

2024-004316

Klamath County, Oregon

05/30/2024 01:52:02 PM

Fee: \$112.00



After recording return to:
Sadakah Enterprise, LLC
1727 NE 13th Ave
Portland, OR 97212

Until a change is requested all tax
statements shall be sent to the
following address:
Sadakah Enterprise, LLC
1727 NE 13th Ave
Portland, OR 97212

File No.: NCS-1181606-OR1 (RR)

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED

Klamath Austin, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to **Sadakah Enterprise, LLC, an Oregon limited liability company**, Grantee; the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:

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

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to: See Exhibit B attached hereto and by reference made a part herein

The true consideration for this conveyance is **\$3,800,000.00**. (Here comply with requirements of ORS 93.030)

APN: **R525989**

Statutory Special Warranty Deed

File No.: **NCS-1181606-OR1
(RR)**

- continued

Date: **05/24/2024**

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 29 day of MAY, 2024.

Klamath Austin, LLC, an Oregon limited liability company

By: 

Name: Darren E. Dickerhoof
Title: Manager

APN: **R525989**

Statutory Special Warranty Deed

File No.: **NCS-1181606-OR1**
(RR)

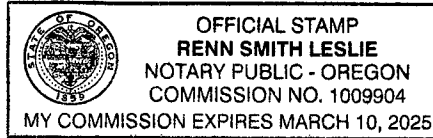
- continued

Date: **05/24/2024**

STATE OF Oregon)

)ss.

County of **BENTON**)



This instrument was acknowledged before me on this 29th day of MAY, 2024
by Darren E. Dickerhoof as Manager of Klamath Austin, LLC, on behalf of the limited liability
company.

A handwritten signature in black ink, appearing to be "RSL", written over a horizontal line.

Notary Public for Oregon

My commission expires: 3/10/2025

APN: **R525989**

Statutory Special Warranty Deed

File No.: **NCS-1181606-OR1
(RR)**

- continued

Date: **05/24/2024**

EXHIBIT A

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

PARCEL 1:

A TRACT OF LAND SITUATED IN TRACT 33A, ENTERPRISE TRACTS SUBDIVISION, IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CASED MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 00° 00' 30" EAST ALONG THE WESTERLY BOUNDARY OF SAID SECTION 3, 826.8 FEET, MORE OR LESS, TO ITS INTERSECTION WITH A LINE PARALLEL WITH AND 75 FEET DISTANT AT RIGHT ANGLES NORTHEASTERLY FROM THE CENTERLINE OF SOUTH SIXTH STREET AS THE SAME IS NOW LOCATED AND CONSTRUCTED, SAID PARALLEL BEING ALSO THE NORTHERLY RIGHT OF WAY LINE OF SAID STREET; THENCE SOUTH 55° 52' 30" EAST ALONG SAID PARALLEL LINE 1,741.84 FEET TO A 5/8 INCH IRON PIN MARKING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF AUSTIN STREET WITH THE LOCATION OF SAID POINT BEING IN CONFORMANCE WITH RECORD OF SURVEY NO. 939 FILED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR WHICH CONTAINS THE ORIGINAL OWNER'S CERTIFICATION OF ORIGINAL PROPERTY CORNERS; THENCE NORTH 34° 07' 40" EAST AT RIGHT ANGLES TO SAID SOUTH SIXTH STREET AND ALONG THE EASTERLY RIGHT OF WAY LINE OF AUSTIN STREET A DISTANCE OF 250.00 FEET TO A 5/8 INCH IRON PIN WITH ALUMINUM CAP; THENCE SOUTH 55° 52' 30" EAST PARALLEL WITH SOUTH SIXTH STREET A DISTANCE OF 310.00 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 34° 07' 30" WEST PARALLEL WITH AUSTIN STREET A DISTANCE OF 250.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET; THENCE NORTH 55° 52' 30" WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET A DISTANCE OF 310.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL 2:

