

7/A 38-12892-D

48385

ADDENDUM TO CONTRACT

Vol. 78 Page 10270

THIS ADDENDUM to Contract dated April 27, 1978, by and between HENLEY LAND COMPANY, INC., whose address is 7408 Keller Road, Klamath Falls, Oregon 97601, herein called "Sellers," and GREEN SPRINGS LAND & DEVELOPMENT CO., a Partnership consisting of DONALD N. GAIL and GARY T. WHITTLE, whose address is 820 South Central, Medford, Oregon 97501, herein called "Purchasers;"

W I T N E S S E T H :

Sellers and Purchasers hereby modify that certain Contract of Sale dated February 17, 1978 and recorded March 1, 1978 in Book M-78, page 3874, to which this Addendum is attached, in the following particulars only:

1. That the legal description set forth in Exhibit "A", page 1 of said Contract is incorrect.
2. That in place of the attached Exhibit "A" to said Contract, the parties agree that the following legal description is the correct legal description of the property sold to Purchasers:

PARCEL 1

A tract of land situated in the E 1/2 NE 1/4 of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the most Southerly point of Tract 1085-Country Green, a duly recorded plat, said point being on the Southerly right of way line of Alt Way and 15.00 feet Easterly of the centerline of the Enterprise Irrigation District ditch as constructed, said point South 65° 17' 56" East 1644.59 feet from the N 1/4 corner of said Section 13; thence Easterly along the Southerly line of said Tract 1085-Country Green North 66° 35' 44" East 77.54 feet, along the arc of a curve to the left (radius = 230.00 feet, central angle = 21° 57' 17") 88.13 feet; North 44° 38' 27" East 276.89 feet, South 45° 21' 33" East 20.00 feet, along the arc of a curve to the right (radius = 280.00 feet, central angle = 15° 10' 46") 74.18 feet, North 80° 31' 20" East 184.49 feet, North 12.08 feet; thence leaving said Southerly line, North 72° 58' 03" East 207.58 feet; thence North 89° 29' 13" East 100.00 feet; thence South 84° 14' 48" East 46.58 feet to the Westerly line of the Enterprise Irrigation District Canal; thence along said Westerly line South 05° 22' 23" West 116.17 feet, along the arc of a curve to the left (radius = 125.00 feet, central angle = 49° 30' 10") 108.00 feet, South 44° 07' 47" East 165.75 feet, along the arc of a curve to the right (radius = 75.00 feet, central angle = 73° 27' 34") 96.16 feet, South 29° 19' 47" West 344.20 feet; thence leaving said Westerly line, South 72° 58' 03" West 733.37 feet to a point 15.00 feet Easterly of the centerline of the Enterprise Irrigation District ditch as constructed;

thence Northerly along a line parallel with and 15.00 feet Easterly of the centerline of said ditch, North $38^{\circ} 13' 35''$ West 134.69 feet, along the arc of a curve to the right (radius = 285.00 feet, central angle = $17^{\circ} 21' 40''$) 86.36 feet, North $20^{\circ} 51' 55''$ West 224.49 feet, along the arc of a curve to the right (radius = 335.00 feet, central angle = $37^{\circ} 46' 05''$) 220.82 feet, North $16^{\circ} 54' 10''$ East 27.02 feet to the point of beginning, with bearings based on said Tract 1085-Country Green.

PARCEL 2

A tract of land situated in the NE 1/4 of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at a point on the West line of the NE 1/4 of said Section 13, said point being the Southwest corner of Tract 1085-Country Green, duly recorded plat, said point situated South $00^{\circ} 23' 49''$ West 262.01 feet from the North quarter corner of said Section 13; thence South $89^{\circ} 22' 32''$ East, along the Southerly line of said Tract 1085-Country Green, 60.00 feet; thence South $00^{\circ} 23' 49''$ West 80.00 feet; thence South $89^{\circ} 22' 32''$ East 565.63 feet; thence North $00^{\circ} 37' 28''$ East 80.00 feet to the Southerly line of said Tract 1085-Country Green; thence Easterly along the said Southerly line, South $89^{\circ} 22' 32''$ East 492.01 feet, North $54^{\circ} 48' 25''$ East 30.00 feet, along the arc of a curve to the left (radius point bears North $54^{\circ} 48' 25''$ East 1494.90 feet, central angle = $04^{\circ} 19' 32''$) 112.86 feet, South $39^{\circ} 31' 07''$ East 254.42 feet, along the arc of a curve to the left (radius = 249.23 feet, central angle = $24^{\circ} 11' 35''$) 105.24 feet, South $63^{\circ} 42' 42''$ East 19.53 feet, South $23^{\circ} 24' 16''$ East 60.00 feet to the most Southerly point of said Tract 1085-Country Green; thence continuing Easterly along said Southerly line of Tract 1085-Country Green, North $66^{\circ} 35' 44''$ East 77.54 feet, along the arc of a curve to the left (radius = 230.00 feet, central angle = $21^{\circ} 57' 17''$) 88.13 feet, North $44^{\circ} 38' 27''$ East 276.89 feet, South $45^{\circ} 21' 33''$ East 20.00 feet, along the arc of a curve to the right (radius = 280.00 feet, central angle = $15^{\circ} 10' 46''$) 74.18 feet, North $80^{\circ} 31' 20''$ East 184.49 feet, North 12.08 feet; thence leaving said Southerly line, North $72^{\circ} 58' 03''$ East 207.58 feet; thence North $89^{\circ} 29' 13''$ East 100.00 feet; thence South $84^{\circ} 14' 48''$ East 46.58 feet to the Westerly line of the Enterprise Irrigation District canal; thence along the said Westerly line, South $05^{\circ} 22' 23''$ West 116.17 feet, along the arc of a curve to the left (radius = 125.00 feet, central angle = $49^{\circ} 30' 10''$) 108.00 feet, South $44^{\circ} 07' 47''$ East 165.75 feet, along the arc of a curve to the right (radius = 75.00 feet, central angle = $73^{\circ} 27' 34''$) 96.16 feet, South $29^{\circ} 19' 47''$ West 344.20 feet; thence leaving said Westerly line, South $72^{\circ} 58' 03''$ West 1269.45 feet; thence North $75^{\circ} 46' 50''$ West 128.10 feet; thence South $72^{\circ} 58' 03''$ West 699.66 feet to the Easterly line of the U.S.B.R. "A" Canal; thence along said Easterly line, along the arc of a curve to the right (radius point bears North $43^{\circ} 48' 30''$ East 497.96 feet, central angle = $24^{\circ} 14' 30''$) 210.69 feet, North $21^{\circ} 57' 00''$ West 560.20 feet, along the arc of a curve to the left (radius = 1220.92 feet, central angle = $07^{\circ} 50' 06''$) 166.96 feet to the West line of the NE 1/4 of said Section 13; thence North $00^{\circ} 23' 49''$ East 530.01 feet to the point of beginning, with bearings based on the said Tract 1085-Country Green.

