

K-33436

MEMORANDUM OF CONTRACT FOR DEED

* * * * *

THIS INDENTURE, made and entered into this 2 day of Jan., 1981, by and between ROBERT L. ROBINSON and MARGARET R. ROBINSON, husband and wife, (hereinafter called Sellers), and FREEWAY INDUSTRIAL PROPERTIES, INC., a California corporation, and A. J. McCOSKER and AILEEN C. McCOSKER, husband and wife, (hereinafter called Purchasers);

W I T N E S S E T H

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WHEREAS, the parties have executed a document entitled "CONTRACT", dated the 2nd day of Jan., 1981, wherein ROBERT L. ROBINSON and MARGARET R. ROBINSON, husband and wife, has agreed to sell and FREEWAY INDUSTRIAL PROPERTIES, INC., a California corporation, and A. J. McCOSKER and AILEEN C. McCOSKER, husband and wife, has agreed to buy, all of the following described real property situated in Klamath County, State of Oregon:

PARCEL 1:

W1/2 SW1/4; SE1/4 SW1/4 and SW1/4SE1/4 LESS the North 6.66 chains thereof, in Section 32, Township 39 South, Range 12 E. W. M. All that portion of Lots 1, 2, 3, and 4 lying Northerly of the Langell Valley Market Road, EXCEPTING therefrom the following described parcel of land: Beginning at the Northeast corner of the NE1/4 NE1/4 (Also described as Lot 1) of Section 5; thence West 1090.3 feet; thence South 27°57' East 104 feet; thence South 41°27' East 319 feet; thence South 18°59' East 528.7 feet; thence South 0°01' West 482 feet, more or less, to the South boundary line of said NE1/4 NE1/4 of said Section 5; thence East 662 feet, more or less, to the Southeast corner of said NE1/4NE1/4 of said Section 5; thence North 1,316 feet, more or less, to the point of beginning, being in Section 5, Township 40 South, Range 13 E.W.M. SAVING AND EXCEPTING from the above described property portions thereof conveyed to the United States of America for ditches and laterals.

PARCEL 2:

SW1/4NW1/4; NW1/4NW1/4; that portion of the NE1/4

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SW1/4 lying Northwest of Langell Valley Irrigation District Drainage Ditch; and all of the W1/2SE1/4 NW1/4 lying Westerly of Lost River, in Section 32, Township 39 South, Range 12 E.W.M.

SUBJECT TO:

1. Taxes for 1980-81 are now a lien but not yet payable.
2. Liens and assessment of Klamath Project and Langell Valley Irrigation District, and regulations, contracts, easements, water and irrigation rights in connection therewith.
3. The assessment roll and the tax roll disclose the within described premises were specially assessed as farm land. Taxes for the year 1979-1980, 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.
4. Rights of the Federal Government, the State of Oregon, and the general public in any portion of the herein described premises lying below the high water line of Lost River.
5. Agreement from drain ditch, including the terms and provisions thereof, by and between Claude H. Brown and Eva M. Brown, first party and J. Henry Thomas, second party, dated August 9, 1946, recorded August 16, 1946, in Volume 194 page 133, Deed records of Klamath County, Oregon. Affects NE1/4SW1/4, NW1/4SE1/4, ptn SE1/4SW1/4, SW1/4SE1/4 of Sec. 32.
6. Right of way for pole line conveyed by Keith L. Rice and Mary W. Rice, husband and wife, to The California Oregon Power Company, dated May 14, 1954, recorded May 20, 1954, in Deed Volume 267, page 102, Deed records of Klamath County, Oregon. Across Lot 1 Sec. 5, Twp. 40 S.R. 13 E.W.M.
7. Easement for Pump site and Pipe lines, including the terms and provisions thereof, by and between Frank L. King, Jr. and Virginia Lee King, et al., and The United States Department of the Interior Bureau of Reclamation, dated April 29, 1968, recorded June 18, 1968, in Volume M-68, page 5370, Deed records of Klamath County, Oregon. Affects Sec. 32.
8. Eastment for Irrigation Distribution Canal, including the terms and provisions thereof, by and between Frank L. Kine, Jr. and Virginia Lee King, et al., and Langell Valley Irrigation District, dated April 29, 1968, recorded June 18, 1968, in Volume M-68, page 5372, Deed records of Klamath County, Oregon. Affects Sec. 32.
9. Reservations and restrictions in deed from Eugene Aiello to Robert D. Liudahl and Greta M. Liudahl, husband and wife, dated November 2, 1973, recorded December 4, 1973, in Volume M73, page 15673, Deed records of Klamath County, Oregon, as follows: "...the said grantor hereby reserves unto grantor the rights to all oil, petroleum, gas, asphaltum and other minerals, gaseous, liquid and solid, including but not limited to, geothermal rights in and under the above described real property." Affects ptn Secs. 31 & 32.
10. Subject to the requirements and provisions of

