

1400 17-2-34-3-3
1101 17-2-34-3-4
1002 17-2-34-4-3

AFTER RECORDING RETURN TO
FIDELITY NATIONAL TITLE INSURANCE
COMPANY OF OREGON
PO BOX 10827
EUGENE, OR 97440

303 18-2-3

300 18-2-4-1-1

Recording Requested By:
Fidelity National Title Co.
of Oregon

Grantor's Name: -
MountainGate Development Co.,
a General Partnership

Grantee's Name:
Alberts Development LLC

Send Tax Statements to:
2000 Cal Young Road, Eugene, OR 97401

After Recording Return To:
2000 Cal Young Road
Eugene, OR 97401

Division of Chief Deputy Clerk
Lane County Deeds and Records

2001-013937



\$51.00

RPR-DEED Cnt=1 Stn=6 CASHIER 05
\$30.00 \$11.00 \$10.00

03/14/2001 03:55:23 PM

STATUTORY WARRANTY DEED

MountainGate Development Co., a general partnership, Grantor, conveys and warrants to

Alberts Development LLC

Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Lane, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

Covenants, conditions, restrictions and easements of record.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS
\$ 2,300,000.00 (see ORS 93.030).

DATED: March 10, 2001

MountainGate Development Co.
a general partnership

By: 
Melvyn Mason

By: _____
Howard Kanengiser

100608-1/3

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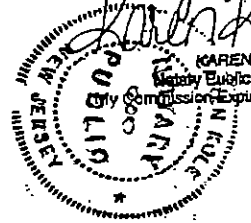
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THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS
\$ 2,300,000.00 (see ORS 93.030).

DATED: March 12, 2001

MountainGate Development Co.
a general partnership

State of New Jersey
County of Essex
Karen Kole
KAREN KOLE
Notary Public, New Jersey
My Commission Expires February 6, 2003



By: _____
Melvin Mason

By: _____
Howard Kanengiser

17-2-34-3-3
1,400

EXHIBIT "ONE"

18-2-3

303

PARCEL 1

Beginning at a Point on the Westerly line of the S. D. Gager Donation Land Claim No. 45 in Township 17 South, Range 2 West of the Willamette Meridian, 1742.2 feet South 0° 01' 30" West of the Northwest corner thereof; said point also being on the South line of EVERGLADE PARK, as platted and recorded in File 72, Slide 34, Lane County Oregon Plat Records; and running thence South 89° 44' East 500 feet to the Southeast corner of said EVERGLADE PARK; thence North 0° 01' 30" East, parallel with the West line of said Donation Land Claim, 550.0 feet to a point 660.0 feet South of the Southerly right of way line of the McKenzie Highway; said point also being the Northeast corner of Lot 5, MAGEE'S ADDITION, as platted and recorded in File 72, Slide 37, said Plat Records; thence South 89° 44' East, parallel with the said right of way line 3725.84 feet to the most Westerly West line of the Thomas J. Maynard Donation Land Claim No. 44; thence South 0° 17' West on said Westerly line 482.91 feet to the Westerly Southwest corner thereof; thence South 89° 52' East on the Southerly line of said Donation Land Claim, 381.0 feet; thence South 0° 00' 40" West, 322.66 feet; thence South 89° 52' East, 675.0 feet to a point on the Westerly line of said Donation Land Claim, 322.66 feet South of the re-entrant angle in said Claim; thence South 0° 00' 40" West 2639.81 feet to the Southwest corner of the Thomas J. Maynard Donation Land Claim; thence South 0° 00' 40" West 536.44 feet to the East-West centerline of Section 3, Township 18 South Range 2 West of the Willamette Meridian; thence North 89° 24' 30" West on said East-West centerline 1858.54 feet to the Easterly line of the John Smith Donation Land Claim No. 48; thence North on said line 398.08 feet to the Northeast corner thereof; thence North 89° 58' 10" West, 1440.25 feet to a point on the Easterly right of way line of the Weyerhaeuser Timber Company's Road as set forth in instrument recorded August 22, 1947, in Book 354, Page 433, Lane County Deed Records; thence on said right of way line as follows: North 2° 00' East, 291.17 feet; thence on the arc of a 602.96 foot radius curve left (the long chord of which bears North 33° 38' West, 702.56 feet) a distance of 750.00 feet, North 69° 16' West, 171.47 feet, on the arc of a 542.96 foot radius curve right (the long chord of which North 54° 11' 30" West, 282.42 feet) a distance of 285.71 feet, and North 39° 07' West, 1101.59 feet; thence leaving said right of way line North 0° 06' West, 542.9 feet, more or less, to a point; said point also being the Northeast corner of Lot 17, SPRING OAKS, as platted and recorded in File 73, Slide 252, said Plat Records; thence North 89° 58' 30" West 516.2 feet, more or less, to the West line of said Stephen Gager Donation Land Claim; thence North 0° 01' 30" East, on said line, 535.85 feet, more or less, to the Point of Beginning, in Lane County, Oregon.

