 2010  
Instrument No.: 2010-001037