A TRACT OF LAND SITUATED IN TRACT 33A, ENTERPRISE TRACTS SUBDIVISION, IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 39 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CASED MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 3; THENCE SOUTH 0° 00' 30" EAST ALONG THE WESTERLY BOUNDARY OF SAID SECTION 3, 826.8 FEET, MORE OR LESS, TO ITS INTERSECTION WITH A LINE PARALLEL WITH AND 75 FEET DISTANT AT RIGHT ANGLES NORTHEASTERLY FROM THE CENTERLINE OF SOUTH SIXTH STREET AS THE SAME IS NOW LOCATED AND CONSTRUCTED, SAID PARALLEL LINE BEING ALSO THE NORTHERLY RIGHT OF WAY LINE OF SAID STREET; THENCE SOUTH 55° 52' 30" EAST ALONG SAID PARALLEL LINE 1,741.84 FEET TO A 5/8 INCH IRON PIN MARKING A POINT ON THE EASTERLY RIGHT OF WAY LINE AUSTIN STREET WITH THE LOCATION OF SAID POINT BEING IN CONFORMANCE WITH RECORD OF SURVEY NO. 939 FILED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR WHICH CONTAINS THE ORIGINAL OWNER'S CERTIFICATION OF ORIGINAL PROPERTY CORNERS; THENCE CONTINUING SOUTH 55° 52' 30" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 310.00 FEET TO A 5/8 INCH IRON PIN MARKING THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 34° 07' 30" EAST AT RIGHT ANGLES TO SOUTH SIXTH STREET AND PARALLEL WITH AUSTIN STREET A DISTANCE OF 250.00 FEET TO A 5/8 INCH IRON PIN; THENCE SOUTH 55° 52' 30" EAST PARALLEL WITH SOUTH SIXTH STREET A DISTANCE OF 141.18 FEET TO A 5/8 INCH IRON PIN WITH ALUMINUM CAP ON THE WESTERLY LINE OF THAT PROPERTY DESCRIBED IN VOLUME M68 PAGE 4736, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH 37° 07' 30" WEST PARALLEL WITH AUSTIN STREET AND ALONG THE WESTERLY LINE OF THE LAST DESCRIBED PROPERTY A DISTANCE OF 250.00 FEET TO A 5/8 INCH IRON PIN ON THE NORTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET, SAID POINT BEING THE SOUTHWESTERLY CORNER OF THE ABOVE DESCRIBED PROPERTY AND FROM WHICH A CROSS CHISELED IN THE CONCRETE SIDEWALK BEARS SOUTH 34° 07' 30" WEST 10.00 FEET; THENCE NORTH 55° 52' 30" WEST ALONG THE NORTHERLY RIGHT OF WAY LINE OF SOUTH SIXTH STREET A DISTANCE OF 141.18 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

APN: **R525989**

Statutory Special Warranty Deed

File No.: **NCS-1181606-OR1
(RR)**

- continued

Date: **05/24/2024**

EXHIBIT "B"
PERMITTED EXCEPTIONS

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

3. An Agreement and the terms and conditions thereof:

By and Between: Sheldon Brumbaugh and Katherine Brumbaugh, his wife; Swan Lake Moulding Company, and J. R. Brown and Maude Brown, his wife

Recording Information: July 26, 1946 in Volume 193, Page 63, records of Klamath County, Oregon

Modification and/or amendment by instrument:

Recording Information: October 25, 1968 in Volume M68, Page 9600, records of Klamath County, Oregon

4. Grant of Easements with Covenants and Restrictions affecting the land including terms and provisions contained therein:

By and Between: Safeway Stores, Incorporated, a Maryland corporation; Erickson Investment Company, a California corporation, and James F. Stilwell

Recording Information: November 08, 1968 in Volume M68, Page 9981, records of Klamath County, Oregon

Modification and/or amendment by instrument:

Recording Information: October 27, 1988 in Volume M88, Page 18153, records of Klamath County, Oregon

5. Easement, including terms and provisions contained therein:

Recording Information: April 24, 1969 in Volume M69, Page 3040, records of Klamath County, Oregon

By and Between: South Suburban Sanitary District, a municipal corporation and Safeway Stores, Inc.

For: Sanitary sewer

APN: **R525989**

Statutory Special Warranty Deed

File No.: **NCS-1181606-OR1**

(RR)

- continued

Date: **05/24/2024**

6. Easement, including terms and provisions contained therein:
Recording Information: April 24, 1969 in Volume M69, Page 3042, records of Klamath County, Oregon
Executed by: Safeway Stores, Incorporated and South Suburban Sanitary District
7. Grant of Easement with Covenant and Restrictions affecting the land, including terms and provisions contained therein:
Recording Information: April 24, 1969 in Volume M69, Page 3047, records of Klamath County, Oregon
By and Between: Safeway Stores, Incorporated, a Maryland corporation; D. D. Reeder and James F. Stilwell
8. Easement, including terms and provisions contained therein:
Recording Information: May 15, 1969 in Volume M69, Page 3666, records of Klamath County, Oregon
In Favor of: South Suburban Sanitary District
For: Sewer
9. Easement, including terms and provisions contained therein:
Recording Information: May 28, 1969 in Volume M69, Page 4033, records of Klamath County, Oregon
In Favor of: Swan Lake Moulding Company, an Oregon corporation
For: Sewer and underground power purposes
10. Easement, including terms and provisions contained therein:
Recording Information: October 28, 1969 in Volume M69, Page 9128, records of Klamath County, Oregon
In Favor of: Pacific Power & Light Company
For: Right of way
11. Covenants, Conditions and restrictions contained in Special Warranty Deed including the terms and provisions thereof:
Dated: November 12, 2003
Recorded: November 14, 2003 in Volume M03, Page 84404, records of Klamath County, Oregon
Executed by: Safeway Inc., a Delaware corporation, (formerly known as Safeway Stores, Incorporated, successor by merger to Safeway Stores Holding Corporation, Inc. successor by merger to Safeway Stores, Incorporated, a Maryland corporation, successor by merger to Safeway Holdings, Inc.)