

## MODIFICATION OF LEASE

THIS AGREEMENT, made this 18th day of August, 1970, by and between JACK DUCKWORTH and GALENA MAE DUCKWORTH, his wife, Lessor and UNION OIL COMPANY OF CALIFORNIA, a corporation, Lessee.

## WITNESSETH:

WHEREAS, JOHN ZBINDEN leased to Lessee by that certain Service Station Site and Facilities Lease, dated May 22, 1956, and short form of lease thereof also dated May 22, 1956, and recorded September 14, 1956, in Volume 286, Page 531, Official Records of Deeds, Klamath County and as modified by that Modification of Service Station Site and Facilities Lease dated March 14, 1966 and recorded May 5, 1966, in Volume M-66, Index No. 6013, Official Records of Deeds, Klamath County and further modified by Modification of Service Station Site and Facilities Lease dated June 12, 1967, and recorded August 9, 1967 in Volume M-67, page 6160, Official Records of Deeds, Klamath County, respecting that certain real property situate in the County of Klamath, State of Oregon, described as follows:

Beginning at the intersection of the South line of Section 6, Township 29 South, Range 8 E, W.M., and the Easterly boundary line of Highway 97; thence East 10 feet; thence North 65 feet along Easterly boundary of said relocated Highway 97 to the true point of beginning; thence East 65 feet; thence North 100 feet; thence West 65 feet to the Easterly boundary of relocated Highway 97; thence South 100 feet along Easterly boundary of relocated Highway 97 to the true point of beginning;

together with the buildings and equipment now located or to be placed thereon by Lessor, as described in Exhibit A attached to said Service Station Site and Facilities Lease; and the interest of John Zbinden having been conveyed to Jack Duckworth and Galena Mae Duckworth effective August 21, 1967 by Contract of Sale also dated August 21, 1967.

NOW, THEREFORE, the parties do hereby agree that said Service Station Site and Facilities Lease and short form of lease thereof, shall be and is hereby modified and amended as of the 18th day of August, 1970, in the manner and to the extent herein set forth, but in no other manner or extent, to-wit:

1. Paragraph Three (3) RENTAL, of said lease is modified as follows:

Lessee a  
said prem  
for each  
premises,  
such month  
of the foll  
2. Paragraph  
thereof shall com  
of May, 1961, whic  
to end the 31st day  
dated March 14, 196  
Modification dated J  
For the pur  
month-to-month tenanc  
anted the term  
three (3) years commen  
3. Paragraph Four  
stated to read as follow  
As further material  
modification.

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Lessee agrees to pay Lessor each calendar month as rental for said premises a sum equivalent to TWO CENTS (2¢) per gallon for each gallon of Lessee's gasoline delivered at or upon said premises, or, at Lessee's option, dispensed therefrom during such month, said rental to be paid on or before the 20th day of the following month.

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2. Paragraph Two (2) TERM, of said lease provides that the term thereof shall commence the 1st day of June, 1956, and end the 31st day of May, 1961, which term was extended by letter dated November 12, 1960 to end the 31st day of May, 1966, and further extended by Modification dated March 14, 1966 to end May 31, 1967, and further extended by Modification dated June 12, 1967 to end May 31, 1969.

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For the purpose of said paragraph, it is agreed that ~~month to month tenancy since May 31, 1969 is abated and Lessee is further~~ ~~extended~~ the term of said lease is hereby extended for an additional three (3) years commencing August 18, 1970 and ending August 17, 1973.

3. Paragraph Four (4) EXTENSION, of said lease is hereby reinstated to read as follows:

As further material consideration for the execution of this modification, Lessee is hereby granted the exclusive right and option to extend this lease for such additional term as Lessee may declare at its further option, but which term shall in no event exceed three (3) years, upon the same terms and conditions and for the same rental hereinbefore provided. Written notice of the exercise of said option to extend this lease, together with the declared term of said extension, shall be given at least sixty (60) days prior to the expiration of the term hereof.

As modified herein, all the terms, covenants, conditions and agreements of said leases are hereby reaffirmed by the parties hereto and shall remain in full force and effect.

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THIS AGREEMENT shall not be binding upon Lessee until duly executed by it and delivered to Lessor.

IN WITNESS WHEREOF, the parties hereto have executed this Modification of Lease in duplicate as of the day and year first above written.

Jack Duckworth  
Jack Duckworth

UNION-76-DIVISION <sup>CHS</sup>  
UNION OIL COMPANY OF CALIFORNIA

Galena Mae Duckworth  
Galena Mae Duckworth (Lessor)

By [Signature]  
Division Sales Manager (Lessee)

By [Signature]  
E. H. GOLISCH Assistant Secretary (Lessee)

STATE OF CALIFORNIA }  
COUNTY OF LOS ANGELES } SS

On this 26 day of October in the year A.D. 1967, before me  
Joanne G. Hoyden, a Notary Public in and for said  
County and State, residing therein and duly commissioned and sworn, personally appeared

E. H. Golisch, known to me to be the Assistant Secretary of  
Union Oil Company of California, the corporation that executed the  
within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein  
named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate  
first above written.

OFFICIAL SEAL  
JOANNE G. HOYDEN  
NOTARY PUBLIC CALIFORNIA  
PRINCIPAL OFFICE IN  
LOS ANGELES COUNTY  
My Commission Expires December 16, 1973  
FORM 991

Joanne G. Hoyden  
Notary Public in and for said County and State.

My Commission expires.....

STATE OF Oregon )  
COUNTY OF Klamath ) ss.

On this 8th day of October, 1970, before me, Madame L. Crescenzi, a Notary Public in and for said County and State, residing therein and duly commissioned and sworn, personally appeared Jack Duckworth and Galea Mae Duckworth, personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

(Seal)

Madame L. Crescenzi  
Notary Public in and for said County and State.  
My Commission expires: July 13, 1973

STATE OF OREGON )  
COUNTY OF MULTNOMAH ) ss.

On this 19th day of October, 1970, before me, Marguerite S. Kampfer, a Notary Public in and for said County and State, residing therein and duly commissioned and sworn, personally appeared J. T. Raabe known to me to be the Division Sales Manager and known to me to be the of Union Oil Company of California, the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

Marguerite S. Kampfer  
Notary Public in and for said County and State.  
My Commission expires: 10-10-74

STATE OF )  
COUNTY OF ) ss.

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, a Notary Public in and for said County and State, residing therein and duly commissioned and sworn, personally appeared \_\_\_\_\_ known to me to be the \_\_\_\_\_ and \_\_\_\_\_ known to me to be the \_\_\_\_\_ of \_\_\_\_\_, the corporation that executed the within instrument, and known to me to be the persons who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(Seal)

Notary Public in and for said County and State.  
My Commission expires: \_\_\_\_\_

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Union Oil Company of California  
this 20th day of January A.D., 1971 at 10:47 o'clock A M., and duly recorded in  
Vol. M71 of Deeds on Page 487

10 Fee \$6.00

WM. D. MILNE, County Clerk  
By Thelma Kirtledge

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