

AmeriTitle
MTC 85383AM

2016-003033

Klamath County, Oregon

03/22/2016 03:42:17 PM

Fee: \$92.00

Until a change is requested,
all tax statements shall be sent to:

SOS Properties, LLC
1301 Esplanade Avenue
Klamath Falls, OR 97601

After recording return to:

Michael Rudd
BRANDSNESS BRANDSNESS AND RUDD
411 Pine Street
Klamath Falls, OR 97601

STATUTORY WARRANTY DEED

Edwin J. Clough aka Edwin J. Clough, III and Jan Clough, as Tenants by the Entirety, Grantor, conveys and warrants to SOS Properties, LLC, Grantee, the real property described in Exhibit "A", free of encumbrances except as specifically set forth herein:

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,

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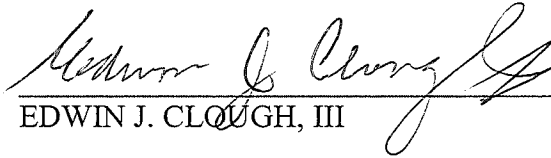
OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009,
AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is \$3,040,900.00.

STATE OF OREGON

County of Klamath

DATED: March 1, 2016.


EDWIN J. CLOUGH, III


JAN CLOUGH

This instrument was acknowledged before me on March 1, 2016, by Edwin J.
Clough, III and Jan Clough.

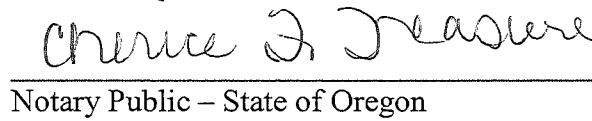

Notary Public – State of Oregon



EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 1:

Lot 18 (except and excluding the North 1.51 feet) and Lots 19, 20 and 21, Block 18, Second Railroad Addition to the City of Klamath Falls, County of Klamath, State of Oregon. Subject to restrictions as shown on the official plat of Second Railroad Addition.

Parcel 2:

All of Lots 5 and 6, and those portions of Lots 2, 3, 4, 7, 8 and 9, lying Southwesterly of State Highway 97 in Block 3 of Chelsea Addition to Klamath Falls, according to the official plat thereof filed December 11, 1929, in volume 16 sheet 11 Klamath County plat book in the office of the county recorder, Klamath County, Oregon; ALSO all of closed Pelican Street lying between Block 3 and Block 4 of said Chelsea Addition and lying Southwesterly of State Highway 97, and that portion of closed Lindberg Street lying between Block 4 and 5 of said Chelsea Addition; also all of Lots 1 to 12 inclusive in Block 4 of said Chelsea Addition, and all of the Easterly 50 feet of Lots 7 to 12 inclusive in Block 5 of Chelsea Addition; also all that portion of the North one- half of vacated Nungesser Avenue in Chelsea Addition to the City of Klamath Falls lying between the Southwesterly right-of-way line of the Dalles-California Highway and a line 50 feet West of and parallel with the East line of Block 5 in said Chelsea Addition, extended Southerly.

Subject to:

1. Easements for utilities over and across the premises formerly included within the boundaries of Pelican Street, Lindberg Street and Nungesser Avenue, now vacated, if any such exist.
2. Restrictions as shown on the official plat of Chelsea Addition.
3. Revocable License and Encroachment Permit, including the terms and provisions thereof, Recorded: April 13, 2009, Instrument No.: 2009-005125

Parcel 3:

(Part 1) All that portion of lot 70, Enterprise Tracts, Klamath County, Oregon, described as follows:

Beginning at a point in the Southerly line of sixth street, at its intersection with a North and South line 390.00 feet West of the East line of Lot 70; thence South 184.0 feet and West 17.5 feet to the true point of beginning; thence West 109.7 feet thence South 172.5 feet; thence East 109.7 feet; thence North 172.5 feet more or less to the true point of beginning, according to the official plat thereof on file in the Office of the County Clerk of Klamath county, Oregon.

(Part 2) A strip of land across Lot 70, Enterprise Tracts, Klamath County, Oregon, 17 feet wide, being 8.5 feet on each side of the center line of the spur track now constructed thereon, said center line being described as follows:

Beginning at a point on the Northerly line of the right of way of the Oregon, California and Eastern Railway Company 417.5 feet West of the East line of Lot 70; thence on an 11° 30' curve to the right, a distance of 356 feet Northwesterly to a point 525.7 feet West of the East line of lot 70; thence North parallel to the East line of Lot 70 a distance of 467 feet to a point 8.5 feet West of the Northwest corner of Parcel 1 herein above described.

Excepting therefrom: A strip of land across Lot 70, Enterprise Tracts, in Section 4, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, 17 feet wide, being a portion of Parcel 2, described in Deed vol. M87, page 17793 official records of said county, and being 8.5 feet on each side of the center line of a spur track, now discontinued, said center line being described as follows:

Beginning at a point in the Southerly line of Parcel 1, described in deed vol. M94, page 36722 official records, 417.5 feet West of the East line of said lot 70; thence Northwesterly on an 11° 30' curve to the right, a distance of 291.05 feet, more or less, to an intersection with the North line of said Parcel 1 as described in deed vol. M94, page 36722. The side lines of said strip to be extended or shortened to intersect the Southerly line and the Northerly property line and its Westerly extension thereof of said Parcel 1 as described in deed vol. M94, page 36722.

