

AnterTitle  
10/18/2018 2:32:01 PM

2018-012767

Klamath County, Oregon

10/18/2018 02:32:01 PM

Fee: \$102.00

**After recording, return to:**

Remi Baptiste  
Black Helterline LLP  
805 SW Broadway, Suite 1900  
Portland, OR 97205

**Send tax statements to:**

9440 N. Whitaker Road  
Portland, Oregon 97217

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**STATUTORY SPECIAL WARRANTY DEED**

Paul M. Novak, as to an undivided 50% interest, and John J. Novak and Ann M. Novak, Co-Trustees of The Novak Revocable Living Trust pursuant to the Trust Agreement dated April 12, 2013, as to an undivided 50% interest, collectively Grantor, convey and specially warrant to MB Real Properties, LLC, an Oregon limited liability company, Grantee, the following described real property free of encumbrances created or suffered by Grantor except as specifically set forth herein:

See Exhibit A attached and incorporated herein

Such property is free of all encumbrances created or suffered by Grantor except specifically set forth in the attached Exhibit B.


The true and actual consideration for this conveyance is: \$852,000.00.

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 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 Page Follows]

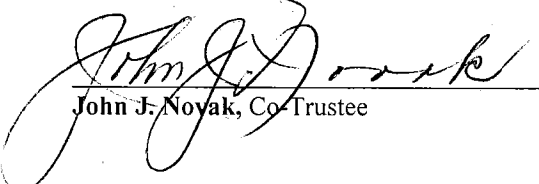
EXECUTED this 17 day of October, 2018.

GRANTOR:

  
Paul M. Novak  
as to an undivided 50% interest

AND

John J. Novak and Ann M. Novak, as Co-Trustees of The Novak Revocable Living Trust, pursuant to the Trust Agreement dated April 12, 2013, as to an undivided 50% interest

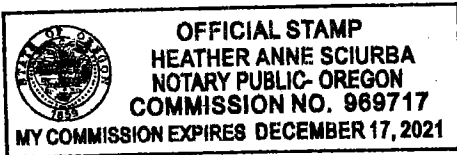
  
John J. Novak, Co-Trustee

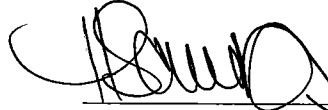
  
Ann M. Novak, Co-Trustee

[Notary Acknowledgements on Following Page]

STATE OF OREGON )  
County of Klamath ) ss.

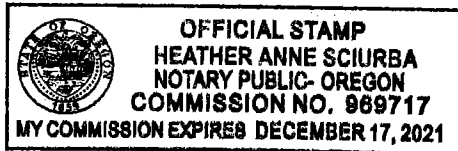
The foregoing instrument was acknowledged before me on this 17 day of October, 2018 by Paul M. Novak in his personal capacity.

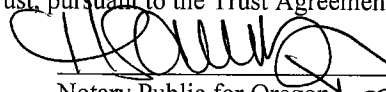


  
Notary Public for Oregon  
My commission expires Dec 17 2021

STATE OF OREGON )  
County of Klamath ) ss.

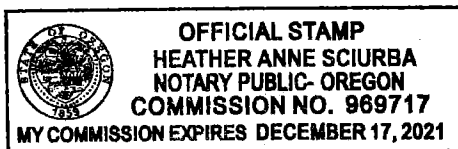
The foregoing instrument was acknowledged before me on this 17 day of October, 2018 by John J. Novak, as Co-Trustee of The Novak Revocable Living Trust, pursuant to the Trust Agreement dated April 12, 2013.

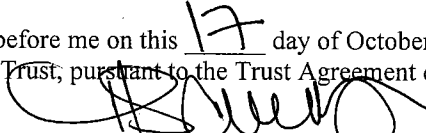


  
Notary Public for Oregon  
My commission expires Dec 17 2021

STATE OF OREGON )  
County of Klamath ) ss.

