

**After Recording Return To:**

Ben C. Fetherston, Jr.  
Clark Lindauer, et al., LLP  
PO Box 2206  
Salem, OR 97208

(For Recorder's Use Only)

**Until a change is requested  
all tax statements shall be sent to:**  
No Change

**BARGAN AND SALE DEED**

BATTLE CREEK GOLF COURSE, LLC, Grantor, conveys to TERRY J. KELLY, Grantee, an undivided 90% interest in the following described real property, as tenant in common:

SEE EXHIBIT A, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF AS THOUGH FULLY SET FORTH HEREIN.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352. The foregoing language is included for the purpose of compliance with Oregon statutory requirements only, and is not intended to affect, limit or impair the rights and obligations of the parties under any other terms and conditions of this instrument.

The true consideration for this conveyance is value other than money

DATED this 30 day July, 2007.

BATTLE CREEK GOLF COURSE, LLC

Terry J. Kelly  
TERRY J. KELLY, MEMBER

Mary L. Rentfro  
MARY L. RENTFRO, MEMBER

STATE OF OREGON, County of ) ss.

The foregoing instrument was acknowledged before me this 1st day August, 2007, by Terry J. Kelly and Mary L. Rentfro, as members of Battle Creek Golf Course, LLC an Oregon limited liability company.



K. Terjeson  
Notary Public for Oregon  
My commission expires: May 21, 2011

EXHIBIT "A"

Parcel 1: Beginning at the intersection of the North and South center line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, with the Westerly line of the Pacific Highway at a point which is 805.25 feet, more or less, South of the 1/4 corner of the North of said section; thence South 23° 44' East along the Westerly line of said Highway 222.35 feet; thence South 65° 58' West 98.50 feet to a point on the said center line; thence South along said center line, 133.84 feet to an iron pipe; thence South 65° 58' West 65.00 feet to an iron pipe; thence South 00° 08' East 108.97 feet to an iron pipe; thence North 65° 58' East 65.00 feet to the North and South center line of Section 23; thence South along said center to the angle corner in the North line of Lot 9, in Elderbrook tracts in said County and State; thence North 89° 14' West along the North line of said Elderbrook tracts 1779.75 feet to a point which is 858.00 feet South 89° 14' East from the West line of said Section; thence North parallel with the West line of said Section 1564.50 feet, more or less; thence South 89° 08' East 504.25 feet, more or less; thence North 470.00 feet to a point on the South line of Madras Street; thence Northeasterly along the arc of a 180.00 foot radius curve to the left (the chord of which bears North 63° 48' East 163.80 feet) a distance of 170.07 feet; thence North 36° 44' East along the Easterly line of said Street 78.35 feet; thence South 89° 08' East 864.78 feet to a point which is 200.00 feet South 66° 16' West from a point on the Westerly line of said Pacific Highway; thence North 66° 16' East 200.00 feet to a point on the Westerly line of said highway; thence South 23° 44' East 83.09 feet more or less to the place of beginning.

Save and Except that portion conveyed to NuPacific Co., by deed recorded in Reel 2, Page 372, Marion County, Deed Records, described as follows:

Beginning at the Northwest corner of that tract of land as described in Volume 699, Page 812, Marion County Record of Deeds, which is recorded as being 239.225 feet North and 420.00 feet South 89° 08' East from the 1/4 corner on the West line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, said point being also on the Easterly line of 13th Avenue SE; thence South along said Easterly line 567.775 feet to a point on the North line of that tract of land as described in Volume 676, Page 85, Marion County Record of Deeds, said North line being also the North line of Lot 13, Elderbrook Tracts; thence South 89° 14' East 889.0 feet more or less, along said North line to a point which is 132.00 feet North 89° 14' West from the Northeast corner of said Lot 13; thence North 89° 30' West 286.00 feet; thence North 56° West 127.00 feet; thence North 36° West 100.00 feet; thence North 9° West 134.0 feet more or less, to a point on the West line of that tract of land described in Volume 670, Page 393, Marion County, Record of Deeds, said point being 383.00 feet North of the Southwest corner of said tract of land; thence North 184.0 feet more or less, to the Northeast corner of said tract of land described in Volume 699, Page 812, Marion County Record of Deeds; thence North 89° 08' West 438.00 feet to the point of beginning.

