



UCC

LIEN NO. 90643611-4

# UCC FINANCING STATEMENT AMENDMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional) CSC 1-800-858-5294
B. E-MAIL CONTACT AT FILER (optional) SPRFiling@cscglobal.com
C. SEND ACKNOWLEDGMENT TO: (Name and Address)

Filed In: Oregon  
(S.O.S.)

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER 90643611 11/25/2015	1b. <input type="checkbox"/> This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in item 13
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2.  **TERMINATION:** Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement
3.  **ASSIGNMENT (full or partial):** Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9  
For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8
4.  **CONTINUATION:** Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law
5.  **PARTY INFORMATION CHANGE:**  
Check one of these two boxes: AND Check one of these three boxes to:  
This Change affects  Debtor or  Secured Party of record  CHANGE name and/or address: Complete item 6a or 6b; and item 7a or 7b and item 7c  ADD name: Complete item 7a or 7b, and item 7c  DELETE name: Give record name to be deleted in item 6a or 6b

6. **CURRENT RECORD INFORMATION:** Complete for Party Information Change - provide only one name (6a or 6b)

6a. ORGANIZATION'S NAME: K.A. BERGER FARMS, INC.

OR 6b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
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7. **CHANGED OR ADDED INFORMATION:** Complete for Assignment or Party Information Change - provide only one name (7a or 7b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name)

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S SURNAME

INDIVIDUAL'S FIRST PERSONAL NAME	INDIVIDUAL'S ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
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7c. MAILING ADDRESS	CITY	STATE	POSTAL CODE	COUNTRY
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8.  **COLLATERAL CHANGE:** Also check one of these four boxes:  ADD collateral  DELETE collateral  RESTATE covered collateral  ASSIGN collateral

Indicate collateral:  
See attached Exhibit A

9. **NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT:** Provide only one name (9a or 9b) (name of Assignor, if this is an Assignment)  
If this is an Amendment authorized by a DEBTOR, check here  and provide name of authorizing Debtor

9a. ORGANIZATION'S NAME: THE PRUDENTIAL INSURANCE COMPANY OF AMERICA

OR 9b. INDIVIDUAL'S SURNAME	FIRST PERSONAL NAME	ADDITIONAL NAME(S)/INITIAL(S)	SUFFIX
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10. **OPTIONAL FILER REFERENCE DATA:** Debtor: K.A. BERGER FARMS, INC.-717611053, 717611242, 717611412, 717611754 1679 21163

Debtors: K. A. Berger Farms, Inc., *et alia*  
Secured Party: The Prudential Insurance Company of America  
Original Filing No. 90643611  
Loan Nos. Nos. 717611053, 717611242, 717611412 & 717611754

**EXHIBIT A**  
**TO**  
**UCC-3 FINANCING STATEMENT**  
**RESTATED COLLATERAL DESCRIPTION**

All of the following property (the "**Property**") located on and used in connection with the real property (the "**Land**") described below:

- (a) All (i) irrigation and drainage equipment including, without limitation, wells, well casings, pumps, booster pumps, motors, engines, gearheads, sand filters, pivots, sprinklers, drip irrigation systems, tow lines, hand lines, irrigation pipe, drainage pipe, and culverts; (ii) all enclosures of the Land or any part thereof, including, without limitation, fences, gates, shuts, posts, poles, barbed wire and electric wire; and (iii) all crop protection equipment and apparatus including, without limitation, frost protection equipment and wind machines; (v) all electric, gas and water lines and equipment located on the Land, including, without limitation, transformers, circuit breakers, switch boxes, fuse and breaker panels, regulators, cut on/off valves, wiring and pipe and (vi) all fruit or nut bearing trees, nursery stock, vines and other permanent plantings, whether *fructus naturales* or *fructus industriales*, whether mature or immature, together with all trellises, wires, endposts, and stakes relating thereto; and (vii) the Seed Cleaning Facility (together, the "**Improvements**").
- (b) Any and all agreements related to the development, ownership, management or operation of the Land or its Improvements, including licenses, reports, surveys, studies, development agreements, maintenance or management agreements, agreements regarding water, and governmental authorizations, approvals and permits, as the same may be amended or otherwise modified or newly entered into from time to time.
- (c) All right, title and interest in all water (including any water inventory in storage), water rights and entitlements, other rights to water and to receive water, and water rights of every other kind or nature, that serve the Land, including, without limitation, stored water, groundwater, surface water, riparian rights, drainage rights, and all rights to obtain water from governmental water district and non-governmental water companies. Such water rights include without limitation the State of Oregon, County of Yamhill, Certificates of Water Right, Permit Nos. 16700 (Permit No. 15545), 22691 (Permit No. 20147) and 22687 (Permit No. 20103).
- (d) All trademarks, service marks, designs, logos, names or similar identifications pertaining to and specifically associated with the Land or under which the Land may be known or operated, whether registered or unregistered, and any related goodwill directly associated with such names or the Property, but excluding any trademarks, service marks, designs, logos, names or similar identifications pertaining to crops grown on the Land or otherwise not directly pertaining to the Land.
- (e) All building materials, equipment, work in process or such other personal property of any kind, whether stored on the Land or elsewhere, which have been or later will be acquired for the purpose of being incorporated into or installed in the Land or the Improvements.
- (f) All account and general intangibles (as such terms are defined in Article 9 of the Uniform Commercial Code) arising out of or incident to rents, royalties, revenues, issues, profits, proceeds (including, without limitation proceeds from the sale of all or any portion of the Land or any interest therein) and other income and receipts from the Land, and all other tangible and intangible

