

2019-007408

Klamath County, Oregon

07/01/2019 02:33:02 PM

Fee: \$117.00



After recording return to:
DKM2, LLC
P.O. Box 1583
Corvallis, OR 97339

Until a change is requested all tax
statements shall be sent to the
following address:
DKM2, LLC
P.O. Box 1583
Corvallis, OR 97339

File No.: NCS-964545-OR1 (RR)
Date: June 17, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

FATCO. NO. 964545

STATUTORY WARRANTY DEED

Red Knight LLC, an Oregon limited liability company, as to an undivided 15% interest and K Falls Center LLC, an Oregon limited liability company, as to an undivided 15% interest, Grantors, conveys and warrants to DKM2, LLC, an Oregon limited liability company, as to an undivided 12% interest and L-39, LLC, an Oregon limited liability company, as to an undivided 18% interest, GranteeS, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Klamath, State of Oregon, described as follows:

See exhibit A attached hereto and made a part hereof:

Subject to:

1. See exhibit B attached hereto and made a part hereof:

The true consideration for this conveyance is **\$1,452,000.00**. (Here comply with requirements of ORS 93.030)

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 28th day of June, 2019.

Red Knight LLC, an Oregon limited liability company

KFalls Center LLC, an Oregon limited liability company

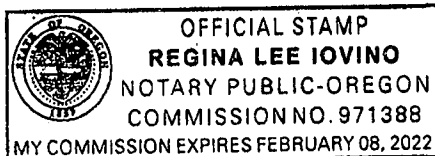
By: Richard A Carone
Name: Rich Carone
Title: Manager

By: The Ben Wahlstrom Revocable Trust, Sole Member

By: _____
Name: Ben Wahlstrom
Title: Trustee

STATE OF Oregon)
County of Benton) ss.
)

This instrument was acknowledged before me on this 28th day of June, 2019 by Rich Carone as Manager of Red Knight LLC, on behalf of the limited liability company.



Regina Lee Iovino
Notary Public for Oregon
My commission expires:

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 28 day of June, 2017.

Red Knight LLC, an Oregon limited liability company

KFalls Center LLC, an Oregon limited liability company

By: _____
Name: Rich Carone
Title: Manager

By: The Ben Wahlstrom Revocable Trust, Sole Member

By: 
Name: Ben Wahlstrom
Title: Trustee

STATE OF Oregon)
County of) ss.
)

This instrument was acknowledged before me on this _____ day of _____, 20____
by Rich Carone as Manager of Red Knight LLC, on behalf of the limited liability company.

Notary Public for Oregon
My commission expires:

APN: 526087

Statutory Warranty Deed
- continued

File No.: NCS-964545-OR1 (RR)

STATE OF Oregon)
County of Clackamas)ss.

This instrument was acknowledged before me on this 28th day of June, 2019
by Ben Wahlstrom as Trustee of the Ben Wahlstrom Revocable Trust, who executed as Sole Member of
KFalls Center LLC, an Oregon limited liability company, on behalf of the company.

Lana Renee Wilson
Notary Public for Oregon
My commission expires: 11/7/2020

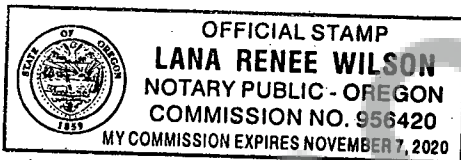


Exhibit "A"

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1 OF LAND PARTITION NO. 48-05, A REPLAT OF A PORTION OF LOTS 35 AND 44 OF ENTERPRISE TRACTS LOCATED IN THE WEST 1/2 OF THE NW1/4 OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

LESS AND EXCEPT THAT PORTION DEEDED TO THE CITY OF KLAMATH FALLS AND ITS SUCCESSORS AND ASSIGNS ON JULY 15, 2008 IN 2008-10156, RECORDS OF KLAMATH COUNTY, OREGON.

(EASEMENT PARCEL)

TOGETHER WITH RECIPROCAL EASEMENT AND MAINTENANCE AGREEMENT AS DISCLOSED BY DOCUMENT RECORDED DECEMBER 8, 1995 IN VOLUME M95 PAGE 33582, RECORDS OF KLAMATH COUNTY, OREGON.

ALSO TOGETHER WITH NONEXCLUSIVE EASEMENTS FOR COMMON PARKING AND REASONABLE PEDESTRIAN AND VEHICULAR ACCESS, INGRESS AND EGRESS OVER ALL PAVED DRIVEWAYS, ROADWAYS AND WALKWAYS AS PRESENTLY OR HEREAFTER CONSTRUCTED AND CONSTITUTING A PART OF THE COMMON AREA, AND FOR MAINTENANCE AS GRANTED IN DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED DECEMBER 21, 2005 AS DOCUMENT M05 71541, RECORDS OF KLAMATH COUNTY, OREGON.

