2023-008143

Klamath County, Oregon 09/18/2023 02:47:01 PM

Fee: \$107.00

After recording, return to: Altamont MHP LLC 3470 Rockview Place West Vancouver, BC V7V 3H3

Until a change is requested, all tax statements shall be sent to the following address:
Altamont MHP LLC
3470 Rockview Place
West Vancouver, BC V7V 3H3

SPECIAL WARRANTY DEED

Altamont Estates MHC, LLC, an Oregon limited liability company ("Grantor"), conveys and specially warrants to Altamont MHP LLC, a Delaware limited liability company ("Grantee"), that certain real property situated in the City of Klamath Falls, County of Klamath, State of Oregon, legally described on Exhibit A attached hereto and made a part hereof, together with any and all buildings, structures and improvements located thereon and all rights, benefits, privileges, tenements, hereditaments and appurtenances belonging or pertaining thereto, including all right, title and interest of Grantor in and to all minerals, oil, gas and other hydrocarbon substances thereon, all development rights, air rights, water, water rights and water stock relating thereto and all of Grantor's right, title and interest in and to all streets, alleys, easements and rights-of-way thereon, adjacent thereto, or used in connection therewith, free of encumbrances except as specifically set forth on Exhibit B attached hereto and made a part hereof.

The true consideration for this conveyance is One Thousand Dollars (\$1,000.00) and other good and valuable consideration.

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

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30,930. IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES 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]

Dated this day of September, 2023.	
Altamont Estates MHC, LLC, an Oregon limited liability company	
By: Charm Communities, LLC, a Maryland limited liability company, its Manager	
By:	
STATE OF Michigan) ss. County of Japland)	
liability company, the Manager of Altamont Estat	arm Communities, LLC, a Maryland limited
company.	Notary Public for State of Michigan
	My Commission Expires: 09 71 20 2

RACHEL MANN
Notary Public, State of Michigan
County of Oakland
My Commission Expires 09-21-2027
Acting in the County of

EXHIBIT A

Legal Description

Tract 13 and 14 of Subdivision of Tracts 25 to 32 inclusive together with the South 10 feet of 33 and 34 of ALTAMONT RANCH TRACTS, in the County of Klamath, State of Oregon, EXCEPT the East 10 feet thereof, conveyed to Klamath County, in Volume 168 at page 535, Deed Records of Klamath County, Oregon.

AND EXCEPT that portion of Lots 13 and 14 lying within the boundaries of the USBR A-3-F Lateral Canal.

NOTE: This legal description was created prior to January 1, 2008.

EXHIBIT B

Permitted Encumbrances

- 1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
- 2. Taxes for the fiscal year 2023-2024 a lien due, but not yet payable.
- 3. Liens and assessments of Klamath Project and Klamath Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
- 4. Rules, regulations and assessments of South Suburban Sanitary District.
- 5. The rights of the public in and to that portion of the premises herein described lying with the limits of streets, roads and highways.
- 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: United States re: Kingsley Field

Recorded: August 13, 1964 Volume: 355, page 317

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: Pacific Power & Light Company

Recorded: March 18, 1981 Volume: M81, page 4911

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: South Suburban Sanitary District

Recorded: June 15, 1983 Volume: <u>M83, page 9352</u>

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: C.P. National Corporation

Recorded: July 6, 1983 Volume: <u>M83, page 10649</u>

10. Agreement and the terms and conditions contained therein

Between: Falcon Cable Systems Company II, LP

And: Jerry Duerken

Purpose: Nonexclusive Installation and Service Agreement

Recorded: May 29, 2013 Instrument No.: 2013-006015

11. Matters as disclosed by Survey by McBride Surveying & Mapping,

Dated: November 18, 2019

Job No: 1108-19 As Follows:

List of Encroachments:

Drainage pipe overlaps property line up to 4.2' +/-

Utilities along Anderson Ave overlap properly line up to 1.3' +/-

- 12. Rights of tenants in possession, as tenants only, under recorded leases, without options to purchase or rights of first refusal.
- 13. Financing Statement from Altamont Estates MHP, LLC, as Debtor, to Fannie Mae, as Secured Party and Fannie Mae dated on or about the date hereof.
- 14. Multifamily Deed of Trust, Assignment of Leases and Rents, Security Agreement and Fixture Filing, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$1,696,000.00

Trustor/Grantor: Altamont Estates MHC, LLC, an Oregon limited liability company

Trustee: AmeriTitle

Beneficiary: Wells Fargo Bank, National Association

Recorded: December 5, 2019 Instrument No.: 2019-14197

- 15. Assignment of Security Instrument by Wells Fargo Bank, National Association to Fannie Mae, recorded: December 6, 2019, in the aforesaid filing office in 2019-14198.
- 16. Assumption and Release Agreement among Altamont Estates MHC, LLC, as transferor, Altamont MHP LLC, as transferee, Joel D. Mazur and Scott J. Fishkind, as original guarantor, Christopher M. Howard, as new guarantor, and Fannie Mae, dated on or about the date hereof and recorded in the aforesaid filing office.