property and rights directly relating to the Land and Improvements, or to be used in connection with the Land and Improvements.

- (g) All insurance policies directly pertaining to the Land and the Improvements, and all proceeds, including all claims to and demands for them, from the voluntary or involuntary conversion of any of the Land, Improvements or the other Property described above into cash or liquidated claims, including proceeds of all present and future fire, hazard or casualty insurance policies and all condemnation awards or payments now or later to be made by any public body or decree by any court of competent jurisdiction for any taking or in connection with any condemnation or eminent domain proceeding.
- (h) All claims and causes of action and their proceeds for any damage or injury to the Land, the Improvements on the Land or the other Property or any part of them, or breach of warranty in connection with the construction of the Improvements, including causes of action arising in tort, contract, fraud or concealment of a material fact and all causes of action and recoveries now or hereafter existing for any loss or diminution in value of the Property.
- (i) All products and proceeds of all of the foregoing.

**“Seed Cleaning Equipment”** means (a) all of Borrower’s equipment now owned, leased or hereafter owned or leased, that is attached to or used in the Seed Cleaning Facility that is used for sorting, washing, grading, packing or processing grass seed, and (b) all storage equipment and fixtures used in connection therewith; (c) all storage bin and any pallet of Borrower.

**“Seed Cleaning Facility”** means Borrower’s seed cleaning facility located on the Land and commonly known as the Carlton tract, and all associated Seed Cleaning Equipment.

Notwithstanding the foregoing or any other provision in this filing or the other Loan Documents, “Property” and the collateral described in this Financing Statement does not include:

- (A) Vehicles, rolling stock, farm machinery (including tractors, combines and other farm machinery or equipment), or any other “equipment”, as defined in Article 9 of the Uniform Commercial Code, that is not part of the Improvements or the Seed Cleaning Equipment; or
- (B) portable irrigation motors on wheels customarily towed by a motorized vehicle; or
- (C) any mobile or manufactured home that may be located on the Land; or
- (D) crops grown on the Land; or
- (E) accounts, inventory, and general intangibles arising out of the operation of the Seed Cleaning Facility; or
- (F) the trademarks “Xtreme Green”, “integrity”, “BGr3”, “bgr-3” and any other trademark, service mark design, logo, name or similar identification used in Borrowers’ business and not directly pertaining and specifically identified to the Land or Improvements, including but not limited to custom seed bags used for Xtreme Green customers; or
- (G) the right of the owners of buildings and related fixtures existing as of the date of this filing on Parcel 12 of Tract I (the Bellevue Tract) of the Land in Yamhill County to remove such buildings and related fixtures at their own expense and risk prior to any foreclosure or deed in lieu of foreclosure of Secured Party’s Trust Deed that encumbers the Land.

