

16353

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THIS INSTRUMENT IS NOT VALID UNLESS SIGNED BY THE PERSONS WHOSE NAMES ARE HEREIN SET FORTH.

WITNESSES TO THE SIGNATURE OF THE PARTIES TO THIS INSTRUMENT.

SIGNED, SEALED AND DELIVERED BY THE PARTIES TO THIS INSTRUMENT.

IN WITNESS WHEREOF, the parties to this instrument have hereunto set their hands and seals at the place and date first above written.

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\$25,000.00

Twenty-five thousand and no/100ths

July

28

1978

I (or if more than one, we) of the County of Clatsop, State of Oregon, do hereby certify that the within and upon the above recited sum of money at their own free will and order of the parties to this instrument.

Albert W. Schmitt

Klamath Falls, Oregon

Twenty-five thousand and no/100ths

with interest thereon at the rate of _____ percent per annum from August 1, 1978

to and including the date of payment of the principal sum of \$25,000.00 shall be paid on

August 1, 1980, \$5,000.00 on January 1, 1981, \$5,000.00 on January 1, 1982, \$5,000.00 on January 1, 1983, and \$5,000.00 on January 1, 1984.

The parties to this instrument agree that the payments above recited shall be made in full of the principal sum of \$25,000.00 and interest thereon.

In witness whereof, the parties to this instrument have hereunto set their hands and seals at the place and date first above written.

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the SE1/4, the SE1/4, the SE1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, and the NW1/4 of Section 13, Township 38 South, Range 8 East of the Willamette Meridian, and in and excepting that portion thereof decided to Oregon Eastern Railway Company by deeds recorded in Book 24 page 50 on April 3, 1908, and in Book 27 page 279, on August 4, 1909, all in Deed Records of Klamath County, Oregon.

ALSO EXCEPT that portion beginning at a point where the South line of Lot 1 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, intersects the Westerly right of way line of the S.P.R.R. (as marked by the R.R. fence), which point is 100 feet West of the Section line; and running thence West along the South line of said Lot 1 a distance of 548.7 feet to an iron pin; thence South 34°12' East a distance of 1017 feet to an iron pin on the Westerly right of way line of the S.P.R.R.; thence Northerly and Easterly following the Westerly right of way of the S.P.R.R. to the point of beginning. Said tract being in the SE1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

ALSO EXCEPT that portion beginning at an iron pin which lies on the South line of Government Lot 3, 76.23 feet West of the Southeast corner of Government Lot 3, Section 12, Township 38 South, Range 8 East of the Willamette Meridian, in Klamath County, Oregon, and running thence West along the South line of said Lot 3, a distance of 169.27 feet to an iron pin; thence South 34°12' East a distance of 1017 feet to an iron pin; thence North 55°48' East a distance of 140 feet to an iron pin; thence North 34°12' West a distance of 345.03 feet, more or less, to the point of beginning, said tract being the SW1/4 and SW1/4 of Section 12, Township 38 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon.

ALSO EXCEPTING the SE1/4 and the NW1/4 of said Section 12;

ALSO EXCEPTING from the SE1/4 of said Section 12 portions heretofore conveyed to James W. Kerstut ux., by Deed Volume M77, page 8619, records of Klamath County, Oregon;

ALSO EXCEPTING from the SW1/4 of said Section 12 that portion conveyed to Donald E. Kettler, et ux., by Deed Volume M50, page 8551, records of Klamath County, Oregon.

ALSO EXCEPTING that portion of the above described property which lies southerly, southwesterly and westerly of that certain 40 foot roadway as described in easement given by D. E. Matthews, et ux., dated June 10, 1977, recorded June 13, 1977, in Volume M77, page 10278, records of Klamath County, Oregon.

EXHIBIT "A"

STATE OF OREGON, COUNTY OF KLAMATH; ss.

I, Clerk of said County, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.

Witness my hand and the seal of said County this 19th day of August, A.D. 1978 at 11:42 o'clock A.M., in and for the County of Klamath, State of Oregon.

W. D. MILNE, County Clerk

[Signature]