



THIS SPACE RESERVED FOR F

**2018-006594**

**Klamath County, Oregon**

**05/30/2018 03:43:00 PM**

**Fee: \$72.00**

After recording return to:

Ponderosa Farms LP, an Oregon Limited Partnership

4721 Harpold Rd.

Bonanza, OR 97623

Until a change is requested all tax statements shall be sent to the following address:

Ponderosa Farms LP, an Oregon Limited Partnership

4721 Harpold Rd.

Bonanza, OR 97623

File No. 236473AM

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### STATUTORY WARRANTY DEED

**Bert Elworthy, as to an undivided 50% interest, and**

**Mark Elworthy, as to an undivided 50% interest,**

Grantor(s), hereby convey and warrant to

**Ponderosa Farms LP, an Oregon Limited Partnership, an Oregon Limited Partnership**

Grantee(s), the following described real property in the County of Klamath and State of Oregon free of encumbrances except as specifically set forth herein:

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF FOR COMPLETE LEGAL DESCRIPTION.**

The consideration paid for the transfer is \$7,000,000.00, PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

12-11-11

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.

Dated this 18<sup>th</sup> day of May, 2018.

X [Signature]  
Bert Elworthy

X Mark Elworthy  
Mark Elworthy

By: Sheila Elworthy, his Attorney in fact  
Sheila Elworthy, his Attorney in fact

State of CA } ss  
County of Alameda

On this 18 day of May, 2018, before me, Patricia Washington, a Notary Public in and for said state, personally appeared Bert Elworthy, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public for the State of CA  
Residing at: 1257 George Circle Hayward, CA 94541  
Commission Expires: 03/30/2021

See Attached  
5-18-2018

State of CA } ss  
County of Alameda

On this 18 day of May, 2018, before me, Patricia Washington, a Notary Public in and for said state, personally appeared Sheila Elworthy, as attorney in fact for Mark Elworthy, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]  
Notary Public for the State of CA  
Residing at: 1257 George Circle Hayward, CA 94541  
Commission Expires: 03/30/2021

See Attached  
5-18-2018

# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

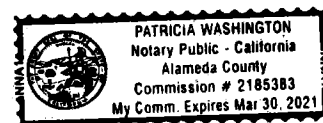
County of Alameda }

On 18 May 2018 before me, Patricia Washington, Notary Public  
(Here insert name and title of the officer)

personally appeared Bert Elworthy,  
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Patricia Washington  
 Notary Public Signature

(Notary Public Seal)

## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Statutory Warranty  
(Title or description of attached document)

Deed  
(Title or description of attached document continued)

Number of Pages 2 Document Date 5/18/2018

### CAPACITY CLAIMED BY THE SIGNER

- ☒ Individual (s)  
☐ Corporate Officer

- (Title)  
☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

## INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

# ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }

County of Alameda }

On 18 May 2018 before me, Patricia Washington, Notary Public  
(Here insert name and title of the officer)

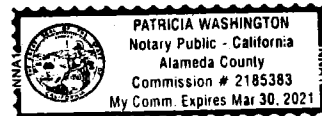
personally appeared Sheila Elworthy,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument and acknowledged to me that  
he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that  
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Patricia Washington  
Notary Public Signature

(Notary Public Seal)



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  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**TRACT1:**

Parcel 1 of Land Partition 22-17, a replat of Lots 1 and 2 of LP 2-90 in Sections 23- 27, 34 – 36, Township 40 South, Range 8 East, Sections 19, 30 and 31, Township[ 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon. Recorded on May 11, 2018 as instrument #2018-005816.  
And being also described as follows

An area of land in Sections 2, 3, 4, 10, 11, 13 and 14, of Township 41 South, Range 8 East, Sections 26, 27, 34 and 35 of Township 40 South, Range 8 East, Willamette Meridian, Klamath County, Oregon. Being more particularly described as follows:

