

ASSIGNMENT OF CONTRACT Made March 15, 1980, between A.M. Warmerdam and John Van Ruiten, Assignor, and Ellington R. Peek, Assignee;

W I T N E S S E T H:

For value received, Assignor does hereby assign to Assignee 30/59ths of Assignor's right, title and interest in and to that certain contract of sale of real property, herein called "CONTRACT", dated September 17, 1976, wherein Donald E. McGhehey, et ux, is Vendor and A. M. Warmerdam and John Van Ruiten are Purchaser, affecting the following described real property situate in Klamath County, Oregon, to-wit:

PARCEL 2:

Lots 1, 2, 3 and 4 in Section 10, Township 40 South, Range 8 East of the Willamette Meridian, EXCEPTING the following portion thereof conveyed to Ruth Kerns Ray, by deed recorded on Page 583, Volume 107 of Deeds.

ALL that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at a point at which the present boundary fence intersects the meander line on the Easterly border of the tule marsh on the right or West bank of Klamath River, approximately North 14°5' East 33.20 chains from the fractional section corner common to Sections 10 and 15 on the said meander line; thence along the boundary fence North 14°30' East 4.30 chains; thence North 29° East 7.00 chains; thence North 26°15' East 8.75 chains to the said meander line; thence back along said meander line South 51°30' West 1.00 chains; thence South 26°15' West 8.00 chains; thence South 30°15' West 7.00 chains; thence South 6° West 4.00 chains, more or less, to the point of beginning.

ALSO Lot 1 of Section 15, Township 40 South, Range 8 East of the Willamette Meridian, EXCEPTING the following portion thereof conveyed to Ruth Kerns Ray by Deed recorded on Page 583, Volume 107 of Deeds.

ALL that part of Lot 1, Section 15, Township 40 South, Range 8 East of the Willamette Meridian, lying South of a line drawn East and West from a point 6.69 chains South of the fractional section corner common to Sections 15 and 16, a stone marking the Northwest corner of said Lot 1, Section 15.

ALSO, Lot 1 of Section 11 and Lots 17 and 18 of Section 15 in Township 40 South, Range 8 East of the Willamette Meridian.

ALSO all that part of Lot 6, Section 11, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner between Sections 10 and 11, 6.38 chains South of the section corner common to Sections 2, 3, 10 and 11, Township 40 South, Range 8 East of the Willamette Meridian; thence North 55°15' East along the meander line 9.07 chains to the present boundary fence; thence South 63°30' West 8.60 chains along said fence to the section line; thence South 1° West 1.55 chains to the point of beginning.

ALSO, all that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner between Sections 10 and 11, 6.38 chains South of the section corner common to Sections 2, 3, 10 and 11, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 67°15' West 19.80 chains, more or less, to the present boundary fence; thence North 63°30' East 20.60 chains, more or less, to the section line between Sections 10 and 11; thence South 1° West along the section line, 1.55 chains to the point of beginning.

ALSO All that part of Section 10, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the section corner common to Sections 9, 10, 15 and 16, Township 40 South, Range 8 East of the Willamette Meridian; thence West 1.50 chains to the present boundary fence; thence following said fence North 52°35' East 1.40 chains; thence North 14°30' East along said fence 32.80 chains, more or less, to the meander line on the East boundary of the tule marsh on the right or West bank of the Klamath River; thence following said meander line South 6° West 14.00 chains; thence South 23°15' East 7.00 chains; thence South 3°30' East 8.00 chains; South 65°45' West

10.45 chains to the point of beginning.

ALSO All that part of Section 15, Township 40 South, Range 8 East of the Willamette Meridian, described as follows: Beginning at the fractional section corner common to Sections 10 and 15, 27.60 chains East of the corner common to Sections 9, 10, 15 and 16, Township 40 South, Range 8 East of the Willamette Meridian; thence along the meander line South 46°30' West 20.60 chains; thence South 61°15' West 15.13 chains, more or less, to the boundary fence at the fractional section corner common to Sections 15 and 16; thence North 1° East .25 chains to a fence corner; thence North 52°35' East along said boundary fence 34.80 chains, more or less, to the North section line of Section 15; thence East 50 links to the point of beginning.