ALSO:

Beginning at the intersection of the Westerly line of the Pacific Highway with the South line of Madras Street at a point which is 495.00 feet South and 138.85 feet North 89° 00' West 67.10 feet South 23° 44' East from the 1/4 corner on the North line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 23° 44' East along the Westerly line of said Highway 195.80 feet; thence South 66° 16' West 200.00 feet; thence North 23° 44' West parallel with the Westerly line of said Highway 286.38 feet to a point on the South line of said Madras Street; thence South 89° 08' East 219.96 feet to the place of beginning.

Save and except:

Beginning at the intersection of the Westerly line of the Pacific Highway with the South line of Madras Street at a point which is 495.00 feet South, 138.85 feet North 89° 00' West and 67.10 feet South 23° 44' East from the quarter corner on the North line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 23° 44' East along the Westerly line of said Highway 274.10 feet to an iron pipe on the North-South centerline of said Section 23; thence South 66° 16' West 148.00 feet; thence North 73° 50' 30" West 67.86 feet; thence North 23° 44' West 322.00 feet to a point on the South line of said Madras Street, said point also being the Northeast corner of that parcel conveyed to Kenneth A. Holmes, recorded in reel 251, Page 892, of Marion County Deed Records, Marion County, Oregon; thence South 89° 10' 30" East 219.96 feet to the place of beginning.

Parcel 2:

Beginning at the intersection of the Westerly line of the Pacific Highway with the South line of Madras Street at a point which is 495.00 feet South, 138.85 feet North 89° 00' West and 67.10 feet South 23° 44' East from the quarter corner on the North line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 23° 44' East along the Westerly line of said Highway 274.10 feet to an iron pipe on the North-South center line of said Section 23; thence South 66° 16' West 148.00 feet; thence North 73° 50' 30" West 67.86 feet; thence North 23° 44' West 322.00 feet to a point on the South line of said Madras Street, said point also being the Northeast corner of that parcel conveyed to Kenneth A. Holmes, recorded in Reel 251, Page 892, of Marion County Deed Records, Marion County, Oregon; thence South 89° 10' 30" East 219.96 feet to the point of beginning.

Parcel 3:

Beginning at a point on the North-South centerline of Section 23, in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon, said point being 377.03 feet South from the intersection of said North-South centerline and the Westerly boundary of Pacific Highway No. 99E; thence running North 65° 58' East, a distance of 152.71 feet to a point on the Westerly boundary of said Highway 99E; thence running South 24° 02' East along said Highway 99E, a distance of 99.63 feet; thence running South 65° 58' West, a distance of 261.85 feet; thence running North 00° 08' West, a distance of 108.97 feet; thence running North 65° 50' East, a distance of 65.00 feet to the place of beginning.

Parcel 4:

Beginning on the Westerly line of the Pacific Highway at a point which is 805.25 feet South 0° 08' East and 229.35 feet South 24° 02' East from the quarter corner on the North line of Section 23, in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence South 24° 02' East, along the Westerly line of said Highway, a distance of 115.00 feet; thence South 65° 58' West, a distance of 152.55 feet to the West line of the East one-half of said Section; thence North 0° 08' West, along the West line of the East one-half of said Section, a distance of 125.47 feet; thence North 65° 58' East, a distance of 101.60 feet more or less to the place of beginning.

Parcel 5:

Beginning at the intersection of the North and South center line of Section 23 in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; with the Westerly line of the Pacific Highway at a point which is 805.25 feet, more or less, South of the 1/4 corner of the North line of said Section; thence South 23° 44' East along the Westerly line of said Highway, 229.35 feet to the true point of beginning; thence South 66° 26' West 100.84

feet more or less to an iron pipe on the said center line; thence North along said center line to an iron pipe, at a point which is 243.19 feet South from the intersection of the center line and the Pacific Highway along said center line; thence North 65° 58' East 98.50 feet to the West line of the Pacific Highway; thence Southeast along the Westerly line of the Pacific Highway to the true point of beginning.

NOTE: Together with an a permantent easement and right of way for pipeline, well and utilities installation and maintenance for irrigation purposes.

A strip ten feet in width and 448 feet in length along the adjacent to the Southerly boundary of the property described in Reel 2, Page 372, Marion County Deed Records, then extending Northerly at right angles, 10 feet in width for an additional 383 feet to the property line of Battlecreek Golf Course, said additional 10 feet strip being parallel to the West boundary line of the above described tract.

**REEL:2851**

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**August 09, 2007, 04:26 pm.**

CONTROL #: 202863

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 41.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.