Beginning at the intersection of the East line of the West ½ of said Section 13 with the South line of the State of Oregon; thence along said South line North 88°55'15" West 7997.01 feet to the intersection of the West line of Section 14 with the South line of the State of Oregon; thence along said West line North 00°02'59" East 1190.11 feet to the Southwest corner of the Northwest quarter of the Northwest quarter of Section 14; thence North 89°49'00" East 1338.50 feet along the South line of said Northwest quarter of the Northwest quarter of Section 14; to a point on the East line of the Northwest quarter of the Northwest quarter of Section 14 thence, North 00°02'38" East 1320.00 feet to the South line of Section 11 of said Township and Range; thence, along the East line of the Southwest quarter of the Southwest quarter of said Section 11, North 00°02'14" East 1318.20 feet to the Northeast corner of the Southwest quarter of the Southwest quarter of said Section 11; thence along the North line of said Southwest quarter of the Southwest quarter of Section 11, South 89°47'28" West 172.49 feet to the centerline of West Canal; thence along said West Canal, North 07°48'21" West 1388.22 feet; thence North 27°13'58" West 1192.99 feet; thence North 33°22'09" West 234.94 feet; thence leaving said centerline, South 89°44'23" West 299.60 feet along the North line of the Southwest quarter of the Northwest quarter said Section 11 to the Southwest corner of said Southwest quarter of the Northwest quarter, thence along the south line of the Northeast quarter of the Northeast quarter of Section 10, South 89°44'23" West 1335.20 feet to the point for the Northeast one-sixteenth Section corner of Section 10; thence along West line of the Northeast quarter of the Northeast quarter of Section 10 North 00°05'01" East 1317.01 feet to the East one-sixteenth section corner of sections 3 and 10; thence along the South line of Section 3, South 89°42'50" West 4003.28 feet to the Southeast corner of Section 3; thence along the West line of Section 3, North 00°11' 07" East 1054.25 feet to the Southwesterly corner of Government Lot 4; thence North 83°14'25" West 902.74 feet to the Easterly right-of-way of United States Highway 97; thence along said right-of-way, North 19°45'34" East 3785.26 feet; thence 615.02 feet along a 5679.59 foot radius curve to the right, the long chord of which bears North 22°51'42" West 614.72 feet; thence leaving said right-of-way line, North 89°12'00" East 1111.55 feet along the South line of Section 34, of Township 40 South, Range 8 East; thence leaving said South line North 00°44'25" West 1318.12 feet; thence North 89°15'35" East 374.31 feet; thence North 04°00'35" East 307.31 feet; thence North 60°30'35" East of 462.00 feet; thence North 43°45'35" East 660.00 feet; thence North 85°45'35" East 264.00 feet; thence South 71°14'25" 429.00 feet; thence North 04°30'35" East 1320.00 feet; thence North 24°44'25" West 759.00 feet; thence North 30°30'35" East 792.00 feet; thence North 17°29'25" West 273.34 feet to the Easterly right-of-way of United States Highway 97; thence along said right-of-way North 31°26'34" East 1692.71 feet; thence leaving said right-of-way line, North 89°36'34" East 2167.97 feet along the North line of the Southeast quarter of the Southeast quarter of Section 27 and the Southwest quarter of the Southeast quarter of Section 26 to the centerline of the ADY canal; thence along said canal centerline, South 00°06'26" East 3474.10 feet; thence South 25°14'40" East 3456.72 feet to a point on the South line of Township 40 South, Range 8 East; thence continuing along said canal centerline South 00°54'55" East 6427.29 feet; thence South 69°44'20" East 761.57 feet; thence South 47°44'55" East 405.75 feet; thence South 31°35'25" East 882.98 feet; thence South 01°48'39" West 938.54 feet; thence, South 14°24'56" East 2146.87 feet; thence South 55°28'57" East 3592.69 feet to the East line of the West one-half of Section 13, Township 41 South, Range 8 East; thence along said East line South 00°00'00" West 462.59 feet to the point of beginning.

Together with:

An area of land in the Northwest quarter of Section 3, Township 41 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows;

Beginning at the intersection of the East right-of-way of the Union Pacific Railroad and the North line of said Section 3, which bears North 89°11'51" East 297.80 feet, North 89°12'00" East 59.78 feet from the Northwest corner of Section 3; thence North 89°12'00" East 139.12 feet along the North line of said Section, to a point on the Westerly right-of-way of United States Highway 97; thence leaving said North line, 318.97 feet along a 5779.59 foot radius curve to the left, the long chord of which bears South 23°53'02" West 318.93 feet, to a point of reverse curvature; thence 388.92 feet along a 225.82 foot radius curve to the right, the long chord of which bears North 71°38'32" East 342.61 feet to a point on said East right-of-way line; thence 398.88 feet along a 1482.50 foot radius curve to the left, the long chord of which bears North 40°04'50" East; thence continuing along said right-of-way line North 32°22'21" East 110.47 feet to the point of beginning.