EXCEPTING THEREFROM: that portion conveyed to McKenzie Highway Water District by Agreement Deed and Easement, recorded June 12, 1961, Reception No. 34700, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: That portion conveyed to the City of Springfield, a municipal corporation, by deed recorded May 27, 1965, Reception No. 04991, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: Any portion thereof included in Decree entered December 13, 1978, Case No. 78-5043, in the Circuit Court of the State of Oregon for Lane County, Oregon.

ALSO EXCEPTING THEREFROM: That portion conveyed to the City of Springfield by deed recorded September 23, 1980, Reception No. 8047579, Lane County Oregon Deed Records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: That portion conveyed to the City of Springfield by deed recorded June 8, 1981, Reception No. 8124408, and recorded June 17, 1981, Reception No. 8125922, Lane County Official records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: Beginning at a Point marking the Southeast corner of Section 33, Township 17 South, Range 2 West of the Willamette Meridian; running thence South 89° 09' 14" West 261.45 feet; thence South 00° 06' 02" East 74.05 feet to the Northeast corner of SPRING OAKS, as platted and recorded in File 73, Slide 252, Lane County Oregon Plat Records; thence North 89° 57' 11" West 515.55 feet to the centerline of 57th Street; thence

North 00° 00' 27" East, along the centerline of 57th Street, 460.19 feet to the Southwest corner of EVERGLADE PARK, as platted and recorded in File 72, Slide 34, said Plat Records; thence South 89° 45' 03" East 500.0 feet to the Southeast corner of said EVERGLADE PARK; thence North 00° 00' 27" East 549.78 feet, along the East line of said EVERGLADE PARK, and the East line of MAGEE'S ADDITION, as platted and recorded in File 72, Slide 37, said Plat Records, to the Northeast corner of said MAGEE'S ADDITION; thence South 89° 45' 09" East 577.53 feet; thence South 00° 03' 20" West 923.37 feet to the South line of Section 34, in said Township and Range; thence South 89° 09' 14" West, along the South line of said Section 34, a distance of 14.45 feet to the Northeasterly line of that certain tract of land conveyed to the McKenzie Highway Water District by deed Recorded June 12, 1961, Reception No. 34700, said Deed Records; thence North 53° 43' 08" West 125.52 feet to the North corner of said McKenzie Highway Water District Tract; thence South 36° 16' 52" West 94.95 feet, along the Northwesterly line of said McKenzie Highway Water District tract to the South line of said Section 34; thence South 89° 09' 14" West 128.29 feet to the Point of Beginning, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: that portion conveyed to MMountaingateDevelopment Company, a partnership, by deed recorded September 20, 1994, Reception No. 9467493, said County Records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: That portion of the T. Maynard Donation Land Claim No. 37, in the Northeast 1/4 of Section 3, Township 18 South, Range 2 West of the Willamette Meridian, more particularly described as follows: Beginning at the 1977 Lane County brass cap monument marking the South Southwest corner of said Donation Land Claim No. 37; thence South 00° 05' 42" West, along the West line thereof, 75.00 feet; thence North 69° 20' 57" West 213.60 feet; thence North 00° 05' 42" East 130.00 feet; thence North 46° 38' 59" West 84.96 feet to a point on a curve, the center of which bears North 46° 38' 59" West; thence along the arc of said curve to the left, having a radius of 45.00 feet, through a central angle of 64° 08' 31", an arc distance of 50.38 feet; thence North 29° 05' 42" East 108.51 feet; thence South 81° 22' 27" East 202.24 feet to said West line of the T. Maynard Donation Land Claim No. 37; thence South 00° 05' 42" West, along said West line, 300.00 feet to the Point of Beginning, in Lane County, Oregon.

PARCEL 2

Beginning at a Point on the West line of the S. D. Gager Donation Land Claim No. 61, in Township 18 South, Range 2 West of the Willamette Meridian, North 0° 01' 30" East, 2170.39 feet from the Southwest corner of said Claim; running thence on the arc of a 590.1 foot radius curve right (the chord of which bears South 67° 27' 30" East, 560.14 feet) a distance of 583.63 feet; thence run North 0° 06' West, 75.14 feet, more or less, to a point, said point being the Southeast corner of SPRING OAKS, as platted and recorded in File 73, Slide 252, Lane County Oregon Plat Records; thence running Northwesterly, along the Southerly boundary line of said SPRING OAKS, on the arc of a 640.1 foot radius curve left (the chord of which bears North 69° 51' 40" West, 550.88 feet) a distance of 574.61 feet to the West line of said Claim No. 61; thence South 0° 01' 30" West, 50.06 feet to the Point of Beginning, in Lane County, Oregon.

EXCEPT THEREFROM: That portion deeded to Lane County in a Warranty Deed recorded August 8, 2000, Reception No. 2000-045367, Official Records of Lane County, Oregon.

