

A-30042

## MEMORANDUM OF AGREEMENT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned L. A. SWETLAND, M.D., P.C., PENSION AND PROFIT SHARING TRUST; R. H. OTTEMAN, M.D., P.C., PENSION AND PROFIT SHARING TRUST; ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation, and GARRET D. HILYARD and BETTY JEAN HILYARD, husband and wife, dba HENLEY FARMS, as sellers, and PAUL W. WHITLATCH and BARBARA J. WHITLATCH, husband and wife, as to an undivided one-half interest as tenants in common, and DAVID P. WHITLATCH as to an undivided one-half interest as tenant in common, as buyers, have entered into an agreement of sale in writing under date of October 17, 1978, wherein sellers agreed to sell to buyers and buyers agreed to buy from sellers that certain real property, situated in Klamath County, Oregon, described on Exhibit A attached hereto and by this reference made a part hereof.

The consideration recited in said contract of sale is the sum of \$35,000.00.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed this 17 day of October, 1978.

L. A. SWETLAND, M.D., P.C.,  
PENSION AND PROFIT SHARING TRUST

By [Signature]

R. H. OTTEMAN, M.D., P.C.,  
PENSION AND PROFIT SHARING TRUST

By [Signature]

ORE-CAL GENERAL WHOLESALE, INC.

By [Signature]

President

By [Signature]

Secretary

[Signature]  
Garret D. Hilyard

[Signature]  
Betty Jean Hilyard

[Signature]  
Paul W. Whitlatch

[Signature]  
Barbara J. Whitlatch

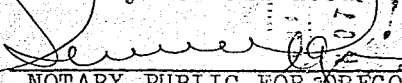
[Signature]  
David P. Whitlatch

23634

STATE OF OREGON } ss. October 17, 1978  
 County of KLAMATH }

Personally appeared L. A. SWETLAND, Trustee under the L. A. SWETLAND, M.D., P.C. PENSION AND PROFIT SHARING TRUST, known to me to be the identical person who executed the foregoing Memorandum of Agreement, and acknowledged said instrument to be his voluntary act and deed.

Before me:

  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 8-5-79

STATE OF OREGON } ss. October 17, 1978  
 County of KLAMATH }

Personally appeared R. H. OTTEMAN, Trustee under the R. H. OTTEMAN, M.D., P.C., PENSION AND PROFIT SHARING TRUST, known to me to be the identical person who executed the foregoing Memorandum of Agreement, and acknowledged said instrument to be his voluntary act and deed.

Before me:

  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 8-5-79

STATE OF OREGON } ss. October 17, 1978  
 County of KLAMATH }

Personally appeared HARRY R. WAGGONER and JEWELL HUSTON, who, being first duly sworn, did say that they are the President and Secretary, respectively, of ORE-CAL GENERAL WHOLESALE, INC., an Oregon corporation, and that the foregoing Memorandum of Agreement was signed in behalf of said corporation by authority of its board of directors, and they acknowledged said instrument to be its voluntary act and deed.

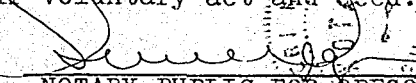
Before me:

  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 8-5-79

STATE OF OREGON } ss. October     , 1978  
 County of KLAMATH }

Personally appeared the above-named GARRET D. HILYARD and BETTY JEAN HILYARD, husband and wife, known to me to be the identical persons described in and who executed the foregoing Memorandum of Agreement, and acknowledged said instrument to be their voluntary act and deed.

Before me:

  
 NOTARY PUBLIC FOR OREGON  
 My commission expires 8-5-79

Return to KCTC

Mail tax statements to:

Paul W. & Barbara J. Whitlatch

• Paul W. Whitlatch

5033 Hwy 39

Klamath Falls, Or. 97601



LEGAL DESCRIPTION OF PARCEL 1  
& PORTION TO HIGHWAY

A tract of land situated in the NW $\frac{1}{4}$  of section 18, T39S, R10EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the northwest corner of said section 18; Thence S00°01'10"W 2192.47 feet; thence S89°51'42"E 1293.84 feet to the True Point of Beginning of this description; thence S00°02'03"E 465.00 feet to the south line of the NW $\frac{1}{4}$  of said section 18; thence N89°51'42"W, along said line, 468.50 feet; thence N00°02'03"W 260.00 feet; thence N89°51'42"W 800.00 feet to the easterly right of way line of State Highway No. 39; thence N00°02'03"W 205.00 feet; thence S89°51'42"E 1268.50 feet to the True Point of Beginning, containing 8.76 acres, more or less, and with bearings based on recorded survey No. 2026, as recorded in the Klamath County Surveyor's office. TOGETHER WITH AND SUBJECT TO easements for delivery of irrigation water from the Enterprise Irrigation District canal and all other rights of way and easements of record or apparent. ALSO TOGETHER WITH the right of ingress and egress over the following described roads: -----

LEGAL DESCRIPTION OF ROADS

60-foot strips of land situated in the N $\frac{1}{2}$  of section 18, T39S, R10EWM, Klamath County, Oregon, being 30 feet on either side of, measured at right angles from the following described center lines:

Beginning at a point on the easterly right of way line of State Highway 39, said point being S00°01'10"W 2162.47 feet and S89°51'42"E 25.31 feet from the northwest corner of said section 18; thence S89°51'42"E 2548.10 feet to a point, N89°51'42"W 30.00 feet from the east line of the NW $\frac{1}{4}$  of said section 18.

ALSO, Beginning at the center  $\frac{1}{4}$  corner of said section 18; thence N00°00'23"E 1334.32 feet to the C-N 1/16 corner of said section 18.

ALSO, Beginning at a point S00°01'10"W 2192.47 feet and S89°51'42"E 1323.84 feet from the northwest corner of said section 18; thence S00°02'03"E 465.00 feet to the south line of the NW $\frac{1}{4}$  of said section 18.

ALSO, Beginning at a point S00°01'10"W 2132.47 feet and S89°51'42"E 599.83 feet from the northwest corner of said section 18; thence N00°02'42"W 409.32 feet; thence S89°59'04"E 132.38 feet; thence on the arc of a curve to the right (radius = 250.00 feet, central angle = 47°03'50") 205.35 feet; thence S42°55'14"E 81.00 feet; thence on the arc of a curve to the left (radius = 175.06 feet, central angle = 71°03'30") 217.11 feet; thence N66°01'16"E 144.49 feet; thence on the arc of a curve to the left (radius = 370.00 feet, central angle = 69°18'42") 447.60 feet; thence N03°17'26"W 157.53 feet to the north line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of said section 18.

STATE OF OREGON, )

County of Klamath )

Filed for record at request of

Erwin R. Ritter

Erwin R. Ritter

Klamath County Title Co  
on this 20th day of October A.D. 1978  
at 11:27 o'clock A M, and duly  
recorded in Vol. M78 of Deeds  
ago 23633

Wm D. MILNE, County Clerk

By Bernard H. Hirsch Deputy

Fee \$9.00

EXHIBIT A