

1 COUNTY COURT OF THE STATE OF OREGON FOR UNION COUNTY
2 IN THE MATTER OF)
3 THE VACATION OF A PORTION OF)
4 UNION AVENUE.)

8/30
8/7
FILED
Shirley A. Cates

5 SUPPLEMENTAL PETITION

6 No. _____

7 Albertson's, Inc., a corporation, represents and petitions:

8 1. The road vacation herein is related to the purchase by
9 Albertson's, Inc. of fee title of certain owners in Blocks 3 and 4, Home
10 Investment Addition to La Grande, Union County, Oregon namely:
11 Earl M. Connell, Emily N. Connell, Iver W. Masterson, Bernice
12 ~~Masterson, Larry W. Cates~~ and Shirley A. Cates, and Savway, Inc.,
13 an Oregon Corporation.

14 2. Albertson's, Inc. has purchased the interest of the
15 foregoing persons as represented by the attached copy of recorded
16 deeds.

17 3. In its Order dated November 8, 1972, the Court ruled
18 that when Albertson's, Inc. acquired the above mentioned fee titles,
19 that the Court would entertain this petition for further and
20 supplemental orders. The Court should determine that its initial
21 vacation dated November 8, 1972, is now effective.

22 WHEREFORE petitioner requests the foregoing Order and such
23 other relief as may be met in the premises.

24 CAREY & GOODING

25
26 By: *R J Gooding*
27 Attorneys for Albertson's, Inc.

28 STATE OF IDAHO)
29 :ss
30 COUNTY OF ADA)

31 The undersigned being sworn states: I am the Senior Vice President
32 of Albertson's, Inc., authorized to verify this petition, and state
that the foregoing is true as I verily believe.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

J. M. Munson
Senior Vice President

Suscribed and sworn January 29, 1973

Lodith G. Stephens
Notary Public for Idaho
My Commission Expires
Jan. 12, 1974



WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That SAVWAY, INC., a corporation duly organized and existing under the laws of the State of Oregon ("Grantor"), in consideration of the exchange of other like property to it conveyed by ALBERTSON'S, INC., a Delaware corporation, ("Grantee"), does hereby grant, bargain, sell and convey to Grantee, its successors and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Union, and State of Oregon, bounded and described as follows, to-wit:

All of Lots Three (3) and Six (6), Block Three (3), Home Investment Addition to La Grande, County of Union, State of Oregon, according to the corrected recorded plat thereof, Except the northerly forty (40) feet of Lot 3 along Island Avenue reserved for highway widening.

SUBJECT TO the following reservations and deed restrictions which shall attach to, be a burden upon, and run with the within conveyed land for the periods therein prescribed, being binding upon Grantee and its successors and assigns:

1. Grantor hereby reserves the right, but does not have the duty, to remove within six months from the date hereof any one or all of the buildings, improvements and structures existing upon or under the within conveyed real property.
2. Grantor hereby declares and places upon the within conveyed land the following deed restrictions which shall run for fifty (50) years from the date hereof and which shall be for the benefit of that real property described on Schedule I attached hereto and the owners or interest holders thereof:

No part of the within conveyed real property shall be used for the purposes of storing, selling or distributing gasoline, lubricants or other petroleum products for motor vehicles, or for the purposes of repairing or maintaining motor vehicles.

Grantee by executing and acknowledging this Instrument agrees for itself and for its successors and assigns to be bound by the above reservations and deed restrictions,

TO HAVE AND TO HOLD the above described and granted premises unto Grantee, its successors and assigns forever.

And Grantor does covenant that it is lawfully seized in fee simple of the above granted premises free from all encumbrances, except taxes for 1972-73 and subsequent years, and except those reservations and deed restrictions reserved herein, and that it will and its successors shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Done by order of the Board of Directors, with the seal of said corporation, this 27th day of December, 1972.

ALBERTSON'S, INC.; a
Delaware corporation

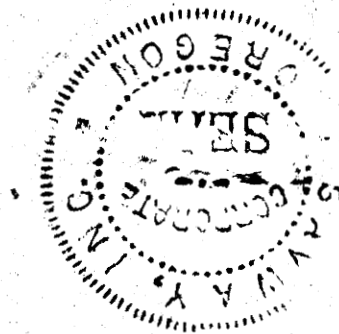
By: Paul W. Mansel
Senior Vice President

By: Minnie O. Armstrong
Secretary

SAVWAY, INC., an Oregon corporation

By: Kurt H. [Signature]
President

By: [Signature]
Secretary



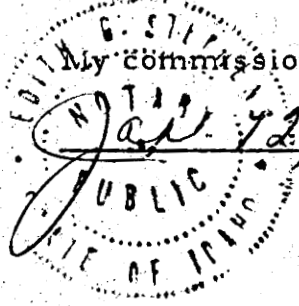
STATE OF IDAHO)

) ss.

