

K-33920

93659

MODIFICATION OF
MEMORANDUM OF LEASE

24161

Vol. M 80 Page 3

THIS MODIFICATION AGREEMENT is made this 25th day of November, 1980, by and between RALPH G. COBURN, GEORGE T. CONKLIN, JR., JOHN F. MECK, JOSEPH H. TAGGART and RICHARD S. WILLIS, and their successors, as Trustees of HUBBARD REAL ESTATE INVESTMENTS, a Massachusetts unincorporated voluntary association of the type commonly known as a Massachusetts business trust, pursuant to Declaration of Trust, dated July 7, 1969, as amended, lessor; and SAFEWAY STORES, INCORPORATED, a Maryland corporation, lessee:

1. RECITALS

1.1. Under date of December 1, 1969, lessor entered into a Lease (hereinafter called "said lease") whereby there was leased to lessee for an original term of twenty (20) years commencing December 15, 1969 certain real property situated in the County of Klamath, State of Oregon, fully described in said lease.

1.2. A memorandum of said lease (hereafter called "said memorandum of lease") was recorded December 10, 1969, in Volume M-69 at Page 10249 in the Office of the Recorder of Klamath County, Oregon.

1.3. The parties now desire to modify said memorandum of lease.

2. AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties hereto do hereby covenant and agree as follows:

3. TERMS

3.1. The legal description attached hereto as Exhibit "A" is substituted in place of the Exhibit "A" attached to said memorandum of lease.

3.2. Except as herein modified, said memorandum of lease remains in full force and effect.

3.3. Each and all of the covenants, terms, agreements and obligations of this modification agreement shall extend to and bind and inure to the benefit of the successors and/or assigns of the parties hereto; that herein the singular number includes the plural, and any gender includes all other genders.

IN WITNESS WHEREOF, the parties hereto have executed this modification agreement as of the day and year first above written.

SAFEWAY STORES, INCORPORATED
(a Maryland corporation)

By Gay D. Scott
Its Assistant Vice President

By James B. Holm
Its Assistant Secretary
(Lessee)

RALPH G. COBURN, GEORGE T. CONKLIN, JR., JOHN F. MECK, JOSEPH H. TAGGART and RICHARD S. WILLIS, and their successors, as Trustees of HUBBARD REAL ESTATE INVESTMENTS, A Massachusetts unincorporated voluntary association of the type commonly known as a Massachusetts business trust, pursuant to Declaration of Trust, dated July 7, 1969, as amended.

By Alan K. Kinsley
Trustee
(Lessor)

By William F. Muehl
Pres.
(Lessor)

Store #454 (354)
Klamath Falls, OR

KCTC

LEGAL DESCRIPTION

PARCEL A

24102

A tract of land situated in Tract 33 A, Enterprise Tracts subdivision, in the SE1/4NW1/4 of Section 3, T. 39 S.R. 9 E.W.M., Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the northwest corner of said Section 3; thence S 00°00'30" E along the westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles northeasterly from the centerline of South Sixth Street as the same is now located and constructed, said parallel line being also the northerly right-of-way line of said street; thence S 55°52'30" E along said parallel line 1741.84 feet to a 5/8 inch iron pin marking the True Point of Beginning of this description, said point being on the easterly right-of-way line of Austin Street with the location of said point being in conformance with record of Survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence N. 34°07'30" E at right angles to said South Sixth Street and along the easterly right-of-way line of Austin Street a distance of 250.00 feet to a 5/8 inch iron pin with aluminum cap; thence S 55°52'30" E parallel with South Sixth Street a distance of 310.00 feet to a 5/8 inch iron pin; thence S 34°07'30" W parallel with Austin Street a distance of 250.00 feet to a 5/8 inch iron pin on the northerly right-of-way line of South Sixth Street; thence N 55°52'30" W along the northerly right-of-way line of South Sixth Street a distance of 310.00 feet to the True Point of Beginning of this description.

PARCEL B

The following described real property situate in Klamath County, Oregon:

A tract of land situated in Tract 33A, Enterprise Tracts Subdivision, in the SE1/4NW1/4 of Section 3, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows: Beginning at the cased monument marking the Northwest corner of said Section 3; thence S 0°00'30" E along the Westerly boundary of said Section 3, 826.8 feet, more or less, to its intersection with a line parallel with and 75 feet distant at right angles Northeasterly from the centerline of South Sixth Street as the same is now located and constructed, said parallel line being also the Northerly right of way line of said street; thence S 55°52'30" E along said parallel line 1,741.84 feet to a 5/8 inch iron pin marking a point on the Easterly right of way line of Austin Street with the location of said point being in conformance with record of survey No. 939 filed in the office of the Klamath County Surveyor which contains the original owner's certification of original property corners; thence continuing S 55°52'30" E along said parallel line a distance of 310.00 feet to a 5/8 inch iron pin marking the True Point of Beginning of this description; thence N 34°07'30" E at right angles to South Sixth Street and parallel with Austin Street a distance of 250.00 feet to a 5/8 inch iron pin; thence S 55°52'30" E parallel with South Sixth Street a distance of 141.18 feet to a 5/8 inch iron pin with aluminum cap on the westerly line of that property described in Volume M68, Page 4736, Klamath County Deed Records; thence S 34°07'30" W parallel with Austin Street and along the westerly line of the last described property a distance of 250.00 feet to a 5/8 inch iron pin on the northerly right of way line of South Sixth Street, said point being the southwesterly corner of the above described property and from which a cross chiseled in the concrete sidewalk bears S 34°07'30" W 10.00 feet; thence N 55°52'30" W along the northerly right of way line of South Sixth Street a distance of 141.18 feet to the True Point of Beginning of this description. The above described tract of land contains 0.810 acre, more or less, with bearings based on existing deed records.

STATE OF OREGON; COUNTY OF KLAMATH: ss.

I hereby certify that the within instrument was received and filed for record on the

15th day of December A.D., 1980 at 10:04 o'clock A.M., and duly recorded in

Vol M80 of Deeds on page 24101.

Fee \$7.00

WM. D. MILNE, County Clerk
By Berntha D. Helock Deputy