

THIS INDENTURE, made and entered into this 24th day of December, 1979, by and between ORVILLE A. KIRKPATRICK aka O. A. KIRKPATRICK and CAROL M. KIRKPATRICK, husband and wife, hereinafter referred to as Sellers, and CLARENCE KIRKPATRICK and JANE E. KIRKPATRICK, husband and wife, hereinafter referred to as Purchasers;

W I T N E S S E T H :

WHEREAS, the parties have executed a document entitled "LAND SALE CONTRACT" dated December 24, 1979, wherein Sellers have agreed to sell and Purchasers have agreed to buy all of the following described real and personal property situated in Klamath County, State of Oregon:

PARCEL 1:

All that portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying South of the center line of the U. S. R. S. "D" Canal, AND ALSO the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Lot 1 of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, less the following described portion: All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and of Lot 1, Section 7, Township 41 South, Range 12 East of the Willamette Meridian, which lies North of the North line of the right of way of the "D" Canal of the U.S.R.S. running in a general East and West direction across said subdivision, which excepted portion was conveyed by Clarence M. Kirkpatrick et ux, to Rudolph Cacka by Deed recorded in Book 139, page 380, Deed Records of Klamath County, ALSO, part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 41 South, Range 11 East of the Willamette Meridian, described as follows:

Beginning at the Southeast corner of the Northeast Quarter of said Section 1, thence West on the South line of said Section, 440 feet, thence North to the Adams Canal as now located across the said SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence East along said Canal to the East line of said Section 1, thence South along said Section line to the place of beginning and being the same land described in Deed from Lakeside Company, a corporation, to Albert Krotochvil, recorded March 21, 1910, in Book 28 of Deeds, page 499, records of Klamath County, Oregon.

PARCEL 2:

The S $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, Township 41 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, less the following described portion:

All that part of the S $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, Township 41 South, Range 12 East of the Willamette Meridian, described as follows: Beginning at the Northwest corner of said S $\frac{1}{4}$ SE $\frac{1}{4}$, thence South along the West line of S $\frac{1}{4}$ SE $\frac{1}{4}$ 920 feet, more or less, to the North bank of the irrigation ditch running Easterly across said S $\frac{1}{4}$ SE $\frac{1}{4}$ as now located and constructed, thence Easterly following the said North bank of said irrigation ditch as now located and constructed across the said S $\frac{1}{4}$ SE $\frac{1}{4}$ to the East line of the S $\frac{1}{4}$ SE $\frac{1}{4}$, thence North on the East line of said S $\frac{1}{4}$ SE $\frac{1}{4}$ to the Northeast corner of said S $\frac{1}{4}$ SE $\frac{1}{4}$, thence West along the North line thereof, 2640 feet, more or less, to the point of beginning, which excepted portion was conveyed by Clarence M.

MEMORANDUM OF CONTRACT FOR DEED

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Kirkpatrick, et ux, to Luther T. and Gladys A. Hansen by Deed recorded in Book 172, at page 305, Deed Records of Klamath County, AND ALSO all that portion of the NE $\frac{1}{4}$ of Section 7, Township 41 South, Range 12 East of the Willamette Meridian, lying North of the centerline of the U.S.R.S. "D" Canal.

Subject, however, to the following:

1. Rights of the public in and to any portion of the herein described premises lying within the limits of streets, roads or highways.
 2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten (10) or lesser number of years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
 3. The premises herein described are within and subject to the statutory powers including the power of assessment, of Klamath Irrigation District.
 4. The premises herein described are within and subject to the statutory powers, including the power of assessment, of Shasta View Irrigation District.
 5. Reservations, restrictions and easements as contained in Deeds recorded March 21, 1910 in Volume 28, page 499 and Volume 28, page 500, Deed Records of Klamath County, Oregon, as follows:
"except county roads, telephone canal and other rights of way heretofore acquired, reserved or granted thereon."
 6. Grant of Right of Way, including the terms and provisions thereof, in favor of the California Oregon Power Company for pole and wire lines, recorded in Volume 139, page 193, Records of Klamath County, Oregon.
(Affects NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 7, T. 41, S., R 12, E.W.M.)
 7. Grant of Right of Way, including the terms and provisions thereof, in favor of the California Oregon Power Company, for pole and wire lines, recorded in Volume 143, page 420, Records of Klamath County, Oregon.
(Affects the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Sec. 7, T. 41 S., R. 12 E.W.M.)
 8. An Easement, including the terms and provisions thereof, as contained in Deed recorded in Volume 255, page 596, Records of Klamath County, Oregon, for perpetual right and easement to draw water through a certain covered irrigation ditch over the North $\frac{1}{2}$ of Section 7, T. 41 S., R. 12 E. W. M. and for the benefit of the South $\frac{1}{2}$ of Sec. 6, T. 41 S., R. 12 E. W. M.
 9. Mortgage, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.
- Dated : May 11, 1966
 Recorded : May 17, 1966
 Volume : M66, page 5270, Microfilm Records of Klamath County, Oregon
 Amount : \$21,500.00
 Mortgagor : C. M. Kirkpatrick, same person as C. M. Kirkpatrick, Jr., and Merle L. Kirkpatrick, husband and wife, and Orville A. Kirkpatrick and Carol M. Kirkpatrick, husband and wife, and Lydia Kirkpatrick, an unmarried woman
 Mortgagee : The Federal Land Bank of Spokane, which Purchasers herein agree to assume and pay and further agree to hold Sellers harmless therefrom.

TOGETHER WITH: Barn and pump house, potato cellar, grain bins, wheel lines, pumps, mainlines, and tile drains.

WHEREAS, said contract has provided for the sale of certain real and personal property therein described, and

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WHEREAS, said contract provides, among other things, that upon payment of the sum of TWO HUNDRED SIXTY THOUSAND AND NO/100THS (\$260,000.00) DOLLARS allocated as follows, to-wit:

The purchase price of the property described in the above paragraph, which the Purchasers agree to pay, shall be the sum of \$260,000.00. The sum of \$80,000.00 represents that part of the purchase price allocated to the dwelling house and the sum of \$135,000.00 represents that portion of the purchase price allocated to land, drain tile, fencing and farm buildings, and the sum of \$15,000.00 represents that part of the purchase price allocated to the potato cellar, and the sum of \$15,000.00 represents that part of the purchase price allocated to the grain bin, and the sum of \$15,000.00 represents that part of the purchase price allocated to the wheel lines, pumps, and mainlines. Sellers will convey to Purchasers the above described real property by Warranty Deed.

NOW, THEREFORE, the parties agree that the within Memorandum is executed for the purpose of memorializing of record the execution of the contract aforesaid.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

Orville A. Kirkpatrick

O. A. Kirkpatrick
ORVILLE A. KIRKPATRICK
aka O. A. KIRKPATRICK

Clarence Kirkpatrick
CLARENCE KIRKPATRICK

Carol M. Kirkpatrick
CAROL M. KIRKPATRICK

SELLERS

Jane E. Kirkpatrick
JANE E. KIRKPATRICK

PURCHASERS

STATE OF OREGON)
County of Klamath) ss.

On the 24th day of December, 1979, personally appeared
ORVILLE A. KIRKPATRICK aka O. A. KIRKPATRICK and CAROL M. KIRKPATRICK,
husband and wife, and CLARENCE KIRKPATRICK and JANE E. KIRKPATRICK,
husband and wife, and acknowledged the foregoing instrument to be their
voluntary act and deed.

Before me:

Send Tax Statements To:
Mr. and Mrs. Clarence Kirkpatrick
P. O. Box 796
Merrill, OR 97633

Margaret E. Leakey
Notary Public for Oregon
My Commission Expires: 3-19-81

After recording, return to:

O. W. GOAKEY
ATTORNEY AT LAW
431 Main Street
Klamath Falls, Oregon 97601

STATE OF OREGON,)
County of Klamath)
Filed for record at request of

on this 24th day of December, A.D. 19 79
at 10:47 o'clock A M. and duly
recorded in Vol. M79 of Deeds
age 29421

Wm D. Milne, County Clerk

By *Bernard H. Hetch* Deputy

Fee \$10.50

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