County of Ada)

On this 12th day of January, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared Paul W. Mauder and Marice O. Armstrong, to me known to be the Senior Vice President and _____ Secretary, respectively, of ALBERTSON'S, INC., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.



My commission expires:

Edith H. Stephens
Notary Public in and for the State of Idaho
Residing at Boise, Idaho

STATE OF OREGON)

: ss.

County of Malheur)

On this 8 day of January, 1973, before me, the undersigned, a Notary Public in and for said State, personally appeared Keith L. Remington and W. F. Schroeder, to me known to be the _____ President and _____ Secretary, respectively, of SAVWAY, INC., the corporation that executed the foregoing instrument, and acknowledged to me that the said instrument is the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

WITNESS MY HAND and official seal hereto affixed the day, month and year in this certificate first above written.

My commission expires:

Sept. 26, 1973

Margaret Ryan
Notary Public in and for the State of Oregon
Residing at Vale, Oregon



SCHEDULE I

A portion of Lots 12, 13 and 14 of Block 20, Williamson's Addition to La Grande and more particularly described as follows with reference to a map of survey made for La Grande Paint & Glass, Inc. dated November 10, 1972 as filed in the Office of the Union County Surveyor:

Beginning at the SW corner of Lot 12 of Block 20; thence N. 0° 37' 30" W. along the west line of said Lot 12, 511 feet to the SE line of the proposed highway right of way; thence N. 58° 41' 56" East along said highway right of way line 134.77 feet to the center line of the vacated alley through said Block 20; thence S. 0° 38' 34" E along the center line of said vacated alley 73.92 feet; thence S. 89° 23' 38" W. along the South line of said Lot 12 115.92 feet to the point of beginning, said parcel containing 4582 square feet.

OK df

42317

INDEXED

STATE OF OREGON }
County of Union } ss

I certify that the within instrument of writing was received for record on the 15 day of January 1973 at 3:00 o'clock P.M., and recorded on page - in book - Record of Deeds of said County.

SHIRLEY L. BOLIN County Clerk,

By Charlotte M. Hagg Deputy.

1967/50.

42479



KNOW ALL MEN BY THESE PRESENTS, That EARL M. CONNELL and EMILY N. CONNELL, husband and wife, as tenants by the entirety, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ALBERTSON'S, INC., a Delaware corporation, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Union and State of Oregon, described as follows, to-wit:

All of Lots One (1) and Six (6), in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof; TOGETHER WITH (1) a strip of land 20 feet in width adjoining the north side of Lot 1 (being the South one-half of vacated Union Avenue, as platted, which adjoins said land), (2) all of grantor's possessory interest, if any, in Lot 5 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except general real estate taxes for 1972-73 and subsequent years,

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 26,500.00. ~~HOWEVER, THE ACTUAL CONSIDERATION CONSISTS OF OR INCLUDES OTHER PROPERTY OF VALUE GIVEN OR PROMISED WHICH IS NOT DESCRIBED IN THIS DEED. THE ACTUAL CONSIDERATION (INDICATE WHICH) IS~~

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand this 25th day of January 1973.

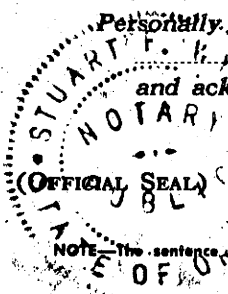
Earl M. Connell
Earl M. Connell
Emily N. Connell
Emily N. Connell

STATE OF OREGON, County of Union) ss. January 25, 1973

Personally appeared the above named Earl M. Connell and Emily N. Connell

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me *Stuart F. Wyllie*
Notary Public for Oregon
My commission expires 10-22-74



NOTE—The sentence between the symbols ①, if not applicable, should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

TO

AFTER RECORDING RETURN TO



(DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON } ss. County of Union

I certify that the within instrument was received for record on the 25 day of January 1973, at 4:40 o'clock P.M., and recorded in book on page or as filing fee number 42479, Record of Deeds of said County.

Witness my hand and seal of County affixed.

SHIRLEY L. BOLIN
County Clerk Title

Charlotte M. Kellogg Deputy

No. 42479

1967/50.

