

4-2366

After recording return to:  
Klamath County Title Company  
422 Main St.  
Klamath Falls, Oregon 97601

Until a change is requested,  
all tax statements shall be  
sent to the following:

BHF Properties, Ltd.  
3461 DENVER PARK

Vol. 76 Page 20780 Klamath Falls, Or 97601

23487

MEMORANDUM OF AGREEMENT

For the sum of Three Million Five Hundred Thousand Dollars (\$3,500,000.00) in the form of a down payment of Four Hundred Thirteen Thousand Dollars (\$413,000.00), the receipt of which is acknowledged and the remainder to be paid in annual installments, the undersigned have entered into a written agreement for the purchase and sale of certain real property and improvements located in Klamath County, Oregon, more particularly described in Exhibits A through C attached hereto and by this reference made a part hereof, on the terms and conditions provided therein.

DATED this 28th day of December, 1976.

TOLANA, OREGON

By: [Signature] President

By: [Signature] Secretary

SELLER

BHF PROPERTIES, LTD.

By: [Signature] General Partner

By: [Signature] General Partner

By: [Signature] General Partner

PURCHASER

(Official Seal)

[Signature]  
Notary Public for Oregon  
My commission expires 9/23/77  
(Title of Officer)

76 DEC 29 PM 2 08



20791

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

December 28, 1976

Personally appeared John B. Anderson and R. N. Oberg, who, each being first duly sworn, did say that the former is the President and that the latter is the Secretary of Tulana Farms, a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

*Leslie Rummels*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 9/23/77

STATE OF OREGON )  
 ) ss.  
 County of Klamath )

December 28, 1976

Personally appeared Samuel A. Henzel and Thurston K. Henzel, who, each being first duly sworn, did say they are general partners of BHF Properties, Ltd., an Oregon limited partnership, and that said instrument was signed on behalf of the limited partnership by authority of the partnership and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

*Leslie Rummels*  
 NOTARY PUBLIC FOR OREGON  
 My Commission Expires: 9/23/77

FORM No. 159—ACKNOWLEDGMENT BY ATTORNEY-IN-FACT.

STATE OF OREGON,

County of Klamath } ss.

On this the 28th day of December, 1976, personally appeared Samuel A. Henzel, who, being duly sworn (or affirmed), did say that he is the attorney in fact for David Henzel and that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:

(Official Seal)

*Leslie Rummels*  
 (Signature)  
 Notary Public for Oregon  
 My commission expires 9/23/77  
 (Title of Officer)



20792

## PARCEL I - DUNN FARM

IN TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN

## IN SECTION 1:

A piece or parcel of land lying between the rights of way for the Southern Pacific Railroad, and the Dalles-California Highway in Lot 1 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, and more particularly described as follows: Beginning at a point at the intersection of the line marking the Easterly boundary of the right of way of the Southern Pacific Railroad, which is a line parallel with and 50.0 feet distant at right angles Southeasterly from the center line of the said Southern Pacific Railroad, as the same is now located and constructed, with a line parallel with and 92.54 feet distant at right angles Southerly from the township line which marks the Northerly boundary of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, from which point of intersection, the section corner at the Northeasterly corner of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, bears North  $88^{\circ}22\frac{1}{2}'$  East, 2927.6 feet distant, and running thence Southwesterly along the said Easterly right of way line of the said Southern Pacific Railroad, 1105 feet, more or less, to its intersection with the meander line marking the Southerly boundary of the said Lot 1, of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence South  $40^{\circ}58'$  East along said meander line 97.5 feet, more or less, to its intersection with the line marking the Westerly boundary of the right of way of the Dalles-California Highway, which is a line parallel with and 50.0 feet distant at right angles Northwesterly from the center line of the said The Dalles-California Highway, as the same is now located and constructed; thence Northeasterly along the said Westerly right of way line of the said The Dalles-California Highway 1190 feet, more or less, to its intersect with the said line parallel with and 92.54 feet distant at right angles Southerly from the township line marking the Northerly boundary of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence North  $89^{\circ}49'$  West, along said parallel line 97.3 feet, more or less, to the said point of beginning.