The Land is located in Yamhill and Washington Counties, Oregon, and is legally described as follows:

**YAMHILL COUNTY**

**TRACT 1:** Bellevue Tract (APN R5522 001000 & R5527 00100)

**PARCEL 1:**

A part of the Miriam Payne Donation Land Claim #73 and the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at a stone on the South line of Claim #73 and 16.47 chains East of the Southwest corner of said Claim; thence North 00°8' West, 33.19 chains to a stone in the center of the County Road; thence South 89°23' East along the center of said road, 22.24 chains to a stone; thence South 1°03' West, 45.88 chains to the Northeast corner of a 16.92 acre tract conveyed by L.A. Courtemache et al. to Merl C. Brown and wife by deed recorded May 31, 1944 in Book 124, Page 423, Deed Record; thence West along the North line of said Brown tract, 21.38 chains to the Northwest corner of said Brown tract; thence North 16' East, 12.88 chains to the place of beginning.

**PARCEL 2:**

Part of the Aaron Lynch Donation Land Claim, Notification #2381 in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at an iron shaft 1 1/4 inches by 18 inches set at a point 4.70 chains East of the corner to Sections 27, 28, 33 and 34 in said Township and Range; thence North 24' West, 24.90 chains; thence South 89°58' West, 24.112 chains; thence South 25.00 chains to the South line of said Claim; thence East 24.98 chains to the place of beginning.

**PARCEL 3:**

Part of the Miriam Payne Donation Land Claim #73 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as: Beginning at a stone at the Southwest corner of said Donation Land Claim and running thence East 16.48 chains to a stone; thence North 33.19 chains to a point in County Road 30 feet North of a stone set for witness corner; thence North 89 1/4° West 16.61 chains to a stone set in County Road on the West line of said Donation Land Claim; thence South 33.40 chains to the place of beginning .

**PARCEL 4:**

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at the Northeast corner of the land conveyed by David Lynch and wife to J. F. Spencer by Deed dated November 3, 1879 and recorded in Volume "S", Page 408, Deed Records of Yamhill County, Oregon; thence running North 30.00 chains to the land conveyed by Aaron Lynch and wife to Hathaway Yocum by deed dated December 17, 1868 and recorded in Volume "I", Page 202 of the Deed Records of Yamhill County, Oregon; thence West 40.00 chains; thence South 30.00 chains; thence East 40.00 chains to the place of beginning.

EXCEPT that portion conveyed to State of Oregon, by and through its Department of Transportation on January 15th, 1986 in Film Volume 201, Page 1568 and that portion conveyed to State of Oregon, by and through its Department of Transportation on December 21, 1986 in Film Volume 210, Page 156.

PARCEL 5:

Part of the Aaron Lynch Donation Land Claim in Sections 27 and 28, and part of the Jacob Hampton Donation Land Claim #71 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at an iron shaft 1 1/4 inches by 18 inches set 4.70 chains East of the corner to Sections 27, 28, 33 and 34 and on the South line of the Aaron Lynch Donation Land Claim; thence East along the South line of the said Lynch Donation Land Claim, and along the Section line between said Sections 27 and 34 above named, 32,083 chains to an iron rod 1/2 inch by 36 inches from which an oak 18 inches in diameter bears North 37°30' West 25 links distant; thence running North 20' East 21.126 chains to a stone set on the North line of the said Jacob Hampton Donation Land Claim and set for the Northeast corner of a certain 34 acre tract described in deed recorded at Page 105 of Book 43 of Deed Records for said Yamhill County, Oregon; thence South 89°54' West with the North line of said Hampton Donation Land Claim, 16.466 chains to a stone set for the Northwest corner of said Hampton Claim; thence North 22' West 3.80 chains to a stone set for the Northeast corner of that certain 100 acre tract described in deed recorded on Page 105, Book 43, Record of Deeds for said Yamhill County, Oregon; thence South 89°58' West along the true North line, of said 100 acre tract, 15.88 chains to an iron rod 1 inch by 36 inches in ground; thence South 24' East 24.90 chains to the place of beginning.

PARCEL 6:

Beginning at a point 29.83 chains West of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon; thence South 32.50 chains to an iron pin in the County Road; thence North 89 1/4° West 65.2 links to a rock; thence North 75 links to a rock from which an oak bears North 41° West 104 links; thence West 28.71 chains to the Southeast corner of "Frost" Lands; thence North 25° East 10.51 chains to a post from which an oak bears South 75° East 18 links; thence North 7° West, 2 Chains; thence North 38°30' West 2.51 chains to an oak on the North bank of Deer Creek; thence North 67° East 4.12 chains; thence North 16.50 chains to a stone set on the South line of said George F. Hibler Donation Land Claim; thence East 21.92 chains to the place of beginning.