Subject to:

1. Restrictions as shown on the official plat of Enterprise Tracts.
2. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in appurtenant easement, Recorded: June 24, 1941, Instrument No.: Volume 139, page 63
3. Reservation of Oil, gas, minerals, or other hydrocarbon substances, including the terms and provisions contained therein, in deed. Recorded: March 2, 1978, Instrument No.: M78, page 3898. Grantor makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. The provisions contained in Special Warranty Deed, Recorded: March 2, 1978. Instrument No.: M78, page 3898.

Parcel 4:

Parcel 1 of Minor Land Partition 41-91, situated in Lots 3, 4 and 5 of Block 2 Homeland Tracts, in the NW1/4 SW1/4 of Section 1, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Except that property conveyed to the State of Oregon, by and through its Department of Transportation, by Warranty Deed recorded January 22, 2003 in volume 2013, page 000715, deed records of Klamath County, Oregon.

Subject to:

1. Restrictions as shown on the official plat of Homeland Tracts.
2. Enterprise Irrigation District Drains, Sidewalk and Irrigation Ditch as shown on the official plat of said land.
3. The provisions contained in Deed, Recorded: March 27, 1945, Instrument No.: Volume 174, page 450, Deed Records. As follows: See deed for particulars.

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: D. Frazer Recorded: June 30, 1964, Instrument No.: Volume 353, page 294, Deed Records
5. Limited access provisions contained in Deed to State of Oregon, by and through its State Highway Commission, which provided that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property,
Recorded: June 3, 1964, Instrument No.: Volume 353, page 294, Deed Records.
Modified by Indenture of Access, subject to the terms and provisions thereof,
Recorded: September 21, 2009 , Instrument No.: 2009-012452
6. Limited access provisions contained in "Final Judgment and Order of Taking" to State of Oregon, by and through its State Highway Commission, which provided that no right or easement of right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property, Filed: April 23, 1965
Case No.: 640138L
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: Pacific Power & Light Company, a Corporation Recorded: January 24, 1980, Instrument No.: M80, page 1540

Parcel 5:

(Part 1) A tract of land in the NW1/4 of the NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW1/4 of the NW1/4 of Section 10; thence Northerly, along the division line between Section 9 and 10, a distance of 398.0 feet to a point; thence South 89° 33' 15" East a distance of 62.53 feet, more or less, to the East boundary line of Washburn way, being the true place of beginning; thence Northerly along the East boundary line of Washburn way a distance of 350.0 feet; thence South 89° 33' 15" East a distance of 300.00 feet; thence Southerly along a line parallel to the East boundary of Washburn way a distance of 350.0 feet; thence North 89° 33' 15" West a distance of 300.00 feet to the point of beginning, as shown on survey by Dortch-Gresdel and associates, filed in the office of the Klamath County surveyor on November 7, 1975, as recorded survey no. 2182.

SAVING AND EXCEPTING THEREFROM the south 190 feet thereof

(Part 2) Also a tract of land situated in the NW1/4 of the NW1/4 of Section 10, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point that is East a distance of 30 feet and North 0°34' West a distance of 398 feet from the Southwest corner of the NW1/4 of the NW1/4, said point being the Southwest corner of said parcel in book M73 at page 10206; thence East along the South line of said parcel 300 feet, being the Southeast corner of said deed and the true point of beginning; thence continuing East 322.30 feet; thence North 0° 34' West 350 feet; thence West 322.30 feet to the Northeast corner of said parcel in book M73 at page 10206; thence

Southerly along the Easterly line of said parcel 350 feet, more or less, to the point of beginning.

Excepting therefrom that portion granted to RBO Properties in book M82, at page 6140. Also excepting therefrom that portion awarded to Charles w. Pickett, et al., by judgment filed May 2, 1984 in Klamath County Circuit Court Case #82-144. Also excepting therefrom that portion conveyed to Bear Cat, Inc., in deed recorded January 26, 1988 in book m88 at page 1235.

Subject to:

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Klamath County Drainage Service District.
2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Klamath Irrigation District.
3. The property lies within the boundaries of South Suburban Sanitary District and is subject to any charges or assessments levied by said District and pipeline easements in connection therewith.
4. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
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: South Suburban Sanitary District of Klamath County, Oregon Recorded: August 18, 1958, Instrument No.: Volume 302, page 279, Deed Records
6. The provisions contained in Deed, Instrument No.: Volume 225, page 91, Deed Records.
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: Recorded: August 7, 1973 Instrument No.: M73, page 10206
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: Bearcat, Inc. Recorded: September 28, 1973 Instrument No.: M73, page 13197
9. Reservation of Oil, gas, minerals, or other hydrocarbon substances, including the terms and provisions contained therein, in deed from Atlantic Richfield Co. Recorded: March 23, 1979 Instrument No.: M79, page 6557

Parcel 6:

All of Lots 4, 5 and 6, and those portions of Lots 3, 7, 8, 9 and 10 lying Westerly of the West right of way line of Highway 97, in Block 11, Chelsea Addition to the City of Klamath Falls, in the County of Klamath, State of Oregon, together with that portion of the East half of vacated Chelsea Street adjacent to said Lots 3, 4, 5 and 6, as inured thereto.

Less and except any portion thereof lying within the boundaries of State Highway 97, Westside Bypass, and Eastside Bypass.

Also except that portion conveyed to State of Oregon, by and through its Department of Transportation, by stipulated final judgment in Klamath County Circuit Court Case No. 0204350CV, recorded September 10, 2004 in volume M04, page 60494, deed records of Klamath County, Oregon

Subject to:

1. Easements for utilities over and across the premises formerly included within the boundaries of Chelsea Street, now vacated, if any such exist.
2. Restrictions as shown on the official plat of Chelsea Addition.
3. The provisions contained in Stipulated Final Judgment, Recorded: September 10, 2004, Instrument No.: M04, page 6 60494