M-78638

52770 NOTICE OF CONTRACT Vol. M78 Page 16955

Know all men by these presents, that on the 28th day of July, 1978, Albert W. Schmeck and Vada H. Schmeck as sellers, and D. T. Matthews and Elsie P. Matthews, as purchasers, did enter into a Contract of Sale and purchase of:

See attached Exhibit "A"

for the sum of $25,000.00 upon which $5,000.00 shall be paid on January 2, 1982; $5,000.00 shall be paid on January 2, 1986; $5,000.00 shall be paid on January 2, 1990; $5,000.00 shall be paid on January 2, 1994; $5,000.00 shall be paid on January 2, 1998, with interest at the rate of 8 percent per annum.

DATED this 28th day of July, 1978.

Albert W. Schmeck

Vada H. Schmeck

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above-named Albert W. Schmeck and Vada H. Schmeck and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

PENNY D. HAMMONDS
Notary Public for Oregon
My commission expires:

NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-1-82

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Return: Albert W. Schmeck
1521 Sandpiper St.

16856

D. T. Matthews

Elsie P. Matthews

STATE OF OREGON)
) ss.
County of Klamath)

Personally appeared the above named D. T. Matthews and Elsie P. Matthews and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME:

NOTARY PUBLIC FOR OREGON
My Commission Expires: 5-1-82

PENNY H. McCANN
Notary Public for Oregon
My commission expires

The following described real property [illegible] Klamath County, Oregon:

A parcel of land situated in the SW¼SW¼ and W½SW¼ of Section 7, Township 39 S., R. 9 E.W.M., described as follows: Beginning at the most portion of the SW¼NW¼ of said Section 7 lying between the Westerly right of way of the New Dalles-California Highway and the Easterly right of way line of the Southern Pacific Railroad.

ALSO the W½SW¼ of said Section 7 lying between the Westerly right of way line of the New Dalles-California Highway and the Easterly right of way line of the Southern Pacific Railroad.

EXCEPTING that certain parcel of land described in Deed Volume 150 page 417, records of Klamath County, Oregon, and

ALSO EXCEPTING the following described parcel: Beginning at a point on the Westerly right of way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and N. 11°36' W. a distance of 93.71 feet from the West quarter corner of said Section 7; thence S. 78°24' W. at right angles to said highway a distance of 200.0 feet; thence S. 11°36' E., parallel with said highway, a distance of 600.0 feet; thence South 78°24' West a distance of 242.0 feet; thence South 0°06' East a distance of 303.7 feet; thence South 64°20' East a distance of 448.8 feet; thence South 11°36' East a distance of 213.8 feet; thence North 78°24' East a distance of 122.0 feet to a point on the Westerly right of way line of said highway; thence North 11°36' West along said right of way line a distance of 1350.0 feet, more or less, to the point of beginning.

ALSO EXCEPTING the following two parcels of land:

PARCEL 1:

Beginning at a point on the Westerly right-of-way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and N. 11°36' W. a distance of 93.71 feet from the West quarter corner of said Section 7; thence S. 78°24' W. at right angles to said highway, a distance of 200.0 feet; thence N. 11°36' W., parallel with said highway, to the North line of the SW¼NW¼ of said Section 7; thence East along said North line to the Westerly line of said highway; thence S. 11°36' W. along said Westerly line to the point of beginning.

PARCEL 2:

Beginning at a point on the Westerly right-of-way line of The Dalles-California Highway which bears S. 89°49' E. a distance of 799.0 feet and S. 11°36' E. a distance of 1256.29 feet from the West quarter corner of said Section 7, said point of beginning being the Southeasterly corner of parcel described in deed from Edwin H. Ewert, et ux to Donald Vanderhoff, et ux, recorded November 15, 1977 in Volume M77, page 22220, records of Klamath County, Oregon; thence S. 78°24' W. a distance of 300.0 feet; thence Southeasterly parallel with the Westerly line of said highway and 300 feet Westerly at right angles thereto to a point on the South line of said Section 7; thence East on said South line to the Westerly line of said highway; thence Northerly along said Westerly line to the point of beginning.

TOGETHER WITH: That certain easement agreement between Arthur Andrew Rickbell and Annie Helen Rickbell and Jerry A. Short and Lorna L. Short recorded in Klamath County deed records, volume 266, page 233.

SUBJECT TO:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; pending proceedings for vacating, opening or changing of streets or highways preceding entry of the ordinance or order thereof.

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possessions thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records; unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.

4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

5. 1978-79 taxes are now a lien but not yet payible.

6. Rights of the public in and to any portion of the described property lying within the limits of any roads or highways.

7. Easements and rights, including the terms and provisions thereof given by Abner Mead, et ux, to Oregon Eastern Railway Company by deed dated March 21, 1908 recorded April 8, 1908 in Vol. 24, page 50 and Vol. 27, page 279, deed records of Klamath County, Oregon.

8. Transmission line easement, including the terms and provisions thereof, given by Albert F. Schmeck, et al, to the California Oregon Power Company, dated December 17, 1930 recorded January 4, 1951, in Vol. 244, page 335, deed records of Klamath County, Oregon.

9. Right of way for transmission line, including the terms and provisions thereof, given by Albert F. Schmeck, et al, to the California Oregon Power Company, dated May 29, 1953 recorded June 3, 1953 in Vol. 261, page 211, deed records of Klamath County, Oregon.

STATE OF OREGON, COUNTY OF KLAMATH, ss.

Filed for record at request of Klamath County Title Co.

this 3rd day of January A. D. 19 78 at 11:42 o'clock A.M., and duly recorded in Vol. M78 of Deeds on Page 16355

Wm D. Milne, County Clerk

By Lenore A. Lewis

Fee $11.00