PARCEL 7:

Beginning at a point on the South line of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, 30.40 chains West of the Southeast corner of said Donation Land Claim, which is the Northwest corner of a 10 acre tract conveyed to E. P. Casey by Freeman L. Jones by deed recorded July 1, 1910 in Book 58, Page 474, Deed Records; thence South 32.50 chains to an iron pipe in County Road; thence South 89°05' East, 3.105 chains; thence North 32.25 chains to the South line of said Donation Land Claim; thence West 3.105 chains to the place of beginning.

PARCEL 8:

Beginning at the Southeast corner of the George F. Hibler Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, from which an oak 12 inches in diameter bears North 63° West 39.2 links distant; thence North 2.08 chains to the South line of Gunning roadway; thence South 87° East along the South line of said roadway, 30.10 chains to the center of the County Road; thence South 2° West along the center of said roadway, 30.60 chains to the Northeast corner of School Lot; thence North 89°15' West, 3.16 chains to the Northwest corner of the School Lot; thence South 2° West, 3.16 chains to the center of County Road; thence North 89°15' West, 52.425 chains to the Southeast corner of the 10 acre tract heretofore sold to Ed Casey and Lilly Casey, his wife by deed recorded in Book 58, Page 474, Deed Records; thence North along the East line of said Casey tract, 32.50 chains to the Northeast corner of said Casey tract; thence East 26.725 chains to the place of beginning.

PARCEL 9:

Beginning at in point 2.49 chains North of the Southeast corner of the George F. Hibler Donation Land Claim, Notification #2372, Claim #50 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, said beginning point being the Southwest corner of that certain tract conveyed by John J. Henderson to William Goffrier by deed recorded July 13, 1900 in Book 40, Page 55, Deed Records; thence South 87° East along the South line of said Wm. Goffrier's lands, 29.60 chains to the center of the County Road; thence South 2 1/4° West, 35 feet; thence North 87° West on a line parallel with said Goffrier's South line, 29.60 chains to the East line of said Donation Land Claim; thence North 35 feet to the place of beginning.

PARCEL 10:

Part of the Robert Henderson Donation Land Claim #49 in Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, described as: Beginning at the Northwest corner of said Donation Land Claim; thence running South 89°15' East along the road now there, 32.85 chains to the intersection of County Road running Southerly through said Donation Land Claim; thence South 21-1/2° West along the County Road last named, 34.85 chains; thence South and following along said road, 21-1/2° East, 9.08 chains; thence South 5-1/2° West following along said road 34.20 chains to the South line of said Donation Land Claim; thence North 84°45' West along the South line of said Claim, 19.38 chains to the Southwest corner of said Claim; thence North 74.70 chains along the West line of said Claim to the place of beginning.

PARCEL 11:

The Davis Boyce Donation Land Claim, Notification #6988, being Lot 1, Section 15 and Lots 1, 2, 3, 4, 5, 6, 7 and 8, Section 22, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon

EXCEPT 59.59 acre tract conveyed by John J. Henderson to Lewis K. Wallace by deed recorded August 28, 1869 in Book "I", Page 391, Deed Records;

ALSO EXCEPT a 30.59 acre tract conveyed by J. J. Henderson et ux. to Josephine Jones by deed recorded May 24, 1875 in Book "O", Page 217, Deed Records.

PARCEL 12:

Being a part of the Robert Henderson Donation Land Claim #49, Notification #2383 in Section 23, Township 5 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a point on the Westerly side of the re-located Stufield Bridge Section of Market Road #28, said point being 30 feet from and at right angles to center line Station #122+87.7 and said point being 40.06 chains South and 60.38 chains West from the Northeast corner of said Henderson Claim; thence North 24°08' West along the center of an old road now abandoned, 282.8 feet to angle; thence North 15°30' West 236.0 feet to angle; thence North 21°30' East, 315.0 feet to the Westerly margin of New location; thence Southerly following Westerly margin of New Location 30 feet from center line of an 8° curve with central angle of 27°06' for 139.4 feet to point 30 feet from and at right angles to center line Station 1 16+45/4; thence South 5°36' East, 642.3 feet to the place of beginning.

