2023-010654

Klamath County, Oregon 12/13/2023 11:04:01 AM

Fee: \$132.00

After recording return to:

McEwen Gisvold LLP 1100 SW Sixth Avenue, Suite 1600 Portland, OR 97204 Attn: Jesse M. Calm, Esq.

Until a change is requested, all tax statements shall be sent to the following address:

JELD-WEN, Inc. 2645 Silver Crescent Drive Charlotte, NC 28273



#### SPECIAL WARRANTY DEED

JELD-WEN, INC., a Delaware corporation, successor by conversion to JELD-WEN, INC., an Oregon corporation, successor by merger to TRENDWEST, INC., an Oregon corporation f/k/a TRENDWEST DEVELOPMENT COMPANY, an Oregon corporation, successor by merger to HARBOR LINKS, INC., an Oregon corporation, Grantor, with an address of 2645 Silver Crescent Drive, Charlotte, NC 28273 conveys and specially warrants to HARBOR ISLES, LLC, an Oregon limited liability company, Grantee, with an address of 2805 Front Street, Klamath Falls, OR 97601, the real property described on the attached Exhibit A, free of encumbrances created or suffered by Grantor, except all those items of record, if any, as of the date of this deed and those shown below, if any.

Other property or value was either part or the whole 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, 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 ACOUIRING 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: December 7, 2023

# **Grantor:**

JELD-WEN, INC.,

a Delaware corporation

Name: James Hayes

Title: Corporate Secretary

## STATE OF NORTH CAROLINA

# COUNTY OF MECKLENBURG

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: James Hayes.

{Official Seal}

PUBLY COMMITTEE TO THE PUBLY COMMITTEE TO THE

Date: December 7, 2023

Notary Public

Notary's Printed or Typed Name

My Commission Expires: 11-24-2024

# Exhibit A to Special Warranty Deed

#### Legal Description

A parcel of land situated in the Southwest One-Quarter of Section 19, Township 38 South, Range 09 East of the Willamette Meridian, City of Klamath Fall, Oregon, being more particularly described as follows:

Beginning at the southwest corner of Lot 101 of Tract 1277, a duly recorded subdivision as filed at the Klamath County Clerk's office, said southwest corner being marked with at 5/8" iron pin; thence along the southerly line of said Lot 101, North 76°34'25" East, 100.07 feet to the southeast corner of said Lot 101; thence along the easterly line of Lot 101 and Lot 102 of said Tract 1277, North 07°11'41" West, 182.69 feet; thence leaving said easterly line and along the adjusted line of Property Line Adjustment 6-04, as shown on County Survey Number 6997 and filed at the Klamath County Surveyors Office, the following four (4) courses, South 13°26'18" East, 318.00 feet; thence South 76°36'25" East, 100.00 feet; thence South 56°18'18" East, 281.68 feet; thence South 13°42'49" West, 59.91 feet to the northwest corner of Tract 1297, Harbor Isles Golf Course Condominium - Stage 1, as filed at the Klamath County Clerk's Office; thence along the westerly line of said Tract 1297, South 13°42'49" West, 120.04 feet to the northerly right of way line of Bismark Street: thence along said northerly right of way line, North 76°31'12" West, 490.19 feet to its intersection with the easterly right of way line of Front Street; thence along said easterly right of way line the following three (3) courses, along a 236.89 foot radius curve to the right, through a central angle of 24°59'15" (the long chord of which bears North 02°11'02" East, 102.49 feet) an arc distance of 103.31 feet; thence North 14°44'21" East, 134.97 feet; thence along a 230.00 foot radius curve to the left, through a central angle of 28°08'36" (the long chord of which bears North 00°34'20" East, 111.84 feet) an arc distance of 112.97 feet to the point of beginning.

EXCEPTING THEREFROM all right, title and interest in and to all water and water rights currently appurtenant to or associated with the land including, but not limited to, that portion of the water and water rights authorized for appropriation and application to beneficial use on the land under (a) Certificate of Water Right No. 72401, and (b) Certificate of Water Right No. 65791, each as identified in the records of the State Record of Water Rights Certificates, true and correct copies of which are attached hereto as Exhibit B.

# Exhibit B to **Special Warranty Deed**

Water Rights Certificates

<u>See attached:</u> Certificate of Water Right No. 65721 Certificate of Water Right No. 72401

# STATE OF OREGON

## COUNTY OF KLAMATH

# CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRENDWEST, INC. P.O. BOX 1089 803 MAIN STREET, SUITE 404 KLAMATH FALLS, OREGON 97601

confirms the right to use the waters of ONE WELL in the KLAMATH LAKE - BASIN for the purpose of IRRIGATING 75.8 ACRES.

