

LEGAL DESCRIPTION

* PER TITLE REPORT (order no. 0069908) PREPARED FOR GRIMMWAY ENTERPRISES, INC. BY AMERITITLE, P.O. BOX 1745, , PENDLETON, OREGON, TEL NO. 541-276-2010, DATED AUGUST 10, 2012.

TOWNSHIP 5 NORTH, RANGE 27. E. W.M.

SECTION 36: SOUTHEAST QUARTER

TOWNSHIP 5 NORTH, RANGE 28. E. W.M.

SECTION 29: EAST HALF

EAST HALF OF THE WEST HALF EXCEPTING THEREFROM THAT PORTION LYING EASTERLY OF US I-82 AND COUNTY ROAD RIGHTS-OF-WAY.

SECTION 31: SOUTH HALF

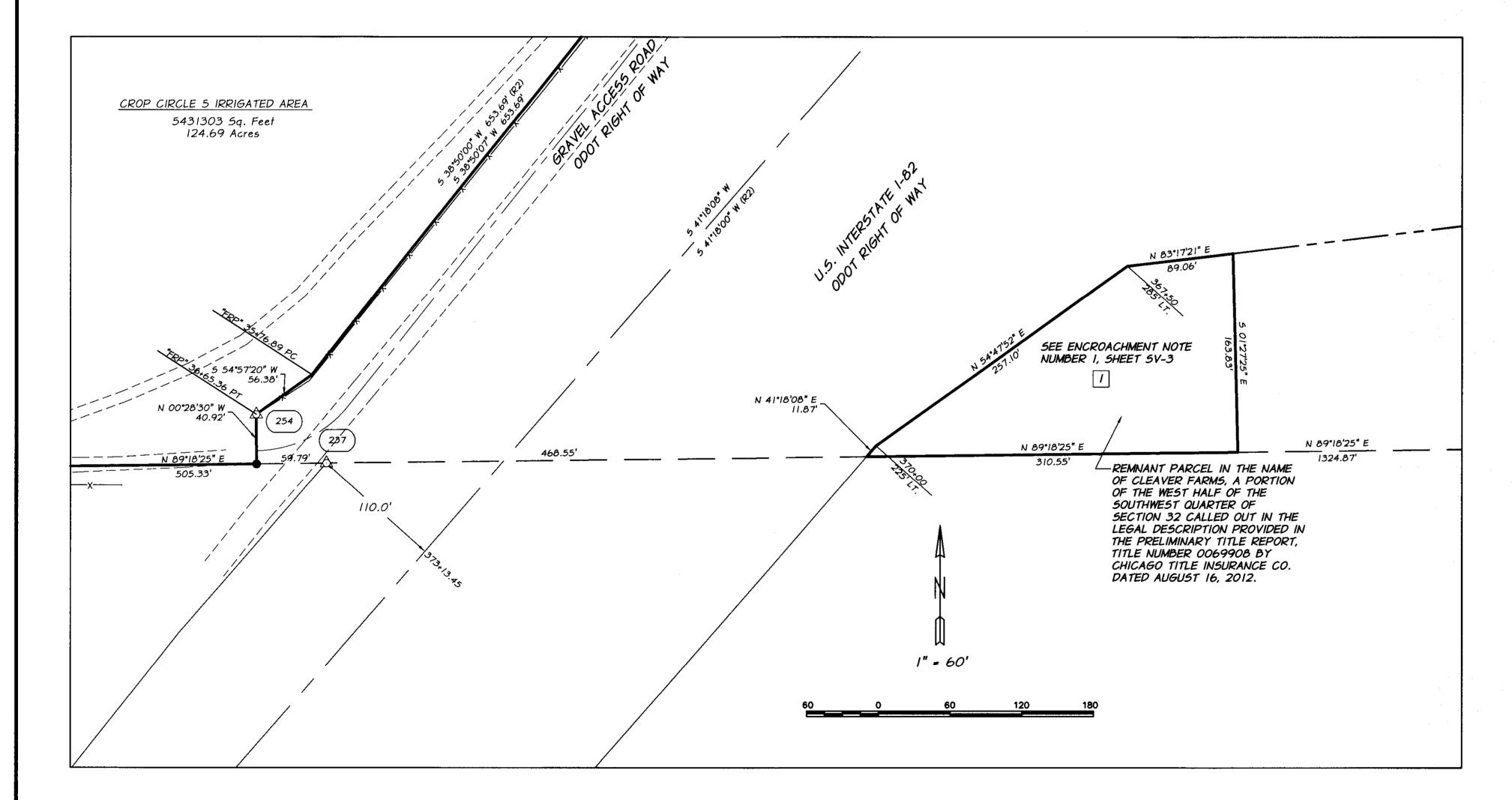
SECTION 32: NORTHEAST QUARTER OF THE NORTHWEST QUARTER WEST HALF OF THE SOUTHWEST QUARTER.