EXCEPTING FROM THE ABOVE PARCELS improvements on land not deeded, as disclosed and described in Bargain and Sale Deed by and between Kenneth A. Berger and Ruth I. Berger, husband and wife and K. A. Berger Farms, Inc., an Oregon corporation, recorded July 16, 1985 in Film Volume 195, Page 2315. Further conveyed to Pamela Daniels Blaufus, trustee of THE BERGER FAMILY TRUST, dated 12/20/2012 by Bargain and Sale Deed recorded December 26, 2012 as Instrument No. 201218714.

**TRACT 2:** Carlton Tract (APNR3432 00600, R3432 00100, R3429 00900, R3429 00900 A01, R3429 00900 A01E1)

**PARCEL 1:**

Commencing at the Southwest corner of the Zebedee Shelton DLC Claim No. 62, Notification #1556, in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence running East 40.05 chains to the Southeast corner of said DLC in County Road; thence North 32.55 chains to a stone at angle in County Road; thence West along County Road and parallel with the South boundary line 40.06 chains to a stone; thence South 32.55 chains to the place of beginning.

**PARCEL 2:**

Beginning at the Southwest corner of the John W. Shelton DLC, Notification #4169, in Sections 29, 28, 32 and 33 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence running East along the South boundary line of said DLC to center of County Road now there; thence running North and following the center of said County Road to the Northwest corner of the South half of said DLC; thence running South and following along the West boundary line of said DLC to the place of beginning.

**PARCEL 3:**

A part of the DLC of Russel Welch and wife No. 63 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at an angle in said DLC at the most Southerly Southeast corner of the DLC of Zebedee Shelton, running thence West along the South line of said Zebedee Shelton DLC, 40 chains to the Northwest corner of said Russell Welch DLC; thence South along the West line of said Russell Welch DLC, 40 chains to the center of the County Road running East and West; thence Easterly along the center line of said road to the center line of County Road running North and South; thence North 5° East following the center line of said road last referred to, 35.40 chains; thence West 50 links to the place of beginning.

EXCEPTING THEREFROM that part conveyed to Maurice H. Bernards and wife by deed recorded March 22, 1960 in Film Volume 10, Page 48, Deed and Mortgage Records, Yamhill County, Oregon.

**PARCEL 4:**

A part of the Original DLC of Russell Welch and Sarah Welch, his wife, #63 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows: Beginning at an angle in said DLC at the most Southerly Southeast corner of the DLC of Zebedee Shelton #62, running thence North 11.08 chains, more or less to an angle in said Welch DLC being the most Northerly Northwest corner of said Welch DLC; thence East along the North line of said Welch DLC 21.55 chains to the Northeast corner of that certain tract conveyed to David Stout by deed recorded September 17, 1872 in Book "L", Page 409, Deed Records; thence South 45.50 chains to the most Southerly North line of that certain tract conveyed to Perley Smith by deed recorded November 2, 1860 in Book "F", Page 464, Deed records; thence Westerly along the North line of said tract and the North line of that certain tract conveyed to W. Z. Force by deed recorded February 15, 1909 in Book 55, Page 169, Deed Records, 24.75 chains, more or less to the Northwest corner of said Force tract in the center of the County Road; thence North 5° East following the center line of said County Road, 35.40 chains, more or less to a stake 50 links East of the place of beginning; thence West 50 links to the place of beginning.

EXCEPTING THEREFROM the following portion thereof: Beginning at the Northwest corner of the above premises being the most Northerly Northwest corner of the Russell Welch DLC #62; thence East along the North line of said DLC, 300 feet; thence South 300 feet; thence West to the West line of said real premises; thence North along the West line to the place of beginning.

**TRACT 3:** Engle Tract (APN R4406 00200, R4406 00300)

**PARCEL 1:**

Being a part of the Jesse C. Henderson and wife Donation Land Claim, Notification #1222, Claim #87 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set on the East line of and 56.758 chains North from the Southeast corner of said Claim; thence North along the East line of said Claim, 11.398 chains; thence West 55.185 chains to an iron pipe in the center of County Road; thence South 12°52' West along center of County Road, 8.934 chains to iron pipe; thence East 53.175 chains to an iron pipe; thence South 2.688 chains to an iron pipe; thence East 4.00 chains to point of beginning. EXCEPTING 20 foot road along West end.