42480

KNOW ALL MEN BY THESE PRESENTS, That IVER W. MASTERSON and BERNICE MASTERSON, husband and wife, as tenants by the entirety, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by ALBERTSON'S, INC., a Delaware corporation

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Union and State of Oregon, described as follows, to-wit:

All of Lots Four (4) and Five (5) and all of Lot Two (2) except the West nineteen and one-half (19-1/2) feet of Lot 2, in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof, TOGETHER with (1) a strip of land 20 feet in width adjoining the north side of Lot 2 except the West 19-1/2 feet thereof (being the South one-half of vacated Union Avenue, as platted, which adjoins said land), (2) all of grantor's possessory interest, if any, in Lots 1, 3 and 6 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates, and under the name of Iver W. Masterson for use of waters of a well, tributary of the Grande Ronde River, under Permit No. G-1041 of the State Engineer, with priority of July 28, 1958, point of diversion being 9 chains north and 6 chains west from the SE corner of Sec. 5, T 3 S, R 38 E, W. M., State Record Volume 19, Page 26894, and Union County Record Book 3, Page 589 of Water Right Certificate

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, except general real estate taxes for 1972-73 and subsequent years,

and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$63,600.00

However, the actual consideration consists of or includes other property or value given or promised which part of the consideration (indicate which)

In construing this deed and where the context so requires, the singular includes the plural.

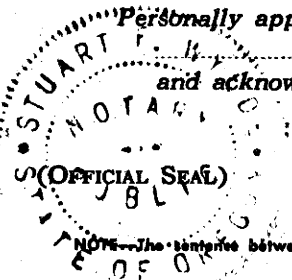
WITNESS grantor's hand this 24th day of January, 1973.

Iver W. Masterson
Bernice Masterson

STATE OF OREGON, County of Union ss. Personally appeared the above named Iver W. Masterson and Bernice Masterson

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Stuart F. Thylden
Notary Public for Oregon
My commission expires Oct 22, 1974



NOTE: The difference between the symbols (1) and (2) should be deleted. See Chapter 462, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

TO
AFTER RECORDING RETURN TO



DON'T USE THIS SPACE; RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.

STATE OF OREGON ss.

County of Union
I certify that the within instrument was received for record on the 25 day of January, 1973, at 4:40 o'clock P.M., and recorded in book on page or as filing fee number 42480, Record of Deeds of said County.

Witness my hand and seal of County affixed.

SHIRLEY L. BOLIN

County Clerk Title
By Charlotte M. Haug Deputy

No. 42480

WARRANTY DEED

LARRY W. CATES and SHIRLEY A. CATES, husband and wife, hereinafter called grantors, convey to ALBERTSON'S, INC., a Delaware corporation, all that real property situated in Union County, State of Oregon, described as:

All of Lot Three (3) and the West nineteen and one-half (19-1/2) feet of Lot Two (2), in Block Four (4) of HOME INVESTMENT ADDITION to La Grande, Union County, Oregon, according to the corrected recorded plat thereof; Together with (1) a strip of land 20 feet in width adjoining the north side of Lot 3 and the north side of the West 19- 1/2 feet of Lot 2 (being the South one-half of vacated Union Avenue, as platted, which adjoins said land), (2) all of Grantor's possessory interest, if any, in Lots 4 and 5 of said Block 4, and (3) all water rights adjudicated for the irrigation of the within conveyed real property under the name of La Grande Irrigation Company, from the Grande Ronde River, with priority of 1903, State Record Volume 6, Page 6417, and Union County Record Book 3, Page 213 of Water Right Certificates, if any;

and covenant that grantors are the owners of the above-described property free of all encumbrances except general real estate taxes for the 1972-73 and subsequent years, and except the condition contained in that certain order of the County Court of Union County, Oregon, entered November 8, 1972, pertaining to the vacation of Union Avenue (between Blocks 3 and 4 of Home Investment Addition) to the effect that if construction has not been commenced on the shopping and commercial center development within three (3) years from the date of said order, the Court may, upon its own motion, and after notice to Albertson's, Inc., enter an order setting aside the vacation.

The true and actual consideration for this transfer is \$48,200.00.

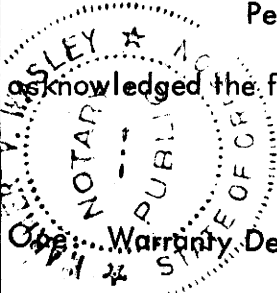
DATED this 23rd day of January, 1973.

Larry W. Cates
LARRY W. CATES

Shirley A. Cates
SHIRLEY A. CATES

STATE OF OREGON
COUNTY OF UNION)
January 22nd, 1973

Personally appeared the above-named Larry W. Cates and Shirley A. Cates and as acknowledged the foregoing instrument to be their voluntary act. Before me:



Thomas J. Wade
Notary Public for Oregon
My Commission Expires: 8/25/75

AT 10599(A)