EXCEPTING therefrom any portion of the above described property lying within the $N\frac{1}{2}NW\frac{1}{4}$ of Section 10 and the $N\frac{1}{2}NW\frac{1}{4}$ of Section 11, Township 40 South, Range 8 East of the Willamette Meridian.

which Contract is recorded in Volume M-77, Page 14409, Records of Klamath County, Oregon (reference to said recorded Contract hereby being expressly made).

Included in this Assignment is all of the right, title, and interest of Assignor in and to the real property described herein, subject to the exceptions above set forth and the Vendor's lien created by the Contract.

Assignor expressly covenants with and warrants to Assignee that: Assignor is the owner of the Purchaser's interest in the real property described herein and in the Contract; the unpaid principal balance secured by the Contract is not more than \$45,843.04 with interest paid thereon to the 17th day of September, 1979; Assignor is not in default under any of the terms of said Contract; and Assignor has not made any assignment, pledge, or hypothecation of the Purchaser's interest in the real property described herein, or in the Contract, or of the Contract itself, other than evidenced by this Assignment.

Assignee expressly covenants with and warrants to Assignor that: Assignee is fully aware of all of the terms, covenants, and provisions of the Contract; Assignee hereby expressly assumes and agrees to fully perform all of the terms, covenants, and provisions of the Contract, including, but not limited to, the payment of all sums due, or to become due, under the terms of said Contract promptly as provided in the Contract; and Assignee shall hold and save Assignor harmless from any of the terms, covenants, and provisions of said Contract and indemnify Assignor from and against any claims, demands, suits, actions, judgments, or decrees, arising out of, or in connection with, any failure by Assignee to perform any of the terms, covenants, or provisions of the Contract, including reasonable attorney fees, both at trial or on appeal.

All words used herein in the singular number shall extend to and include the plural. All words used herein in the plural number shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

WITNESS the hands and seals of the parties hereto the day and year first above written.

ASSIGNOR

ASSIGNEE

A.M. Warnerdam
A.M. WARNERDAM

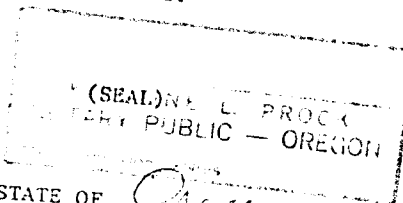
Ellington R. Peek
ELLINGTON R. PEEK

John van Ruiten
JOHN VAN RUITEN

STATE OF Oregon)
County of Klamath) ss:

On the 15th day of March, 1980, personally appeared A.M. WARNERDAM and acknowledged the foregoing instrument to be his voluntary

act and deed.



Kristine L. Prock
NOTARY PUBLIC FOR Oregon
My Commission Expires: 12/16/80

STATE OF Oregon)
County of Klamath) ss:

On the 15th day of March, 1980, personally appeared
JOHN VAN RUITEN and acknowledged the foregoing instrument to be his voluntary
act and deed.

(SEAL)

Kristine L. Prock
NOTARY PUBLIC FOR Oregon
My Commission Expires: 12/16/80

STATE OF Oregon)
County of Klamath) ss:

On the 15th day of March, 1980, personally appeared
ELLINGTON R. PEEK and acknowledged the foregoing instrument to be his voluntary
act and deed.

(SEAL)

Kristine L. Prock
NOTARY PUBLIC FOR Oregon
My Commission Expires: 12/16/80

STATE OF OREGON; COUNTY OF KLAMATH; ss.

and for record at request of Klamath County Title Co.
on 20th day of March, A. D. 1980, at 3:37 o'clock A. M., or
only recorded in Vol. 1187, of Deeds on Page 5225

Wm D. MILNE, County Clerk

Fee \$10.50

B. Desmette A. Fitch

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Return -
Klamath County Title Co.