**PARCEL 2:**

Part of the Jesse C. Henderson Donation Land Claim #87 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows: Beginning at an iron pipe on the East line of said Claim, 49.932 chains North from the Southeast corner thereof; thence North along the Claim line, 6.826 chains to an iron pipe; thence West 4 chains to an iron pipe; thence North 2.688 chains to an iron pipe; thence West 53.175 chains to an iron pipe in the center of the County Road; thence South 12°52' West 0.106 of a chain to an iron pipe at angle in road; thence South 6°36' West along the center of the County Road, 6.484 chains to an iron pipe at the Northwest corner of Lot #2 of County Survey #2557; thence along the North line of Lot #2 of said Survey as follows: East 12.810 chains to an iron pipe; South 2.97 chains to an iron pipe; East 45.135 chains to the place of beginning.

EXCEPT a 20 foot roadway along the East line of the above described tract, and SUBJECT TO easement for roadway given by the Sellers herein unto Leonard H. Simonson, et ux. as disclosed by instrument recorded in Film Volume 47 at Page 11, Deed and Mortgage Records.

EXCEPTING THEREFROM: Beginning at a point on the East line of said Henderson Claim that is 49.932 chains North from the Southeast corner thereof, said point being the Southeast corner of the Daniel John Engle tract as described in instrument recorded in Film Volume 48, Page 642, Deed and Mortgage Records; thence West, along the South line of said Engle tract, 2120 feet; thence North, parallel with the East line of said Henderson Claim, 432 feet; thence East, parallel with the South line of said Engle tract, 950 feet; thence South parallel with the East line of said Henderson Claim, 412 feet; thence East, parallel with the South line of said Engle tract, 1130 feet; thence North, parallel with the East line of said Henderson claim, 36 feet; thence East parallel with the South line of said Engle tract, 40 feet to the East line of said Henderson Claim; thence South, along said East line, 56 feet to the point of beginning EXCEPT a 20 foot roadway along the East line hereof.

**PARCEL 3:**

A tract of land in the Donation Land Claim of Jesse C. Henderson and wife, Notification No. 1222, Claim No. 87 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said tract being a part of Lot No. 5 of County Survey No. 2557, and beginning at a stone marking the Northeast corner of said Claim and running thence South along the East line of said Claim and said Lot No. 5, a distance of 70.0 feet to an iron pipe; thence North 89°53' West along a line parallel with the North line of said Claim and said Lot No. 5, a distance of 700.0 feet to an iron pipe; thence South along a line parallel with the East line of said Claim and said Lot No. 5, a distance of 691.3 feet to an iron pipe set on the South line of said Lot No. 5; thence West along South line of said Lot No, 5, 2942.2 feet to an iron pipe in the center of County Road marking the Southwest corner of said Lot No. 5; thence North 12°52' East along West line of said Lot No. 5 and center of County Road, 786.4 feet to an iron pipe marking the Northwest corner of said Lot; thence South 89°53' East along North line of said lot, 3466.6 feet to the place of beginning, containing 51.20 acres of land, more or less.

EXCEPT 20 foot roadway along extreme East end of above described parcel.

**TRACT 4:** Burdett Tract (APN R3429 01000)

BEGINNING at the Northeast corner of the Donation Land Claim of N.K. Sitton, Notification No. 1545, Claim No. 61, in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; and running thence North 35.00 chains to a stake and stone on the East boundary line of James McGinnis Donation Land Claim, Notification No. 1543; thence North 73°30' West along the center of the County Road, 21.87 chains to a stake; thence South 00°45' East, 36.17 chains; thence South 20°11' West, 3.98 chains to the North boundary line of said N.K. Sitton Land Claim; thence North 89°31' East along said North line of said N.K. Sitton Donation Land Claim, 22.40 chains to the PLACE OF BEGINNING.