PARCEL 3

Beginning at a Point on the South boundary of the McKenzie Highway 3456 feet East of the Northwest corner of the Stephen Gager Donation Land Claim No. 45, and 550.84 feet South of the Northwest corner of said Claim, in Township 17 South, Range 2 West of the Willamette Meridian; thence West 204.0 feet to the True Point of Beginning; thence continuing West 60.00 feet; thence South 660.00 feet; thence East 60.0 feet; thence North 660.0 feet to the True Point of Beginning, in Lane County, Oregon.

PARCEL 4

That tract of land in Section 34, Township 17 South Range 2 West of the Willamette Meridian

being a portion of that land conveyed to John A. Wytoski in Reel 921, Reception No. 7845114, Lane County Oregon Records, lying Easterly of CLIFFSIDE MANOR, as platted and recorded in File 73, Slide 97, Lane County Oregon Plat Records, more particularly described as follows: Beginning at a Point on the South right of way line of the McKenzie Highway 3192.0 feet East and 550.84 feet South of the Northwest corner of the Stephen Gager Donation Land Claim No. 45, in Township 17 South, Range 2 West of the Willamette Meridian; thence, along the said right of way line, North $89^{\circ} 45' 09''$ West 20.11 feet, more or less, to a point on the East line of CLIFFSIDE MANOR; thence, along the East line of said CLIFFSIDE MANOR, as monumented and its extension Southerly South $0^{\circ} 00' 25''$ West 660.00 feet; thence South $89^{\circ} 45' 09''$ East 20.10 feet, more or less, to the Southeast corner of that property as described in Reel No. 921, Reception No. 7845114, said Records; thence, along the East line of said property, North $0^{\circ} 00' 27''$ East 660.00 feet to the Point of Beginning, in Lane County, Oregon.

PARCEL 5

Beginning at a Point on the South boundary of the McKenzie Highway 34565 feet East of the Northwest corner of Stephen Gager Donation Land Claim No. 46, and 550.84 feet South of the Northwest corner of said Claim in Township 17 South, Range 2 West of the Willamette Meridian; thence West 204.0 feet; thence South 660.0 feet; thence East 204.0 feet; thence North 660.0 feet to the Point of Beginning, in Lane County, Oregon. 1100

PARCEL 6

Beginning at the 8 x 12 inch stone marking the location of the Southeast corner of Lot 3, Section 34, Township 17 South, Range 2 West of the Willamette Meridian; thence North 174.7 feet to a point on the Southerly right of way line of the McKenzie Highway, said point being 2.3 feet South of a point marked by a cross on a stone; thence South $89^{\circ} 44'$ West 366.9 feet along said Southerly right of way line to the True Point of Beginning; thence South 373.80 feet; thence North $89^{\circ} 44'$ East 66.0 feet; thence South 286.2 feet; thence South $89^{\circ} 44'$ West 478.55 feet, more or less to a point, said point being South 660.0 feet from a point which is 550.84 feet South and 3456 feet East of the Northwest corner of the Stephen Gager Donation Land Claim No. 45; thence North 286.20 feet; thence South $89^{\circ} 54'$ East 347.53 feet; thence North $1^{\circ} 00'$ West 200.12 feet to a corner post set in a rock mound; thence North $1^{\circ} 28'$ West 176.12 feet to a point on the Southerly right of way line of the McKenzie Highway; said point also being the Northeast corner of Lot 1, COBBLESTONE, as platted and recorded in File 73, Slide 171, Lane County Oregon Plat Records; thence North $89^{\circ} 44'$ East 80.80 feet along the said Southerly right of way line to the True Point of Beginning, in Lane County, Oregon. 600

EXCEPT THEREFROM: That tract described in Deed to the City of Springfield, recorded March 15, 1967, Reception No. 78346, Lane County Official Records, in Lane County, Oregon.

ALSO EXCEPTING THEREFROM: Beginning at the 8 x 8 x 12 inch stone marking the Southeast corner of Lot 3, Section 34, Township 17 South, Range 2 West of the Willamette Meridian; thence North 174.7 feet to a point on the Southerly right of way line of the McKenzie Highway, said point being 2.3 feet South of a point marked by a cross on a stone; thence along the Southerly right of way line of said McKenzie Highway, South $89^{\circ} 44'$ West 366.90 feet to the True Point of Beginning; thence South 316.11 feet; thence South $89^{\circ} 44'$ West 73.85 feet to a point marking the intersection of the Northerly right of way of South A Street and the Easterly boundary of COBBLESTONE, as platted and recorded in File 73, Slide 171, Lane County Oregon Plat Records; thence along the Easterly boundary of said Plat, North $1^{\circ} 00'$ West 140.12 feet to a corner post set in a rock mound; thence North $1^{\circ} 28'$ West 176.12 feet to a point on the Southerly right of way of McKenzie Highway, said point being the Initial Point of said COBBLESTONE; thence along the Southerly right of way line of the McKenzie Highway, North $89^{\circ} 44'$ East 80.80 feet to the Point of Beginning, in Lane County, Oregon.