ALSO Beginning at the Northwesterly corner of the  $S\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$  of the said Section 1, Township 40 South, Range 8 East of the Willamette Meridian, and running thence North  $89^{\circ}49'$  West 704.4 feet, more or less, to a point in the line marking the Northeasterly boundary of the right of way of the Midland-Mack Store Road, which is a line parallel with and 30.0 feet distant at right angles Northeasterly from the center line of the said Midland-Mack Store Road, as the same is now located and constructed; thence South  $38^{\circ}25\frac{1}{2}'$  East, along said Northeasterly right of way boundary 1134.2 feet, more or less, to its intersection with the line marking the Easterly boundary of Lot 2, of Section 1, Township 40 South, Range 8 East of the Willamette Meridian; thence North  $0^{\circ}02'$  West, along said line marking the Easterly boundary of the said Lot 2 of Section 1, Township 40 South, Range 8 East of the Willamette Meridian, 886.3 feet, more or less, to the said point of beginning.

Exhibit A-1



All those portions of Lots 1 and 2, Section 1, lying Southwesterly of the Midland-Mack Store Highway as now constructed and in use, in Township 40 South, Range 8 East of the Willamette Meridian.

The S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 1, Township 40 South, Range 8 East of the Willamette Meridian.

Lots 3, 4 and 9 of Section 1, SAVING AND EXCEPTING that portion of the A. H. Patterson, Sr. property described in deed recorded in Book 199 page 113, which lies Northerly and Easterly of the Northeast boundary of the New North Canal of the Klamath Drainage District and SAVING AND EXCEPTING THEREFROM that portion conveyed to State of Oregon by deed dated May 23, 1947, recorded June 3, 1947 in Deed Book 207 page 156, records of Klamath County, Oregon.

All that portion of Lot 6, Section 1, lying Easterly of the Central Pacific Railway Company right of way, SAVING AND EXCEPTING that portion thereof lying Northerly of the Midland-Mack Store Highway and having been conveyed to Arthur Neil Phipps, et al, by deed dated March 14, 1950, recorded March 17, 1950, in Book 237 page 387, Deed Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING that portion thereof conveyed to Klamath County by deed dated April 21, 1934, recorded September 19, 1934, in Deed Book 103 page 506 Records of Klamath County, Oregon, and ALSO SAVING AND EXCEPTING therefrom the portion conveyed to the State of Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed Records of Klamath County, Oregon.

Those portions of Lot 7, the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 1, lying Easterly of the Central Pacific Railway Company right of way SAVING AND EXCEPTING from said Lot 7 that portion conveyed to the State of Oregon by deed dated May 31, 1947, recorded June 25, 1947, in Book 208 page 87, Deed records of Klamath County, Oregon.

All of Lots 5 and 8, and the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 1.

IN SECTION 11:

That portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$  lying Easterly of the Central Pacific Railroad right of way.

IN SECTION 12:

All that portion of Section 12 lying Easterly of the Central Pacific Railroad right of way.

IN SECTION 13: ALL.

IN SECTION 14:

That portion of the E $\frac{1}{2}$  lying Easterly of the Central Pacific Railroad right of way.



20794

IN TOWNSHIP 40 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

IN SECTION 6:

That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southwesterly of the New North Canal of the Klamath Drainage District.

IN SECTION 7:

Lots 1, 8, 9, 10 and 13; and the S $\frac{1}{4}$ NW $\frac{1}{4}$ ; the SW $\frac{1}{4}$ ; the W $\frac{1}{4}$ SE $\frac{1}{4}$ ; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ ; and that portion of the NE $\frac{1}{4}$  and Lot 7 lying Southerly and Westerly of the center line of the said New North Canal.

IN SECTION 18: All

All those portions of Sections 23 and 24, Township 40 S.R. 8 E.W.M., and of Section 19, Township 40 S.R. 9 E.W.M., lying Easterly of Highway #97 and Northerly and Easterly of the center line of Klamath Straits, as presently located and constructed. EXCEPTING THEREFROM the following described parcel: All that portion of the N $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 23, Twp. 40 S.R. 8 E.W.M., lying South of the Klamath Straits (Old Channel), East of Highway #97, and Northerly of the following described line: Beginning at a point on the Easterly right-of-way line of said Highway #97 which bears S. 69°53' E. 2942.6 feet and N. 18°17' E. 150.0 feet from the Northwest corner of said Section 23, Twp. 40 S.R. 8 E.W.M.; thence leaving said highway right of way line S. 72°06' E. 900.1 feet; thence S. 36°56' E. 162.1 feet; thence S. 68°03' E. 330.0 feet to a point designated Point "D" on the South line of said N $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 23; said point being S. 71°02' E. 4303.9 feet from the Northwest corner of said Section 23, Twp. 40 S.R. 8 E.W.M.

