

64940

MEMORANDUM OF AGREEMENT

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K-3381

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; JACK C. PROCK and DIANE BRYAN, formerly DIANE PROCK, as sellers, and THOMAS A. AYRES as buyer, have entered into an agreement of sale in writing under date of March 1, 1979, wherein sellers agreed to sell to buyer and buyer agreed to buy from sellers all 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 \$60,000.00.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be executed this 1 day of March, 1979.

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]
Jack C. Prock

[Signature]
Diane Bryan

[Signature]
Thomas A. Ayres

Return to KCTG

Mail tax statements to:

4770 Climax

79 APR 3 AM 11 51

STATE OF OREGON
County of KLAMATH }

ss. Mar 1, 1979

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:

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires 8-5-79

STATE OF OREGON
County of KLAMATH }

ss. February 12, 1979

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:

Mildred J. Lewis
NOTARY PUBLIC FOR OREGON
My commission expires 7-19-82

STATE OF OREGON
County of KLAMATH }

ss. Mar 1, 1979

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:

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires 8-5-79

STATE OF OREGON
County of KLAMATH }

ss. Mar 1, 1979

Personally appeared the above-named JACK C. PROCK and DIANE BRYAN, formerly DIANE PROCK, and acknowledged the foregoing Memorandum of Agreement to be their voluntary act and deed.
Before me:

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires 8-5-79

A tract of land situated in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., more particularly described as follows: Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. 1328.73 feet to the Northwest corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$; thence S. 89°59'04" E., along the North line of said S $\frac{1}{2}$ NW $\frac{1}{4}$, 94.42 feet to the true point of beginning of this description; thence continuing on said North line, S. 89°59'04" E. 1446.75 feet; thence S. 03°17'26" E. 155.80 feet; thence along the arc of a curve to the right (central angle = 69°18'42" and radius = 400 feet) 483.89 feet; thence S. 66°01'16" W. 144.49 feet; thence along the arc of a curve to the right (central angle = 71°03'30" and radius = 205.06 feet) 254.32 feet; thence N. 42°55'14" W. 81.00 feet; thence along the arc of a curve to the left (central angle = 47°03'50" and radius = 220.00 feet) 180.71 feet; thence N. 89°59'04" W. 102.35 feet; thence S. 00°02'42" E. 25.21 feet; thence N. 64°56'14" W. 285.79 feet; thence N. 79°13'44" W. 136.41 feet; thence along the arc of a curve to the right (central angle = 20°13'30" and radius = 380.00 feet) 134.14 feet; thence N. 59°00'14" W. 101.65 feet to a point on the easterly right of way line of State Highway No. 39; thence N. 00°02'42" W., along said easterly right of way line, 44.61 feet; thence S. 89°59'04" E. 70.00 feet; thence N. 00°02'42" W. 160.00 feet to the true point of beginning of this description, containing 14.45 acres, more or less. EXCLUDING that parcel of land described in Deed Volume M-66, Page 1501, as recorded in the office of the Klamath County Clerk. The bearings of the above-described tract of land are based on recorded Survey No. 2834, as recorded in the office of the Klamath County Surveyor. TOGETHER WITH a perpetual and non-exclusive easement for access to and egress from the above-described property along and upon the following-described strip of land: A 60-foot strip of land situated in the N $\frac{1}{2}$, Section 18, Township 39 S., R. 10 E.W.M., being 30 feet on either side of, measured at right angles from, the following-described centerline: Beginning at a point on the easterly right of way line of State Highway 39, said point being South 00°01'10" West 2162.47 feet and South 89°51'42" East 25.31 feet from the Northwest corner of said Section 18; thence South 89°51'42" East 599.83 feet; thence North 00°02'42" West 439.32 feet.

GRANTORS, for themselves, their personal representatives, successors and assigns, reserve the following rights of way and easements across and upon the above-described real property, to-wit: 60 feet lying 30 feet on either side of the following-described centerline: Beginning at a point on the easterly right of way line of State Highway 39, said point being S. 00°01'10" W. 2162.47 feet and S. 89°51'42" E. 25.31 feet of the Northwest corner of Section 18, Township 39 S., R. 10 E.W.M.; thence continuing S. 89°51'42" E. 599.83 feet; thence N. 00°02'42" W. 439.32 feet to the true point of beginning; thence S. 89°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 S. 42°55'14" E. 81.00 feet; thence on the arc of a curve to the left (radius = 175.05 feet, central angle = 71°03'30") 217.11 feet; thence N. 66°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 N. 03°17'26" W. 157.53 feet to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18.

A strip of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., said strip of land being 50 feet in width, measured 25 feet each side of and at right angles to the following-described centerline: Beginning at a 5/8 inch iron pin on the East right of way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point located

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South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 S., R. 10 E.W.M., as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 S., R. 10 E.W.M.; thence N. 89°47'40" E. along the westerly extension of an old existing fence line and along said fence line a distance of 1001.20 feet; thence South a distance of 293.25 feet to a one-half inch iron pin; thence N. 70°49'32" E. a distance of 152.63 feet to the true point of beginning; thence N. 00°12'20" West a distance of 98.62 feet; thence S. 89°47'40" W. a distance of 479.81 feet; thence on the arc of a curve to the left (central angle is 90°03'40") (radius is 94.91 feet) a distance of 149.19 feet; thence S. 00°16'00" E. a distance of 194.56 feet.

SUBJECT TO: (1) The assessment roll and the tax roll disclose that the within-described premises were specially assessed as farm land. Taxes for the year 1978-79 and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest, are due and payable when said reason for the deferment no longer exists. (2) Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder. (3) Liens and assessments of Klamath Project and Enterprise Irrigation District and regulations, easements, contracts and water and irrigation rights in connection therewith. (4) Right of way for transmission line, including the terms and provisions thereof, given by Irving J. Dixon, a single man, to The California Oregon Power Company, a California corporation, dated April 21, 1926, recorded May 5, 1926, in Volume 69, Page 534, Deed Records of Klamath County, Oregon. (5) Access restrictions contained in deed from State of Oregon, by and through its State Highway Commission, to Harry R. Waggoner and Jack C. Prock, dated November 4, 1965, recorded November 17, 1965, in Volume M-65, Page 3734, Deed Records of Klamath County, Oregon. (6) Easement, including the terms and provisions thereof, by and between Harry R. Waggoner and Norma E. Waggoner, husband and wife, and Jack C. Prock and Diane Prock, husband and wife, dated April 22, 1966, recorded May 2, 1966, in Volume M-66, Page 3896, Deed Records of Klamath County, Oregon, for well purposes. (7) Easement, including the terms and provisions thereof, by and between Harry R. Waggoner and Norma E. Waggoner, husband and wife, and Jack C. Prock and Diane Prock, husband and wife, dated April 22, 1966, recorded May 2, 1966, in Volume M-66, Page 3901, Deed Records of Klamath County, Oregon. (8) Road easements as disclosed in Memorandum of Agreement dated October 17, 1978, recorded October 18, 1978, in Volume M-78, Page 23313, Deed Records of Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; ss.
 and for record at request of Klamath County Title Co.
 this 3rd day of April A. D. 1979 at 1:52 clock A. M., and
 duly recorded in Vol. M79 of Deeds on Page 7269

Fee \$12.00

Wm D. MILNE, County Clerk
 By: Bernetha Hetsch