The right has been perfected under Permit G-10654. The date of priority is JULY 2, 1986. The right is limited to not more than 300 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NE 1/4, SECTION 19, T 38 S, R 9 E, W.M.; NORTH 88 DEGREES 2 MINUTES 30 SECONDS EAST 422 FEET FROM THE CENTER 1/4 CORNER OF SECTION 19.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

LOT	7	INE	1/4	SW	1/4)	0.1	ACRE
LOT	4	(SE	1/4	NW	1/4)	1.7	ACRES
LOT	5	(NE	1/4	NW	1/4)	1.5	ACRES
LOT	6	(NE	1/4	NW	1/4)	15.2	ACRES
LOT	7	(NW	1/4	NW	1/4)	7.2	ACRES
TOT	8	(SW	1/4	NE	1/4)	10.6	ACRES
LOT	9	(NW	1/4	sW	1/4)	8,4	ACRES
LOT	10	(NE	1/4	SW	1/4)	2.9	ACRES
LOT	11	(SE	1/4	NW	1/4)	28.2	ACRES
LOT 11 (SE 1/4 NW 1/4) 28.2 ACRES SECTION 19							

TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

MAY 20, 1991.

William H. Young

Recorded in State Record of Water Right Certificates numbered 65791.

G-11550.LLC



# Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3866

January 6, 1987

TRENDWEST, Inc. PO Box 1089 803 Main Street, Suite 404 Klamath Falls, Oregon 97601

REFERENCE: File G-11550

ENCLOSED: Permit G-10654

# PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

WILLIAM H. YOUNG

Director

JAN 6 1987 WHY:wpc enclosures JAN 8 1987 00328/1 P.S. A refund check in the amount of \$100 will be forwarded to you as soon as our bookkeepper can prepare it.



# STATE OF OREGON

County of

KLAMATH

# PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11550 and do hereby grant the same SUB-JECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to TRENDWEST, Inc., PO Box 1089, (803 Main Street, Suite 404), Klamath Falls, Oregon, 97601, phone 882-2224, for use of the waters from one well,

for the PURPOSE of irrigation of 75.8 acres,

that the PRIORITY OF THE RIGITT dates from

July 2, 1986,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 300.0 gallons per minute,

measured at the point of diversion from the Well , or its equivalent in case of rotation with other water users.

The well is to be LOCATED: North 88 degrees 2 minutes 30 seconds East 422 feet from center quarter corner, being within the SW 1/4 NE 1/4 Section 19, Township 38 South, Range 9 East, WM, in the County of Klamath.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows: !

Township 38 South, Range 9 East, WM Section 19

Lot 3(NE 1/4 SW 1/4) 0.1 acre
Lot 4(SE 1/4 NW 1/4) 1.7 acres
Lot 5(NE 1/4 NW 1/4) 1.5 acres
Lot 6(NE 1/4 NW 1/4) 15.2 acres
Lot 7(NW 1/4 NW 1/4) 7.2 acres
Lot 8(SW 1/4 NE 1/4) 10.6 acres
Lot 9(NW 1/4 SW 1/4) 8.4 acres
Lot 10(NE 1/4 SW 1/4) 2.9 acres
Lot 11(SE 1/4 NW 1/4) 28.2 acres

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before December 22, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 88

Complete application of the water to the proposed use shall be made on or before October 1, 19-89 .

Witness my hand this 22nd day of December , 19 86 .

WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you about the land-use plan in your city or county planning agency can advise you can be compared to the land-use plan in your city or county planning agency can advise you can be compared to the land-use plan in your city or county planning agency can advise you can be compared to the land-use plan in your city or county planning agency can be compared to the land-use plan in your city or county planning agency can be compared to the land-use plan in your city or county planning agency can be compared to the land-use plan in your city or county planning agency can be compared to the land-use planning agency can be compared to the land-use planning agency can b

APPLICATION G-11550

PERMIT

G10654

#### STATE OF OREGON

#### COUNTY OF KLAMATH

## CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRENDWEST, INC. 803 MAIN, SUITE 404 KLAMATH FALLS, OREGON 97601

confirms the right to use the waters of ONE WELL in the KLAMATH RIVER BASIN for IRRIGATING 41.7 ACRES.

This right was perfected under Permit G-11073. The date of priority is SEPTEMBER 25, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.52 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 19, T 38 S, R 9 E, W.M.; NORTH 88° 02′ 30″ EAST, 422 FEET FROM THE C 1/4 CORNER OF SECTION 19.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acrefeet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

```
1 (SW 1/4)
                          0.6 ACRE
      LOT
      LOT
           2 (SW 1/4)
                          1.3 ACRES
       LOT
            3
              (SW 1/4)
                         12.6 ACRES
      LOT 9 (SW 1/4)
                         15.4 ACRES
       LOT 10 ($W 1/4)
                         10.2 ACRES
          NW 1/4 SE 1/4
                          1.6 ACRES
             SECTION 19
TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.
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The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

When required by the department, the user shall install and maintain a weir, meter or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The use granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

SEE NEXT PAGE

G-11966.BWB

PAGE TWO

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed JULY  $\ensuremath{\mathcal{G}}$  , 1996.

Martha O. Pagel (

Recorded in State Record of Water Right Certificates numbered 72401.

BASIN 14

VOLUME 1 KLAMATH RIVER WELLS

DISTRICT 17

G-11966.BWB

