

2020-016350

Klamath County, Oregon

12/15/2020 03:15:00 PM

Fee: \$107.00

**RECORDING REQUESTED BY AND
WHEN RECORDED, RETURN TO:**

Sidley Austin LLP
One South Dearborn
Chicago, IL 60603
Attn: Elizabeth K. McCloy

**UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:**

EPC Landlord Group LLC
c/o Indirect Tax Department
4500 Dorr Street
Toledo, Ohio 43615-4040

SPECIAL WARRANTY DEED

The undersigned Grantor, ARHC PPKLAOR01, LLC, a Delaware limited liability company, grants, conveys and specially warrants to EPC LANDLORD GROUP LLC, a Delaware limited liability company, the real property in Klamath County, State of Oregon, described in Exhibit A attached hereto and incorporated herein free of liens, charges, encumbrances and other matters created or suffered by the Grantor except as set forth on Exhibit B attached hereto and incorporated herein by this reference. Grantor hereby warrants title to the property hereby conveyed and will forever warrant and defend such title against all claims arising by, through or under Grantor, but not otherwise.

The true and actual consideration for this transfer is \$9,603,000.

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

[Signature Page Follows]

Dated as of this 15th day of December, 2020.

GRANTOR:

ARHC PPKLAOR01, LLC, a Delaware limited liability company

By: 

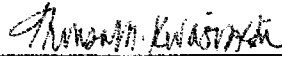
Name: Christian N. Cummings

Its: President

STATE OF Illinois)
) ss.
COUNTY OF Cook)

I certify that I know or have satisfactory evidence that Christian N. Cummings is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledge it as the President of ARHC PPKLAOR01, LLC, a Delaware limited liability company to be the free and voluntary act of such limited liability company for the uses and purposes mentioned in the instrument.

Dated: December 9, 2020



Notary Public

My commission expires: 08/05/22



EXHIBIT A

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Klamath, State of Oregon, and is described as follows:

PARCEL 1:

THAT PORTION OF TRACT 40B LYING SOUTH AND WESTERLY OF THE U.S.B.R. "A" CANAL AND EASTERLY OF WASHBURN WAY AND ALL OF TRACT 40C, ENTERPRISE TRACTS, IN THE COUNTY OF KLAMATH, STATE OF OREGON.

EXCEPTING THEREFROM THAT PORTION DEEDED TO KLAMATH COUNTY IN VOLUME 335, PAGE 87, AND PARCEL DEEDED TO UNITED STATES OF AMERICA FOR CANALS AND LATERALS RECORDED JUNE 25, 1909 IN VOLUME 27, PAGE 236 AND IN VOLUME 38, PAGES 209 AND 210, ALL DEED RECORDS OF KLAMATH COUNTY, OREGON, AND THAT PORTION OF TRACT 40C DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH IRON PIN ON THE EAST RIGHT OF WAY LINE OF WASHBURN WAY, SAID POINT BEING NORTH 00°20'00" EAST ALONG THE CENTERLINE OF WASHBURN WAY AND ALONG THE WEST LINE OF SECTION 34 A DISTANCE OF 332.19 FEET AND SOUTH 89°33'03" EAST A DISTANCE OF 30.00 FEET FROM THE 5/8 INCH IRON PIN MARKING THE WEST ONE-QUARTER CORNER OF SECTION 34, THENCE NORTH 00°20'00" EAST ALONG THE EAST RIGHT OF WAY LINE OF WASHBURN WAY A DISTANCE OF 285.00 FEET TO A ONE-HALF INCH IRON PIN, THENCE SOUTH 89°33'03" EAST PARALLEL WITH THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION A DISTANCE OF 472.43 FEET TO A ONE-HALF INCH IRON PIN, THENCE CONTINUING SOUTH 89°33'03" EAST A DISTANCE OF 29 FEET MORE OR LESS, TO THE WESTERLY RIGHT OF WAY LINE OF THE USBR "A" CANAL, THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE IN THE NORTH LINE OF "MILLS GARDEN" SUBDIVISION, THENCE NORTH 89°33'03" WEST ALONG THE NORTH LINE OF "MILLS GARDEN" (SOUTH 89°45' WEST BY SAID SUBDIVISION PLAT) A DISTANCE OF 20.96 FEET, MORE OR LESS, TO A TWO-INCH IRON PIPE, THENCE CONTINUING NORTH 89°33'03" WEST ALONG ALL SUBDIVISION LINE A DISTANCE OF 606.40 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY.

PARCEL 2:

A TRACT OF LAND SITUATED IN TRACTS 40B AND 40C, ENTERPRISE TRACTS, IN THE NW1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED NORTH 0°24' WEST A DISTANCE OF 792.2 FEET FROM THE 2 INCH IRON PIPE MARKING THE INITIAL POINT OF "MILLS GARDEN" SUBDIVISION, SAID INITIAL POINT BEING NORTH 0°24' WEST A DISTANCE OF 15.0 FEET AND NORTH 89°45' EAST A DISTANCE OF 30 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION 34 ACCORDING TO THE OFFICIALLY RECORDED PLAT OF SAID "MILLS GARDENS" SUBDIVISION; THENCE NORTH 0°24' WEST A DISTANCE OF 85.00 FEET TO AN IRON PIN; THENCE NORTH 89°36' EAST A DISTANCE OF 100.0 FEET TO AN IRON PIN; THENCE SOUTH 0°24' EAST A DISTANCE OF 85.0 FEET TO AN IRON PIN; THENCE SOUTH 89°36' WEST A DISTANCE OF 100.0 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTION LYING WITHIN THE BOUNDARIES OF WASHBURN WAY

EXHIBIT B

PERMITTED ENCUMBRANCES

1. General and special taxes and assessments for the fiscal year 2020-2021, a lien not yet due or payable.
2. City liens, if any, of the City of Klamath Falls.
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, a California Corporation
Recorded: May 15, 1935
Volume: 104, Page 543
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: CP National Corporation
Grantor: Bob Wood
Recorded: July 23, 1982
Volume: M82, Page 9447
5. Non Remonstrance Agreement, subject to the terms and provisions thereof:
Dated: May 24, 1999
Recorded: June 3, 1999
Volume: M99, Page 21952
Between: City of Klamath Falls and Harder Development II, LLC
6. Consent to Annexation, including the terms and provisions thereof,
Recorded: December 13, 1999
Volume: M99, Page 48983
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: Pacificorp, an Oregon corporation dba Pacific Power & Light Company
Recorded: September 13, 2000
Volume: M00, Page 33433
8. Nonexclusive Installation and Service Agreement, including the terms and provisions thereof,
Recorded: May 11, 2011
Volume: 2011-000831
9. 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, Oregon

Recorded: May 11, 2011
Volume: 2011-005837

10. Agreement Rescinding Applications and Agreement for Exemption From Payment of Assessments, including the terms and provisions thereof,
Recorded: June 16, 2011
Volume: 2011-007304
11. Rights or claims of parties in possession, as tenants only, under unrecorded leases or rental agreements, with no purchase options, rights of first refusal to purchase or rights of first offer to purchase.
12. The following matters disclosed by an ALTA/NSPS survey made by CreSurvey on 10/21/2020 and last revised 11/24/20, designated Job No. 20-6162-Site #005:
Fence located on the Land encroaches over the northeasterly curved line by up to 3'