EXHIBIT B

1. Special Assessment disclosed by the Klamath tax rolls:
For: Klamath County Drainage Service District. (NOTE: Assessment included in taxes)
2. Special Assessment disclosed by the Klamath tax rolls:
For: SB125
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: The California Oregon Power Company
Recorded: February 4, 1947
Volume: 202, Page 29, Deed Records
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: The California Oregon Power Company
Recorded: June 30, 1955
Volume: 275, Page 401, Deed Records
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: The State of Oregon by and through its Department of Transportation, Highway Division
Recorded: August 25, 1976
Volume: M76, Page 13262
6. 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: CP National Corporation
Recorded: August 22, 1979
Volume: M79, Page 19978
7. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,
Lessor: Frederick D. Ehlers and Helen Ann Ehlers
Lessee: Payless Drug Stores, Northwest, Inc.
Disclosed by: Memorandum of Lease
Date: June 28, 1979
Recorded: September 27, 1979
Volume: M79, Page 22862

Assignment of Lease

Assignor: Thrifty Pay Less, Inc., a California corporation
Assignee: Safeway, Inc., A Delaware Corporation
Recorded: March 7, 2000
Volume: M00, Page 7295

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: State of Oregon, by and through its Department of Transportation, Highway Division traffic control facility

EXHIBIT B, CONT.

Recorded: February 22, 1980
Volume: M80, Page 3562

9. Consent to Annexation, including the terms and provisions thereof,
Recorded: October 28, 1980
Volume: M80, Page 20383
Between: City of Klamath Falls and Swan Lake Moulding Company

Ordinance No. 6333,
Recorded: March 31, 1981
Volume: M81, Page 4586

10. 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: The Travelers Insurance Company
Recorded: December 8, 1995
Volume: M95, Page 33582

11. Terms, conditions and provisions contained in Perpetual Permit;
Recorded: June 24, 1992
Volume: M92, Page 13865
For: Placement and maintenance of a parking lot and use of a road crossing
From: Oregon California and Eastern Railway Company, a Nevada Corporation
To: Swan Lake Moulding Company

12. An unrecorded lease with certain terms, covenants, conditions and provisions set forth therein and such other exceptions as may appear necessary upon recording thereof,
Lessor: Jefferson Square of Klamath LLC
Lessee: Safeway, Inc.
Lease Duration: March 1, 2000 to February 28, 2025
Date: February 16, 2000
Recorded: March 7, 2000
Volume: M00, Page 7302

Assignment of Lease
Assignor: Safeway, Inc., A Delaware Corporation
Assignee: Haggen Property North, LLC, a Delaware Limited Liability Company
Recorded: May 1, 2015
Instrument No.: 2015-004180

Assignment of Lessee's interest in Lease
Assignor: HH Property North, LLC (f/k/a Haggen Property North, LLC) a Delaware Limited Liability Company
Assignee: Klamathhoof, LLC, an Oregon Limited Liability Company
Recorded: October 3, 2018
Instrument No.: 2018-012141

13. 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
Recorded: October 23, 2000
Instrument No.: M00, Page 38393

EXHIBIT B CONT.

14. Covenants, conditions and restrictions, but omitting any covenant or restriction based on race, color, religion, sex, sexual orientation, disability, handicap, familial status, marital status, ancestry, national origin or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
Recorded: December 21, 2005
Instrument No.: M05, Page 71541

Amended by instrument,
Recorded: January 16, 2019
Instrument No.: 2019-000476

Amended by instrument,
Recorded: May 24, 2019
Instrument No.: 2019-005842
15. 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: City of Klamath Falls
Recorded: July 15, 2008
Instrument No.: 2008-010156
16. Terms as disclosed in QuitClaim Deed,
Recorded: May 1, 2015
Instrument No.: 2015-004179
17. Memorandum of Tenancy in Common Agreement, including the terms and provisions thereof,
Recorded: January 16, 2019
Instrument No.: 2019-000479
18. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: DKM2, LLC, an Oregon limited liability company, as to an undivided 8% interest; L-39, LLC, an Oregon limited liability company, as to an undivided 12% interest; K Falls Center, LLC, an Oregon limited liability company, as to an undivided 40% interest and Red Knight, LLC, an Oregon limited liability company, as to an undivided 40% interest, all as tenants in common
Lessee: TJX Companies, Inc., a Delaware corporation
Dated: June 13, 2019
Recorded: June 13, 2019
Instrument No.: 2019-006636
19. A lease with certain terms, covenants, conditions and provisions set forth therein.
Lessor: Red Knight, LLC, K Falls Center LLC, L-39, LLC and DKM2, LLC
Lessee: K Falls Fit LLC
Dated: March 11, 2019
Recorded: March 21, 2019
Instrument No.: 2019-002586