2023-000868

Klamath County, Oregon

02/08/2023 01:02:01 PM

Fee: \$97.00

AFTER RECORDING MAIL And Send Tax Statements to:

WinCo Foods, LLC Attn: Chad Lamer 650 N. Armstrong Place Boise, ID 83704

Space Above This Line for Recorder's Use Only

SPECIAL WARRANTY DEED

Newman Development Group Of Klamath Falls, LLC, an Oregon limited liability company ("Grantor"), hereby sells, transfers, conveys and warrants against all claiming by, through or under Grantor, to WinCo Foods, LLC, a Delaware limited liability company ("Grantee"), whose address is 650 N. Armstrong Place, Boise, Idaho 83704, the following real property situated in Klamath County, State of Oregon:

See Exhibit "A" attached hereto and incorporated herein by reference.

The true consideration for this conveyance is \$525,000.00. (Here comply with requirements of ORS 93.030)

Subject to all exceptions listed on Exhibit B, together with all rights, benefits, privileges, easements, tenements, hereditaments and appurtenances thereon or in any way appertaining thereto, including water and mineral rights and any and all right, title, and interest of Grantor in and to adjacent roads, rights-of-way, and easements.

[Signature on next page]

First Am NCS-1138890-OR

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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, Grantor has executed this instrument this 3rd day of February, 2023.

GRANTOR:

NEWMAN DEVELOPMENT GROUP OF KLAMATH FALLS, LLC

By: Marc Newman
Its: Member

| STATE OF NEW YORK COUNTY OF BROOME |) : ss.) | | |
|------------------------------------|-----------------|--|--|
| On February 3, 2023 before me, | | (insert name and title of the officer) | |

personally appeared MARC NEWMAN, 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.

WITNESS my hand and official seal.

Notary Public

Residing at__

Comm. Expires_

DARLENE CASH
Notary Public, State of New York
NO. 01CA6202200
Qualified in Broome County
Commission Expires March 9, 20

EXHIBIT A

PARCEL 1:

PARCEL 3 OF LAND PARTITION 19-08, BEING A RE-PLAT OF LOTS 37, 38A, 41B, AND 42 OF ENTERPRISE TRACTS, SITUATED IN THE SW1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON.

PARCEL 2:

PARCELS 2 AND 3 OF LAND PARTITION 37-08, BEING A RE-PLAT OF PARCEL 2 OF LAND PARTITION 19-08, SITUATED IN THE SW1/4 OF SECTION 34, TOWNSHIP 38 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON AS RECORDED MAY, 21, 2009 IN THE RECORDS OF KLAMATH COUNTY, OREGON.

EXHIBIT B

1. The provisions contained in Deed, Recorded: October 5, 1951,

Volume: 250, Page 234

As follows: See Deed for particulars.

- 2. 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: August 3, 1972
 Volume: M72, Page 8615
- 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: City of Klamath Falls, Oregon Recorded: April 27, 1978

 Volume: M78, Page 8317
- 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: PacifiCorp, an Oregon Corporation Recorded: June 30, 2008

 Volume: 2008-009522
- 5. Restrictions and Reservations as shown on the Partition Plat No. LP 19-08.
- 6. Easements as shown on the Partition Plat No. LP 19-08.
- 7. Restrictions and Reservations as shown on the Partition Plat No. 37-08.
- 8. Easements as shown on the Partition Plat No. LP 37-08.
- 9. 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: September 11, 2008 Instrument No.: 2008-012703

Re-recorded: September 16, 2008 Instrument No.: 2008-012933