IN SECTION 34 Township 40 South, Range 8 East of the Willamette Meridian

That part of the SW $\frac{1}{4}$  of Section 34 described as follows: Beginning at a point that is distant South 89°29' East 351.66 feet from the Section corner common to sections 3 and 4, Township 41 S.R. 8 E.W.M., and Sections 33 and 34, Township 40 S.R. 8 E.W.M., said point being distant 50 feet Southeasterly measured at right angles from the center line of the Central Pacific Company's originally located main track at Engineer's Station 2640+59.67; thence North 32°17'30" East, parallel to said center line of main track, 1740.33 feet to a point distant 50 feet Southeasterly at right angles from said center line of the Central Pacific Railway Company's originally located main track at Engineer's Station 2658+00; thence South 57°42'30" East 100.0 feet to the Northwesterly right of way line of the Klamath Falls-Dorris Highway; thence South 32°17'30" West along said right of way line 1678.39 feet to the South line of said Section 34; thence North 89°29' West along said South line of Section 34 a distance of 117.63 feet to the point of beginning.

ALSO that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southeasterly of the Klamath Falls-Dorris Highway; AND the West 400 feet of Lot 5 in said Section 34.

Exhibit A-3



20795

IN TOWNSHIP 41 SOUTH, RANGE 9 EAST OF THE WILLAMETTE MERIDIAN

IN SECTION 6: The S $\frac{1}{2}$ SW $\frac{1}{4}$

IN SECTION 7: ALL EXCEPT the NE $\frac{1}{4}$ NE $\frac{1}{4}$

Lots 1 thru 6 in Block 2, Second Addition to Midland, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.

PARCEL 2:

The NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 7, Township 41 South, Range 9 East of the Willamette Meridian.

Exhibit B



20796

## PARCEL III - GRAIN ELEVATOR

IN SECTION 34 TOWNSHIP 40 SOUTH, RANGE 8 EAST OF THE WILLAMETTE MERIDIAN

That part of the SW $\frac{1}{4}$  of Section 34 described as follows: Beginning at a point that is distant South 89°29' East 351.66 feet from the Section corner common to Sections 3 and 4, Township 41 South, Range 8 East of the Willamette Meridian, and Sections 33 and 34, Township 40 South, Range 8 East of the Willamette Meridian, said point being distant 50 feet Southeasterly measured at right angles from the center line of the Central Pacific Company's originally located main track at Engineer Station 2640+59.67; thence North 32°17'30" East, parallel to said center line of main track, 1740.33 feet to a point distant 50 feet Southeasterly at right angles from said center line of the Central Pacific Railway Company's originally located main track at Engineer's Station 2658+00; thence South 57°42'30" East 100.0 feet to the Northwesterly right of way line of the Klamath Falls-Dorris Highway; thence South 32°17'30" West along said right of way line 1678.39 feet to the South line of said Section 34; thence North 89°29' West along said South line of Section 34 a distance of 117.63 feet to the point of beginning.

ALSO that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  lying Southeasterly of the Klamath Falls-Dorris Highway, AND the West 400 feet of Lot 5 in said Section 34.

STATE OF OREGON; COUNTY OF KLAMATH; ss.

I hereby certify that the within instrument was received and filed for record on the 29th day of  
 DECEMBER A.D., 19 76 at 2:08 o'clock P. M., and duly recorded in Vol. 4 76  
 of DEEDS on Page 20790.

FEE \$ 21.00

WM. D. MILNE, County Clerk

By [Signature] Deputy

Return  
 Klamath County Title Co  
 P.O. Box 151  
 Klamath Falls, Oregon  
 97601

Exhibit C