EXCEPTING FROM ABOVE DESCRIBED LANDS ANY PORTION LYING WITHIN THE US I-82 AND COUNTY ROAD RIGHTS-OF-WAY.

ALL EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO COMPLETE A BOUNDARY SURVEY OF SEVERAL PARCELS OF LAND IN UMATILLA COUNTY FOR GRIMMWAY ENTERPRISES INC. THE LEGAL DESCRIPTION WAS INCLUDED IN A PRELIMINARY TITLE REPORT PREPARED BY AMERITITLE AND IS REFERENCED HEREIN. THE SURVEY INVOLVED RETRACING THE SECTION LINES OF 4 SECTIONS, AS WELL AS DETERMINING THE RIGHT-OF-WAY OF U.S. INTERSTATE I-82 AND THE RIGHT-OF-WAY OF POWERLINE COUNTY ROAD. DETAILS OF MONUMENTATION ACCEPTED, REJECTED AND SET IS ON THE FACE OF THE SURVEY AND WITHIN THE CORNER NOTE DESCRIPTIONS. THIS SURVEY WAS PERFORMED WITH A COMBINATION OF ORGN GPS NETWORK OBSERVATIONS AND AN RTK TOPCON GPS SYSTEM CONSISTING OF HIPER DUAL FREQUENCY RECEIVERS WITH A STANDARD DEVIATION OF ICM +



EXCEPTIONS LIST

SPECIAL EXCEPTIONS PER TITLE REPORT (order no. 0069908)
PREPARED FOR GRIMMWAY ENTERPRISES, INC. BY AMERITITLE,
P.O. BOX 1745, PENDLETON, OREGON, TEL. NO.
541-276-2010, DATED AUGUST 10, 2012. (#) INDICATES ITEM
FROM SCHEDULE B.

SPECIAL EXCEPTIONS:

7. 2012-2013 Taxes, which are a lien, but not yet payable. (Not plottable)

- 8. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment. (Not plottable)
- 9. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Westland Irrigation District. (If no search is requested, this exception will remain in the policy. Search requests must be submitted a minimum of four business days prior to recording and a charge of \$15.00 per account will be added.) (Not plottable)
- 10. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of West Extension Irrigation District. (If no search is requested, this exception will remain in the policy. Search requests must be submitted a minimum of four business days prior to recording and a charge of \$15.00 per account will be added.) 9 not plottable)
- (II.) Reservations as contained in Patent, including the terms and provisions thereof, recorded January 14, 1905, in Book 24, Page 235, Umatilla County Deed Records. (Not plottable)
- 12. Reservations of coal and iron, including the terms and provisions thereof, reserved in deed from Northern Pacific Railway Company to J. Frank Watson, recorded July 17, 1905 in Book 48, Page 115, Umatilla County Deed Records. (Not plottable)
- 13. Right-of-Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, Recorded April 15, 1938 in Book 120, Page 532, Umatilla County Deed Records. (Not plottable)
- 14.) Right-of-Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, Recorded January 18, 1943 in Book 160, Page 587, Umatilla County Deed Records. (Not plottable)
- 15. Easement, including the terms and provisions thereof, in favor of Pacific Northwest Pipeline Corporation, recorded September 22, 1955, Book 228, Page 435. Amended December 3, 1992 in Reel 244, Page 1742, Umatilla County Deed Records. (Does not affect subject property)
- 16. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein

As granted to: United States of America

Recorded: April 2, 1957

In Real 241, Page 218 Umatilla County Microfilm Records. (Not plottable)

17. Reservation of (Oil, gas, and minerals), including the terms and provisions contained therein, in Deed from Henry G. Vogler, Jr., et ux.

corded : May 5, 1958

As Microfilm No.: Book 248, Page 596, Records of Umatilla Cou

The interest excepted above has not been examined and subsequent transactions affecting said interest or taxes levied against same are not reflected in this title report. (Not plottable)

- 18. Reservations as contained in Patent, including the terms and provisions thereof, recorded May 23, 1966, in Book 284, Page 577, Umatilla County Deed Records. (Not plottable)
- 19. Reservations as contained in Patent, including the terms and provisions thereof, recorded January 31, 1968, in Book 292, Page 511, Umatilla County Deed Records. (Not plottable)
- 20. Right-of-Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in tavor of Pacific Power & Light Company, recorded October 10, 1978, in Reel 40, Page 1183, Umatilla County Microfilm Records. (10' wide as-constructed, see sheet 9)

SPECIAL EXCEPTIONS: (Continued)

(As shown on drawing, see sheet 4)

- 21. Terms and provisions contained under Easement between West Extension Irrigation District and Dennis B. Logan, et al, recorded May 7, 1979, in Reel 46, Page 1269, Umatilla County Microfilm Records. (Not Plottable)
- 22. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein

 As granted to: AMFAC Foods, Inc., dba Lamb-Weston

 Recorded: May 23, 1979

In Reel No.: 50, Page 623, Umatilla County Microfilm Records.

- 23. Access Restrictions, including the terms and provisions thereof, contained under Stipulated Final Judgment filed July 15, 1985, in the State Circuit Court for Umatilla County, Oregon; Plaintiff, State of Oregon Department of Transportation; Defendant, Mervin Leonard, et al, filed July 15, 1985 in Case No. 84-5-484. (Not plottable)
- Right-of-Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Umatilla Electric Cooperative Association, Recorded December 22, 1994 in Reel 264, Page 1351, Umatilla County Microfilm Records. (As shown on drawing, see sheet 4)
- 25. Microwave Site Lease Agreement, including the terms and provisions thereof, Lessor: Mervin Leonard and Lessee: Burlington Northern Railroad Company, dated October 2, 1985, Unrecorded. Agreement document is illegible, information shown is from County Survey 86-106-B, dated 7-16-86. (As shown on survey, see sheet 7)

Assignment of Lessor Interest, Assignee: Glenn Chowning, Mack Campbell, and Ron Daniels, as trustee of the Mervin "Red" Leonard Living Trust, recorded January 20, 1998, Instrument No. 1998–3400499, Umatilla County Microfilm Records.

- 26. Reservations, including the terms and provisions thereof, contained in Deed recorded April 17, 2001, Instrument No. 2001-3870025, Umatilla County Microfilm Records. (Not plottable)
- 27. Irrevocable Consent Agreement, including the terms and provisions thereof, recorded March 6, 2001. Instrument No. 2001-3840109, Umatilla County Microfilm Records.(Not plottable)
- 28. Irrigation Pipeline Easement Agreement, including the terms and provisions thereof, recorded March 28, 2007, Instrument No. 2007-5170136.

 (Easement located in Sec. 7, T5N, R28E, See separate engineering
- 29. Deed of Trust, including the terms and provisions thereof, executed by Cleaver Land, LLC as grantor, to Mid-Columbia Title Company as trustee for Rabo Agrifinance, Inc., Beneficiary, Dated March 3, 2011, Recorded April 14, 2011, Instrument No. 2011-5770402, Umatilla County Microfilm Records, given to secure the payment of \$6,900,000.00. (Affects this and other property)

Modification of Deed of Trust, including the terms and provisions thereof, recorded October 12, 2011, Instrument No. 2011-5830602, Umatilla County Microfilm Records.

