

RECORDING REQUESTED BY
FIDELITY NATIONAL TITLE

AND WHEN RECORDED MAIL TO:

FIDELITY NATIONAL TITLE
ATTN: CARRIE PETERSON
1 E. WASHINGTON ST., SUITE 450
PHOENIX, AZ 85004

Escrow No.: Z1828105

2018-014780

Klamath County, Oregon

12/10/2018 01:23:01 PM

Fee: \$127.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

RECORDING REQUESTED BY:

GRANTOR'S NAME:

DG-Chiloquin, OR-1-UT, LLC
A Utah limited liability company

GRANTEE'S NAME:

Arne Edvard Noon, Trustee of the Arne Edvard Noon Revocable Living Trust Dated January 10, 2012, as to his 50% interest and Eric Noon aka Eric Robert Noon as to his 50% interest

SEND TAX STATEMENTS TO:

1761 Charnelton St.
Eugene, OR 97401

AFTER RECORDING RETURN TO:

Fidelity National Title Insurance Company
One East Washington Street, Ste #450
Phoenix, AZ 85004

ESCROW NO.: Z1828105

SPACE ABOVE THIS LINE
FOR RECORDER'S USE

SPECIAL WARRANTY DEED

DG-Chiloquin, OR-1-UT, LLC, a Utah limited liability company ("Grantor")

Conveys and specially warrants to
Arne Edvard Noon, Trustee of the Arne Edvard Noon Revocable Living Trust Dated January 10, 2012, as to as to an undivided 50% interest and Eric Noon aka Eric Robert Noon as to an undivided 50% interest ("Grantee")

the following described real property situated in **Klamath County, Oregon** as described in attached Exhibit "A", free of encumbrances created or suffered by Grantor, and except for those described on the attached Exhibit "B".

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION SIXTY FOUR THOUSAND AND NO/100 DOLLARS (\$2,064,000.00).

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.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: December 4th, 2018

Grantor:

DG-Chiloquin, OR-1-UT, LLC, a Utah limited liability company

By: Embree Asset Group, Inc., a Texas corporation, Member

By: 

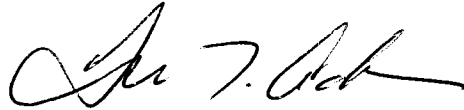
Name: Rocky Hardin

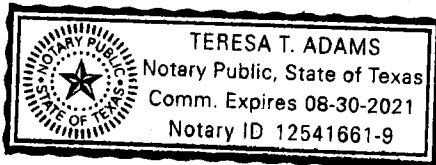
Title: CFO/EVP

NOTARY ACKNOWLEDGMENT TO SPECIAL WARRANTY DEED

STATE OF Texas)
) SS
COUNTY OF Williamson)

The foregoing instrument was acknowledged before me on December 4, 2018, by Rocky Hardin, Chief Financial Officer/Executive Vice President of Embree Asset Group, Inc. a Texas corporation, on behalf of said corporation as Member of DG-Chiloquin, OR-1-UT, LLC, a Utah limited liability company.





Registration No. 125 41661-9

My commission expires: 8/30/2021

EXHIBIT A
SPECIAL WARRANTY DEED
LEGAL DESCRIPTION OF PROPERTY

Parcel 2 of Partition Plat LP 11-16, a replat of a portion of the Government Lots 1, 7 and 8 in the NE1/4 of Section 4, Township 35 South, Range 7 East, of the Willamette Meridian Klamath County, Oregon, recorded April 7, 2017 in Instrument 2017-003674.

EXHIBIT B
SPECIAL WARRANTY DEED

1. Land Status Report, including the terms and provisions thereof,
Recorded: July 20, 1959 Volume: 314, Page: 293, Deed Records
2. The provisions contained in Warranty Deed,
Recorded: May 3, 1960, Volume: 320, Page: 609, Deed Records
3. The provisions contained in Warranty Deed,
Recorded: May 3, 1960, Volume: 320, Page: 611, Deed Records
4. The provisions contained in Warranty Deed,
Recorded: March 22, 1961, Volume: 328, Page: 169, Deed Records
5. Reservation of all subsurface rights except water, including the terms and provisions contained therein,
in deed from United States of America. Recorded: August 23, 1971 Volume: M71, Page 8895.
6. Limited access provisions contained in Deed from Worthen Family Trust Number One 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: September 18, 1991
Volume: M91, Page: 18854
7. CLUP 3-16 Final Order, including the terms and provisions thereof,
Recorded: July 12, 2016
Instrument No.: 2016-007361
8. Easements, reservations, notes and/or dedications as shown on Partition Plat No. LP 11-16.
9. Memorandum of Lease, including the terms and provisions thereof,
Dated: May 26, 2017
Recorded: May 30, 2017
Instrument No.: 2017-005809
Landlord: DG-Chiloquin, OR-1-UT, LLC, a limited liability company
Tenant: DG Retail, LLC, a Tennessee limited liability company
10. Easement Agreement with Covenants and Restrictions, including the terms and provisions thereof,
Recorded: May 30, 2017
Instrument No.: 2017-005810
11. 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: PacifiCorp, an Oregon corporation, its successors and assigns
Recorded: July 17, 2017
Instrument No.: 2017-007961