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94-17651

338 - 0166

After Recording Return to:  
Key Title Company  
162 NW Greenwood Ave.  
P.O. Box 6178  
Beaverton, Oregon 97008

### WARRANTY DEED

Unless a change is requested, all tax statements shall be sent to grantee at the following address:  
64678 Cook Avenue, Tumalo, OR 97701  
Brooks Resources Corporation, an Oregon corporation, Grantor, conveys and warrants to  
Steven W. Moody and Kim Washburn, as tenants in common, Grantee,  
the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit "A" attached hereto

The true consideration for this conveyance is \$ 30,000.00

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.

DATED this 2ND day of MAY 1994

STATE OF OREGON )  
COUNTY OF DESCHUTES ) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND RECORDER OF CONVEYANCES, IN AND FOR SAID COUNTY, DO HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS RECORDED THIS DAY:

94 MAY -3 PM 12:19

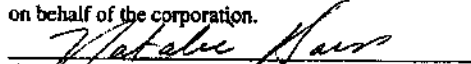
MARY SUE PENHOLLOW  
COUNTY CLERK

**Brooks Resources Corporation**

  
Michael P. Hollern, President

State of Oregon, County of Deschutes.

This instrument was acknowledged before me on MAY 2, 1994 by Michael P. Hollern, as President of BROOKS RESOURCES CORPORATION, an Oregon corporation, on behalf of the corporation.

  
(Signature of Notarial Officer)

BY: T. Moody DEPUTY  
NO. 94-17651 FEE 43.00  
DESCHUTES COUNTY OFFICIAL RECORDS



104 P13

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 25, TOWNSHIP 17 SOUTH, RANGE 11 EAST, WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON, SAID TRACT OF LAND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 25; THENCE N 89°30'21" W, 1330.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF COLLEGE WAY, AS RECORDED IN DEED AT VOLUME 192, PAGE 389, DESCHUTES COUNTY DEED RECORDS; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, N 07°18'10" W, 590.99 FEET TO THE NORTHWEST CORNER OF PARCEL NUMBER 1 AS DEFINED BY COUNTY SURVEY NUMBER CS 02167, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT FOUR COURSES; THENCE N 07°18'10" W, 43.42 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 510.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°55'59", AN ARC DISTANCE OF 97.32 FEET (THE CHORD BEARS N 01°50'11" W, 97.17 FEET) TO A POINT OF TANGENCY; THENCE N 03°37'49" E, 268.92 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 490.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 01°16'07", AN ARC DISTANCE OF 10.85 FEET (THE CHORD BEARS N 02°59'45" E, 10.85 FEET) TO A POINT OF COMPOUND CURVATURE, SAID POINT BEING THE POINT OF BEGINNING OF TRACT 1 OF ROAD DEDICATION DESCRIBED IN DEED BY BROOKS RESOURCES CORPORATION TO THE CITY OF BEND IN AN UNRECORDED STREET DEDICATION; THENCE ALONG SAID UNRECORDED STREET DEDICATION ALONG THE ARC OF A 50.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 44°27'10", AN ARC DISTANCE OF 38.79 FEET (THE CHORD BEARS N 15°12'48" E, 37.83 FEET) TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY, N 73°57'13" E, 18.90 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 152.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 34°39'24", AN ARC DISTANCE OF 91.94 FEET (THE CHORD BEARS N 56°37'31" E, 90.55 FEET) TO A POINT OF TANGENCY; THENCE N 39°17'49" E, 45.77 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF SUMMIT DRIVE; THENCE ALONG SAID RIGHT-OF-WAY LINE, S 49°52'11" E, 411.53 FEET TO A POINT OF CURVATURE; THENCE ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF A 360.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 10°27'24", AN ARC DISTANCE OF 65.70 FEET (THE CHORD BEARS S 44°38'28" E, 65.61 FEET) TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID RIGHT OF WAY LINE, S 72°29'01" W, 160.04 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THE CANTWELL PARCEL, DESCRIBED IN DEED AT VOLUME 204, PAGE 0003, DESCHUTES COUNTY OFFICIAL RECORDS; THENCE CONTINUING ALONG THE PERIMETER OF THE CANTWELL PARCEL FOR THE NEXT SEVEN COURSES; THENCE ALONG THE ARC OF A 286.77 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 12°55'23", AN ARC DISTANCE OF 64.68 FEET (THE CHORD BEARS N 23°58'41" W, 64.54 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 337.99 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 22°58'21", AN ARC DISTANCE OF 135.52 FEET (THE CHORD BEARS N 18°57'12" W, 134.61 FEET) TO A POINT OF NON-TANGENCY; THENCE S 82°31'59" W, 258.00 FEET; THENCE S 03°37'49" W, 200.50 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 490.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 06°38'34", AN ARC DISTANCE OF 56.81 FEET (THE CHORD BEARS S 00°18'31" W, 56.78 FEET) TO A POINT OF NON-TANGENCY; THENCE N 82°41'49" E, 276.29 FEET TO A POINT OF CURVATURE; THENCE ALONG THE ARC OF A 1043.17 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°14'48", AN ARC DISTANCE OF 77.32 FEET (THE CHORD BEARS N 84°49'14" E, 77.30 FEET) TO THE SOUTHEAST CORNER OF SAID CANTWELL PARCEL AND A POINT OF NON-TANGENCY; THENCE LEAVING SAID CANTWELL PARCEL, S 02°59'39" E, 80.07 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL NUMBER 1 AND A POINT OF NON-TANGENCY; THENCE ALONG SAID NORTHERLY LINE OF PARCEL NUMBER 1 FOR THE FOLLOWING TWO COURSES; THENCE ALONG THE ARC OF A 963.17 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 04°14'46", AN ARC DISTANCE OF 71.38 FEET (THE CHORD BEARS S 84°49'03" W, 71.36 FEET) TO A POINT OF TANGENCY; THENCE S 82°41'40" W, 297.58 FEET TO THE NORTHWEST CORNER OF SAID PARCEL NUMBER 1 AND THE TRUE POINT OF BEGINNING.

