

50300

MEMORANDUM OF CONTRACT

38-17245

DECEMBER 28, 1978

By an instrument in writing dated December 28, 1978, EMIL B. WELLS and HALCYON E. WELLS, husband and wife, SELLERS, have sold on Land Sales Contract to I.F. RODGERS & SONS, a Copartnership consisting of I.F. RODGERS, LORRAINE RODGERS, RONALD RODGERS, RUSSELL RODGERS and RADLEY RODGERS, BUYERS, the following described property situated in Klamath County, State of Oregon, to-wit:

REAL PROPERTY:

All that certain real property more particularly described and set forth on Exhibit "1" which is attached hereto and made a part hereof.

PERSONAL PROPERTY:

6 wheel lines; 1/4 mile 8" mainline; 3/4 mile 6" mainline; 1/2 mile 3" handline; (1) 25 hp pump; (1) 50 hp pump; (1) 30 hp pump; 1/4 mile 6" mainline

This memorandum is executed to evidence and confirm the contract above referred to, to which reference is made for its terms and conditions which include the following:

Terms: Purchase price of \$310,000.00 payable at the rate of \$28,500.00, including interest at the rate of 8% per annum from 2/1/79 until paid, the 1st such annual payment to be paid on 2/1/80, and a like annual payment on 2/1 of each year thereafter until paid in full.

Until a change is requested, all tax statements shall be sent to the following address:

I.F. RODGERS & SONS  
Box 2 Box 752  
South Poe Valley Road  
Klamath Falls, Oregon

SELLERS: Emil B. Wells  
Halcyon E. Wells  
Emil B. Wells  
Halcyon E. Wells

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PRENTISS K. PICKETT, P. C.  
LAW OFFICES  
138 NORTH THIRD STREET  
KLAMATH FALLS, OREGON 97601  
TELEPHONE  
AREA CODE 504  
884-1519

28864

BUYERS: I.F. RODGERS & SONS, a Copartnership

BY: I.F. Rodgers  
I.F. Rodgers, Partner

Lorraine Rodgers  
Lorraine Rodgers, Partner

Ronald Rodgers  
Ronald Rodgers, Partner

Russell Rodgers  
Russell Rodgers, Partner

Radley Rodgers  
Radley Rodgers, Partner

STATE OF OREGON )  
County of Klamath ) ss.

December 28, 1978

Personally appeared the within named EMIL B. WELLS and HALCYON E. WELLS, husband and wife, and a knowledgeable foregoing instrument to be their voluntary act and deed.

BEFORE ME:

Patricia C. Inatman  
Notary Public for Oregon  
My Commission expires: 10/24/79

STATE OF OREGON )  
County of Klamath ) ss.

December 28, 1978

Personally appeared I.F. Rodgers, Lorraine Rodgers, Ronald Rodgers, Russell Rodgers and Radley Rodgers, who, being duly sworn, each for himself and not one for the other, did say that they are all the partners of I.F. RODGERS & SONS, a copartnership, and that said instrument was signed in behalf of said copartnership, and each of them acknowledged said instrument to be its voluntary act and deed.

BEFORE ME:

Patricia C. Inatman  
Notary Public for Oregon  
My Commission expires: 10/24/79

FRANKLIN K. PICKETT, P.C.  
LAW OFFICES  
136 NORTH THIRD STREET  
KLAMATH FALLS, OREGON 97601  
TELEPHONE  
AREA CODE 503  
864-5510

28865

## EXHIBIT "1"

All of Government Lots 2, 3, 4, 5, 6, 7, 10, 11 and 12 of Section 3, Township 40 South, Range 11 East of the Willamette Meridian, in the County of Klamath, State of Oregon:

EXCEPTING THEREFROM a parcel of land situated in Government Lot 4, being more particularly described as follows:

Beginning at the intersection of the South line of South Poe Valley Road and the East line of Schaupp Road; thence South along the East line of Schaupp Road, a distance of 492 feet, more or less, to an existing fence; thence East along existing fence line a distance of 840 feet; thence in a Northwesterly direction following the centerline of an existing irrigation ditch, 531 feet, more or less, to a point on the South line of the South Poe Valley Road; thence West along the South line of said road a distance of 625 feet, more or less, to the point of beginning, in Section 3, Township 40 South, Range 11 East of the Willamette Meridian.

ALSO EXCEPTING THEREFROM that portion thereof conveyed by John Fischer to the United States of America, recorded in Deed Volume 39 at page 20, Deed Records of Klamath County, Oregon.

SUBJECT TO: All future real property taxes and assessments; reservations, restrictions, easements and rights of way of record, and those apparent on the land; rights of the public in and to any portion of the within described premises lying within the limits of roads and highways; regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals, of Klamath Irrigation District and Klamath Basin Improvement District; MORTGAGE, including the terms and provisions thereof, with interest thereon and such future advances as may be provided therein, given to secure the payment of \$120,000.00, dated July 6, 1977, recorded July 20, 1977, in Book M-77 at page 12868, Mortgage records of Klamath County, Oregon, executed by Emil B. Wells and Halcyon E. Wells, Husband and wife, in favor of The Federal Land Bank of Spokane, which said mortgage the SELLER herein agrees to pay according to the terms thereof, and hold BUYER harmless therefrom.

return to:

Western Bank

P.O. Box 669

Klamath, attn: Helen Ford

STATE OF OREGON, )

County of Klamath )

Filed for record at request of

on this 28th day of December A.D. 19 78  
at 3:27 o'clock P.M. and duly  
recorded in Vol. M-78 of Deeds  
page 23863

Wm J. MILLER, County Clerk

Fee \$9.00

By Jacqueline J. Miller Deputy

For \_\_\_\_\_