Modification of Deed of Trust, including the terms and provisions thereof, recorded May 11, 2012, Instrument No. 2012-5910757, Umatilla County Microfilm Records.

- 30. A copy of the Articles of Organization of CLEAVER LAND, LLC (a limited liability company) along with its Operating Agreement and a certification as to the identity and authority of the persons who will be consummating the proposed transaction on behalf of the company must be furnished to AmeriTitle for examination. Please do so at least 10 days before closing. (Not plottable)
- 31. A statement and certification of the action by a majority (or other requisite number) of the members of CLEAVER LAND, LLC (a limited liability company), approving the proposed transaction, must be furnished to AmeriTitle for examination. Please do so at least 10 days before closing. (Not plottable)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JAN. 20, 1998
MICHAEL B. POSADA
02849 LS
RENEWS 12/31/14

DATEO: 17-04-12

MAP OF SURVEY FOR: GRIMMWAY ENTERPRISES INC. CLEAVER FARM LAND UMATILLA COUNTY, OREGON

1030 NORTH CENTER PARKWAY, STE. 113 KENNEWICK, WA. 99336

I" = 60"

DATE:

DEC. 4, 2012

anders peny sessorates

MONEERING SURVEYING NATURAL RESOURCES
LA GRANDE, DR. WALLA WALLA WA

2732-32 LA GRANDE, OR. WALLA WALLA, WA.

1901 N. FIR STREET • LA GRANDE, OR 97850 • (541) 963-8309

RECORD (R12) AND COUNTY SURVEY 0-37-B. (R11) - NOTHING SET

FOUND 5/8" REBAR WITH PLASTIC CAP STAMPED "RSI JAB 02735L5"

N 28°22'39" E 1.38' FROM CALCULATED POSITION. SET PER (R21).



I. A GRAVEL ROAD ENCROACHES UPON THIS AREA RUNNING NORTHEAST TO SOUTHWEST. (SEE SHEET 5V-2)

2. CROP CIRCLE ENCROACHES UP TO 585' ON TO PARCEL TO THE WEST. FENCE ENCROACHES UP TO 663' ON PARCEL TO THE WEST.

(SEE SHEET SV-4) 3. DIRT ROAD AND IRRIGATED AREA ENCROACHES 14' ONTO PARCEL TO THE NORTH.(SEE SHEET SV-4)

4. DIRT ROAD AND IRRIGATED AREA ENCROACHES 41' ONTO PARCEL TO THE SOUTH. (SEE SHEET SV-6)

5. DIRT ROAD AND FENCE ENCROACHES UP TO 42' ONTO PARCEL TO THE SOUTHEAST. FENCE ALSO RUNS NORTHEAST AWAY FROM PROPERTY LINE, OWNER UNKNOWN. (SEE SHEET SV-6)

6. DIRT ROAD ENCROACHES UP TO 15' ONTO PARCEL TO THE NORTH, FENCE ENCROACHES UP TO 44' ONTO PARCEL TO THE NORTH (SEE SHEET SV-7)

SCALE:

2732-32

REGISTERED PROFESSIONAL LAND SURVEYOR OREGON JAN. 20, 1998 MICHAEL B. POSADA 02849 LS RENEWS 12/31/14 DATED: 12-04-12

MAP OF SURVEY FOR: GRIMMWAY ENTERPRISES INC. CLEAVER FARM LAND UMATILLA COUNTY, OREGON

RECEIVED BY Umatilia County Surveyor Rec'd By: . Our

1030 NORTH CENTER PARKWAY, STE. 113 KENNEWICK, WA. 99336 NO SCALE DEC. 4, 2012

3/7

1901 N. FIR STREET · LA GRANDE, OR 97850 · (541) 963-8309

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Q:\Grimmway Farms\2732-32 Cleaver Farm2012\DWG\grimmway ROS C3D.dwg, 12/5/2012 8:10:34 AM, Ricoh RW-470 WP

Q:\Grimmway Farms\2732-32 Cleaver Farm2012\DWG\grimmway ROS C3D.dwg, 12/5/2012 8:10:02 AM, Ric. n RW-470