Subject to any reservations in patents, easements of record and the following:

1. Grantor hereby reserves an easement 50 feet in width adjacent to the south line of Summit Drive to maintain the land in its natural state to the maximum feasible degree. Removal, trimming, planting, or replacement of any vegetation shall only be done in accordance with a plan bearing written approval of Grantor. No fences, walls, paving, irrigation or lighting devices, or structures of any kind shall be placed or constructed on, or removed from, the land without Grantor's written permission.
2. Grantor also reserves an easement for utility purposes together with the right to dedicate the same to public use over a strip of land 20 feet in width adjacent to the South line of Summit Drive.
3. Grantor's restriction that no vehicular access shall be allowed to Summit Drive or the Northerly property boundary of the above described property.
4. Grantor's restrictions that no improvement including, but not limited to buildings, fences, lights and signs, shall be erected or placed on the above described property until approved by Grantor; all improvements shall be constructed and maintained in good repair and attractive condition as approved by Grantor and all landscaping shall be installed and maintained as approved by Grantor. Grantor's approval shall not be unreasonably withheld.
5. An easement created by instrument, including the terms and provisions thereof,  
Dated: March 2, 1972  
Recorded: October 4, 1974, in Book 211, Page 831,  
Deschutes County Deed Records  
In Favor Of: The City of Bend, Oregon, a municipal  
corporation  
For: Public domestic water line
6. An easement created by instrument, including the terms and provisions thereof,  
Dated: March 2, 1983  
Recorded: March 7, 1983, in Book 6, page 816, Deschutes  
County Records  
In favor of: City of Bend, Oregon, a municipal corporation  
of the State of Oregon  
For: Construction, maintenance and operation of  
public utility facilities
7. An easement created by instrument, including the terms and provisions thereof,  
Dated: February 18, 1987  
Recorded: March 2, 1987, in Book 142, Page 100  
Deschutes County Records  
In favor of: Cascade Natural Gas Corporation  
For: Construction and maintenance of pipelines