

THIS SECOND ADDENDUM to Contract dated June 23, 1978, by and between RAY A. DUNN, Personal Representative of the Estate of Carroll Eugene Dunn, hereinafter called the Seller, and MIRACLE BUILDERS, CO., hereinafter called the Buyer;

W I T N E S S E T H :

Seller and Buyer hereby modify that certain Addendum to Contract dated April 12, 1978, and recorded April 17, 1978, in Book M-78, page 7350, to which this Second Addendum is attached, in the following particulars only:

1. That the legal description set forth in said Addendum to Contract is incorrect.
2. That in place of the said incorrect legal description, the parties agree that the following legal description is the correct legal description of the property sold to Buyer:

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, in the County of Klamath, State of Oregon, EXCEPTING THEREFROM the following described parcels of land:

- 1) That portion conveyed to Terry L. Small and Sharon L. Small by Deed recorded February 6, 1974 in Book M-74 at page 1267, Microfilm records.
- 2) That portion conveyed to D. L. Eayrs and Joan K. Eayrs by Deed recorded August 27, 1973 in Book M-73 at page 11545, Microfilm Records.
- 3) That portion conveyed to Loyd K. Throp and Linda Throp by Deed recorded March 23, 1976 in Book M-76 at page 4147, Microfilm Records.
- 4) That portion conveyed to Buster R. Newlun by Deed recorded April 20, 1972 in Book M-72 at page 4180, Microfilm Records.
- 5) That portion conveyed to Buster R. Newlun by Deed recorded September 6, 1972 in Book M-72 at page 9977, Microfilm Records.

ALSO EXCEPTING THEREFROM a parcel of land in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 9, Township 39 South, Range 10 East of the Willamette Meridian, more particularly described as follows:

Beginning at a point which is South 88° 58' East a distance of 30.0 feet and North 0° 06' East a distance of 892.56 feet from the South-west corner of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, said point also being on the East right of way line of Pine Grove Road; thence North 0° 06' East, along said East line a distance of 200.64 feet; thence leaving said East line, and running South 89° 18' East, a distance of 297.2 feet; thence South 0° 06' West a distance of 201.11 feet; thence North 89° 13' West a distance of 297.2 feet to the point of beginning.

RESERVING the East 30.0 feet for a non-exclusive road easement.

Subject, however, to the following:

1. Regulations, including levies, liens and utility assessments of the City of Klamath Falls.
2. The rights of the public in and to that portion of the above property lying within the limits of roads and highways.
3. An easement created by instrument, including the terms and provisions thereof,

Dated : June 23, 1942
Recorded : August 1, 1942 Book: 149 Page: 42
In favor of : Pacific Telephone and Telegraph Co.
For : Pole line over the SE $\frac{1}{4}$ NW $\frac{1}{4}$

4. An easement created by instrument, including the terms and provisions thereof,
- Dated : July 15, 1958
Recorded : July 23, 1958 Book: 301 Page: 222
In favor of : California Oregon Power Company
For : Right of way over E $\frac{1}{4}$ NW $\frac{1}{4}$

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5. An easement created by instrument, including the terms and provisions thereof,

Dated : June 10, 1960
 Recorded : June 24, 1960 Book: 322 Page: 250
 In favor of : The California Oregon Power Company
 For : Right of way over E $\frac{1}{2}$ NW $\frac{1}{4}$

6. An easement created by instrument, including the terms and provisions thereof,

Dated : March 16, 1977
 Recorded : March 16, 1977 Book: M-77 Page: 4490
 In favor of : General public
 For : 30 foot road easement

7. Contract, including the terms and provisions thereof,

Dated : March 13, 1978
 Recorded : March 13, 1978 Book: M-78 Page: 4761
 Vendor : Ray A. Dunn, Personal Representative of the Estate of Carroll Eugene Dunn
 Vendee : Miracle Builders, Co.

8. Addendum to Contract, including the terms and provisions thereof,

Dated : April 12, 1978
 Recorded : April 17, 1978 Book: M-78 Page: 7350
 Vendor : Ray A. Dunn, Personal Representative of the Estate of Carroll Eugene Dunn
 Vendee : Miracle Builders, Co., to correct the legal description.

3. It is expressly understood and agreed by and between the parties hereto that Buyer accepts said legal description as the legal description of the real property purchased from Seller.

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

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

Ray A. Dunn
 Ray A. Dunn - Personal Representative of
 the Estate of Carroll Eugene Dunn,
 deceased.

SELLER

MIRACLE BUILDERS CO.

by Latude J. Robinson, Pres
 President

by Robert Lee Allen, Sec
 Secretary

BUYER

STATE OF OREGON)
) ss.
 County of Klamath)

Personally appeared the above named Ray A. Dunn, _____

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

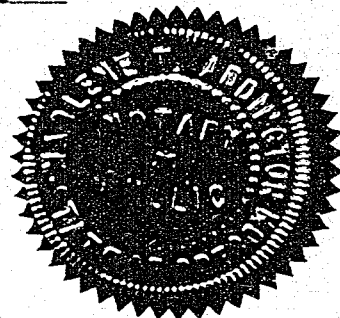
Before me:

Marlene D. Addington
 Notary Public for Oregon
 My Commission Expires: 3-22-81

STATE OF Oregon)
) ss.
 County of Klamath)

June 30, 1978

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Personally appeared Patrick J. Robinson and Rodney Leo Allen 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 MIRACLE BUILDERS CO., 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:

Marlene L. Addington
Notary Public for Oregon
My Commission Expires: 3-22-81

After recording,

return to:

T/A

Attn: Marlene

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record at request of Transamerica Title Co.this 3rd day of July A. D. 19 78 at 10:50 o'clock A.M., andfully recorded in Vol. M78, of Deeds on Page 14268

Wm D. MILNE, County Clerk

By Bernice M. Hirsch

Fee \$9.00