**TRACT 5:** Henkle Tract (APN R4406 00600)

A tract of land located in Section 6, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being a portion of a tract of land described in deed to HENKLE, recorded January 29, 1993 in Film Volume 281, Page 1416, Deed Records of Yamhill County, Oregon, being a part of the Jesse C. Henderson and wife Donation Land Claim No. 87, said Township and Range, and first said tract being more particularly described as follows:

BEGINNING at an iron pipe at the Southeast corner Lot 2 of County Survey 2557, Volume "H", Page 109, on record as being on the East line of and North 32.467 chains from the Southeast corner of said Henderson Claim; North 00°00'21" West 1152.65 feet to an iron pipe at the Northeast corner of said Lot 2; thence South 89°59'06" West 2978.52 feet to an iron of CS-2557 at a corner in the North line of said Lot 2; thence South 00°00'54" East 19.00 feet to an iron rod; thence South 89°59'06" West 175.00 feet to a point from which an iron rod bears South 89°59'06" West 3.00 feet; thence South 00°28'57" East 706.73 feet to an anchor post at a corner in the South line of said Lot 2; thence South 00°27'35" East 426.13 feet to an iron pipe at the Southerly Southwest corner of said Lot 2; thence East 3144.26 feet to the POINT OF BEGINNING.

EXCEPT a 20-foot roadway running along the East end.

**WASHINGTON COUNTY**

**TRACT 6:** Harms/Hartrampf Parcel (APN 1N311-00700)

A portion the properties conveyed by Book 455 Page 6, and described in Document No. 87028280, all of Washington County Records, in the Jacob Hoover Donation Land Claim 46 located in Sections 11 and 14, Township 1 North, Range 3 West of the Willamette Meridian, Washington County Oregon, more particularly described as follows:

COMMENCING at the Northwest corner of said Claim 46, marked by a 3-1/4" Washington County Surveyor Berntsen monument; Thence South 13°32'51" West 30.48 Feet along the West line of said Claim 46 to a point on a line that is 30.00 feet South of the North line of said Claim 46 and the TRUE POINT OF BEGINNING; Thence South 86°35'13" East 1239.07 Feet along said line to the centerline of a drainage ditch; Thence South 10°17'43" West 28.16 Feet, South 09°45'32" West 26.17 Feet, South 10°34'07" West 62.81 Feet, South 07°33'33" West 94.81 Feet, South 10°51'37" West 93.22 Feet, South 09°12'51" West 76.38 Feet, South 02°31'37" West 83.10 Feet, South 02°47'13" East 225.68 Feet, South 04°13'15" West 69.06 Feet, South 08°30'37" West 85.87 Feet, South 11°43'54" West 135.03 Feet, South 14°10'46" West 156.63 Feet, South 18°28'19" West 287.94 Feet, South 17°43'43" West 169.54 Feet, South 05°52'37" West 82.99 Feet, South 00°38'23" West 50.17 Feet, South 04°29'16" East 33.98 Feet, South 08°02'14" East 114.89 Feet, South 14°08'06" East 94.33 Feet, South 19°11'53" East 170.61 Feet, South 26°15'54" East 201.50 Feet, South 27°52'10" East 192.19 Feet, South 29°41'37" East 314.65 Feet and South 31°06'29" East 93.01 Feet along the centerline of said drainage ditch to a point on the West

line of Parcel VI of Washington County Document No. 93059727 (a property once sold by J.C. Weatherred to Washington County); Thence South 02°29'16" West 438.86 Feet along said West line to the Southwest corner of said Parcel VI, a point on the South line of said Claim 46 ; Thence North 86°33'29" West 2176.14 Feet along said South line to the Southwest Corner of said Claim 46; Thence North 13°32'51" East 3266.02 Feet along the West line of said Claim 46 to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion conveyed to Gertrude Herinckx, a single woman, by instrument recorded October 17, 1969 in Book 760 Page 129, Records of Washington County, Oregon, described as follows: Beginning at a point 847.50 feet South 87°45' East from the Southwest corner of the J.E. Hoover D.C. 46; said point of beginning being on the South line of said Hoover Claim in Section 14, Township 1 North, Range 3 West, Willamette Meridian, Washington County, Oregon: thence North 2°15' East at a right angle to the South line of the J.E. Hoover D. C. 365.10 feet to a point; thence South 87°45' East parallel with the said South line of the Hoover Claim 260.0 feet to a point; thence South 2°15' West parallel with the West line 365.10 feet to a point on the South line of above said claim; thence North 87°45' West 260.0 feet to the point of beginning.

TRACT 7: *intentionally deleted*