The foregoing instrument was acknowledged before me on this 17 day of October, 2018 by Ann M. Novak, as Co-Trustee of The Novak Revocable Living Trust, pursuant to the Trust Agreement dated April 12, 2013.



  
Notary Public for Oregon  
My commission expires Dec 17 2021

**Exhibit A**  
**Legal Description**

Parcel 1:

A piece or parcel of land in the NW 1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the section corner marking the Northwest corner of said Section 3, Township 39 South, Range 9 East of the Willamette Meridian, and running thence South  $0^{\circ} 00' 1/2''$  East along the Westerly boundary of the said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the center line of The Dalles-California Highway, also known as South Sixth Street, as the same is now located and constructed; thence South  $55^{\circ} 52' 1/2''$  East along said parallel line 1266.2 feet to the true point of beginning of this description; running thence South  $55^{\circ} 52' 1/2''$  East 50 feet along said parallel line; thence North  $34^{\circ} 07' 1/2''$  East 175 feet; thence North  $55^{\circ} 52' 1/2''$  West 50 feet; thence South  $34^{\circ} 07' 1/2''$  West 175 feet to the said point of beginning.

Parcel 2:

A tract of land situated in the SW 1/4 of the NW 1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Commencing at the Northwest corner of said Section 3; thence South  $00^{\circ} 00' 1/2''$  East along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75.0 feet distant from, at right angles Northeasterly from the center line of the Klamath Falls-Lakeview Highway, also known as South Sixth Street as the same is now located and constructed, said parallel line being the Northerly right of way line of said Highway; thence South  $55^{\circ} 52' 1/2''$  East along said right of way line 1216.2 feet, more or less, to an iron peg marking the true beginning point of this description, for which a cross chiseled in the concrete sidewalk for a witness mark by the Oregon State Highway Commission on July 15, 1947, bears South  $34^{\circ} 07' 1/2''$  West 10.0 feet; said beginning point also marks the center line of the party wall between the lands of Swan Lake Moulding Company and Frank P. Drew covered by party wall agreement dated June 1, 1948 and filed January 25, 1949 in Volume 228, page 196, Deed Records of Klamath County, Oregon, and further covered by extended party wall agreement dated August 26, 1968 in Volume M68, page 7816, Deed Records of Klamath County, Oregon; running thence at right angles to said Sixth Street North  $34^{\circ} 07' 1/2''$  East following center line of said party wall and its extension 175.0 feet to an iron pin set in the Southwesterly boundary of the County Road known as Pershing Way; thence South  $55^{\circ} 55' 1/2''$  East 50.0 feet along said Southwesterly boundary to an iron peg marking the boundary between the lands of the Novak Parts Supply Inc. and Swan Lake Moulding Company; thence South  $34^{\circ} 07' 1/2''$  West 175.0 feet along said boundary to an iron peg in the Northerly right of way boundary of South Sixth Street, from which the cross chiseled in the concrete sidewalk for a witness mark by the O. S. H. C. bears South  $34^{\circ} 07' 1/2''$  West 10.0 feet; thence from said iron peg North  $55^{\circ} 52' 1/2''$  West along said boundary 50.0 feet to the place of beginning.

Legal Description created prior to January 1, 2008.

**Exhibit B**  
Encumbrances

1. Agreement and the terms and conditions contained therein  
Between: Howard Beukhard et al.  
And: Alfred D. Collier et ux.  
Purpose: Party Wall  
Recorded: January 25, 1949  
Volume: Volume 228, page 196, Deed Records
2. Agreement and the terms and conditions contained therein  
Between: Frank P. Drew and Virginia M. Drew  
And: Swan Lake Moulding Company  
Purpose: Party Wall  
Recorded: August 26, 1968  
Volume: M68, page 7816
3. Ordinance No. 09-10 annexing certain territories to the City of Klamath Falls, including the terms and provisions thereof  
Recorded: August 11, 2009  
Instrument No.: 2009-010783