EXCEPTING THEREFROM a tract of land situated in the E 1/2 NE 1/4 of Section 13, Township 39 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon, being more particularly described as follows:

Beginning at the most Southerly point of Tract 1085-Country Green, a duly recorded plat, said point being on the Southerly right of way line of Alt Way and 15.00 feet Easterly of the centerline of the Enterprise Irrigation District ditch as constructed, said point being South $65^{\circ} 17' 56''$ East 1644.59 feet from the N 1/4 corner of said Section 13; thence Easterly along the Southerly line of said Tract

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1085-Country Green, North 66° 35' 44" East 77.54 feet, along the arc of a curve to the left (radius = 230.00 feet, central angle = 21° 57' 17") 88.13 feet; North 44° 38' 27" East 276.89 feet, South 45° 21' 33" East 20.00 feet, along the arc of a curve to the right (radius = 280.00 feet, central angle = 15° 10' 46") 74.18 feet, North 80° 31' 20" East 184.49 feet, North 12.08 feet; thence leaving said Southerly line, North 72° 58' 03" East 207.58 feet; thence North 89° 29' 13" East 100.00 feet; thence South 84° 14' 48" East 46.58 feet to the Westerly line of the Enterprise Irrigation District Canal; thence along said Westerly line, South 05° 22' 23" West 116.17 feet, along the arc of a curve to the left (radius = 125.00 feet, central angle = 49° 30' 10") 108.00 feet, South 44° 07' 47" East 165.75 feet, along the arc of a curve to the right (radius = 75.00 feet, central angle = 73° 27' 34") 96.16 feet, South 29° 19' 47" West 344.20 feet; thence leaving said Westerly line, South 72° 58' 03" West 733.37 feet to a point 15.00 feet Easterly of the centerline of the Enterprise Irrigation District ditch as constructed; thence Northerly along a line parallel with and 15.00 feet Easterly of the centerline of said ditch, North 38° 13' 35" West 134.69 feet, along the arc of a curve to the right (radius = 285.00 feet, central angle = 17° 21' 40") 86.36 feet, North 20° 51' 55" West 224.49 feet, along the arc of a curve to the right (radius = 335.00 feet, central angle = 37° 46' 05") 220.82 feet, North 16° 54' 10" East 27.02 feet to the point of beginning, with bearings based on said Tract 1085-Country Green.

3. It is expressly understood and agreed by and between the parties hereto that Purchasers accept said legal description as the legal description of the real property purchased from Sellers.

4. That except as expressly modified by this Addendum, the Contract to which this Addendum is attached remains unmodified.

WITNESS the hands of the parties the day and year first hereinabove written.

HENLEY LAND COMPANY, INC.

by Wm. T. McLaughlin

by David F. Boyd

by _____

SELLERS

GREEN SPRINGS LAND & DEVELOPMENT CO.

by Donald N. Gail
Donald N. Gail

by Gary T. Whittle
Gary T. Whittle

PURCHASERS

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STATE OF OREGON)
) ss.
 County of Klamath)

May 1, 1978

Personally appeared WILLIAM T. McGAUGHEY and DAVID F. BOYD who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of HENLEY LAND COMPANY, INC., 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:

Donna K. Rick
 DONNA K. RICK
 NOTARY PUBLIC-OREGON

NOTARY PUBLIC FOR OREGON

My Commission Expires: 7/1/79

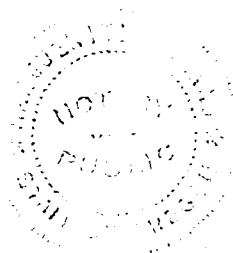
STATE OF OREGON)
) ss.
 County of Jackson)
Klamath

April 27, 1978

Personally appeared the above named DONALD N. GAIL and GARY T. WHITTLE and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me:

Marquise Conrad
 NOTARY PUBLIC FOR OREGON
 My Commission Expires: 6-2-80



STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title

on 17 day of May, A.D. 1978 at 10:48 A.M.

and duly recorded in Vol. M 78, of Deeds, on Page 10270

W.B. MILNE, County Clerk

Fee \$12.00

By Bernhard D. Letch

ADDENDUM TO CONTRACT
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Return TRANSAMERICA
 ATTN: DONNA