## TRACT2

SECTION 33: THE W1/2 SE1/4 SE1/4; ALSO THAT PORTION of the SW1/4 of Section 33, Township 40 South, Range 8 East of the Willamette Meridian, included within the land of the Southern Pacific Company described in Deed dated August 31, 1908, from H. F. Chapman, et al., to California Northeastern Railway Company, recorded January 1, 1909, in Deed Book 25 at page 399, and in Deed dated August 30, 1907 from H. F. Chapman, et al., to California Northeastern Railway Company, recorded October 3, 1907, in Deed Book 23 at page 205, as conveyed to Tulana Farms in Deed Volume M66 at page 5795, Records of Klamath County, Oregon.

SECTION 34: Lots 8 thru 16, Block 45, TOWNSHIP OF WORDEN, according to the official plat thereof on file in the office of the Klamath County Clerk.

## TRACT 3:

In Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon;

SECTION 4: That portion of the N1/2 NE1/4; the SE1/4 NE1/4 and Government Lot 1 lying Westerly of the Southern Pacific Railroad, and that portion of the N1/2 of Section 4, Township 41 South, Range 8 East of the Willamette Meridian, included within the land of the Southern Pacific Company described in deed dated May 10, 1907, from F.H. Downing, et al., to California Northeastern Railway Company, recorded June 7, 1907, in Deed book 22, page 549 and in Deed dated December 19, 1907 from D.E. Gordon, et ux., to California Northeastern Railway Company, recorded January 30, 1908, in Deed Book 23, page 497, as conveyed to Tulana Farms by Deed Volume M66, at page 5794, Microfilm Records of Klamath County, Oregon.

AND EXCEPTING a piece or parcel of land situate in Government Lot 1 of Section 3, in Government Lot 1 and the E1/2 NE1/4 of Section 4, all in Township 41 South, Range 8 East of the Willamette Meridian, County of Klamath, State of Oregon, and described as follows:

That portion of said Lot 1 of Section 3 and said Lot 1 and said E1/2 NE1/4 Section 4 bounded Easterly by the Westerly line of Oregon State Highway U.S. 97, bounded Southerly by the Easterly prolongation of the Southerly line of the 0.701 acre parcel of land described as Parcel 2 in Deed dated December 26, 1963, from Winston H. Patterson, et ux., to Southern Pacific Company recorded December 27, 1963 in Volume 350 of Deeds, page 146, Records of said County (said prolongation being the Southerly line of Lot 1 of said Section 4 and bearing South 80° 00' East), bounded Northerly by the Southwesterly line of the County Road leading from said Oregon State Highway U.S. 97 to Keno, Oregon, and bounded Westerly by the following described line: Beginning at the point of intersection of the East line of the W1/2 SE1/4 of said Section 4 with the Southerly line of Lot 2 of said Section 4, said point being the Southeasterly corner of said 0.701 acre parcel of land described as Parcel 2 in said

deed and is distant South  $17^{\circ} 55' 06''$  West 4267.65 feet from the Northeast corner of said Section 4; thence North along said East line, being also the West line of said Lot 1 of Section 4, a distance of 320.83 feet to a point; thence Northeasterly along a curve to the left having a radius of 5679.60 feet and central angle of  $10^{\circ} 50' 35''$  (tangent to said curve at last mentioned point bears North  $31^{\circ} 47' 35''$  East) an arc distance of 1074.85 feet; thence North  $20^{\circ} 37' 37''$  East 99.56 feet; thence North  $20^{\circ} 27'$  East 2359.20 feet; thence North  $22^{\circ} 08' 15''$  East 75.75 feet to a point; thence Northeasterly along a curve to the right having a radius of 3869.75 feet and central angle of  $8^{\circ} 40' 19''$  (tangent to said curve at last mentioned point is last described course) an arc distance of 450.62 feet to a point in the North line of said Section 3, distant thereon North  $89^{\circ} 29' 30''$  East 245.33 feet from the Northwest corner of said Section 3; thence continuing Northeasterly along the continuation of said curve to the right having a radius of 3869.75 feet, an arc distance of 111.65 feet to the Northerly terminus of the line being herein described.

AND EXCEPTING THEREFROM that portion thereof lying Southerly of the Northerly line of County Road leading from Oregon State Highway U.S. 97 to Keno, Oregon.

AND ALSO EXCEPTING THEREFROM that portion of the above described 100.00 foot wide strip of land lying Northwesternly of the Southeasterly line of land of the Southern Pacific Company.