O. R. S. Chapter 481 pertaining to the registration and transfer of ownership of mobile homes and any interest or liens disclosed thereby.

11. Mortgage, including the terms and provisions thereof, by and between Robert L. Robinson and Margaret R. Robinson, husband and wife, and The Federal Land Bank of Spokane, a corporation in Spokane, Washington, dated July 14, 1976, recorded July 29, 1976, in Volume M-76, page 11644, Deed records of Klamath County, Oregon, to secure the payment of \$123,500.00.

12. Lease and agreement, including the terms and provisions thereof, by and between Eugene Aiello and Dowdle Corporation, dated June 13, 1973, recorded August 17, 1973, in Volume M-73, page 11141, Mortgage records of Klamath County, Oregon.

By Agreement, dated July 19, 1976, recorded July 29, 1976, in Mortgage Volume M-76 page 11647, mortgage records of Klamath County, Oregon, the above lease was subordinated to the lien of the Mortgage in Volume M-76 page 11644.

WHEREAS, said Contract has provided for the sale of certain real property therein described; and,

WHEREAS, said Contract provides, among other things, that upon payment of the sum of \$350,000.00 Dollars allocated to the real property, ROBERT L. ROBINSON and MARGARET R. ROBINSON, husband and wife, will convey to FREEWAY INDUSTRIAL PROPERTIES, INC., a California corporation, and A. J. McCOSKER and AILEEN C. McCOSKER, husband and wife, 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.

Robert L. Robinson
ROBERT L. ROBINSON

MARGARET R. ROBINSON
BY *Robert L. Robinson*
MARGARET R. ROBINSON
HER ATTORNEY IN FACT

FREEWAY INDUSTRIAL PROPERTIES, INC.

BY

A. J. McCosker
President

ATTEST:

Secretary

A. J. McCosker
A. J. McCOSKERAileen C. McCosker
AILEEN C. McCOSKERBy A. J. McCoskerHer attorney in factSTATE OF OREGON)
County of Klamath) ssPersonally appeared the above named Robert L. Robinson
~~and Robert L. Robinson~~ and acknowledged the foregoing
instrument to be ~~his~~ voluntary act and deed.

Before me:

[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-5-83STATE OF OREGON)
County of Klamath) ssPersonally appeared the above named A. J. McCOSKER and
AILEEN C. McCOSKER and acknowledged the foregoing instrument
to be their voluntary act and deed.

Before me:

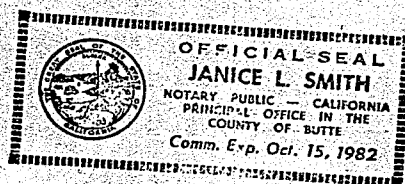
[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: _____CALIF.
STATE OF OREGON)
County of ~~Klamath~~) ss
Butte)Personally appeared A. J. McCOSKER and
----- who, being duly sworn, each for
himself and not one for the other, did say that the former is
the president and that the latter is the secretary of Freeway
Industrial Properties, Inc., a corporation, and that the seal
affixed to the foregoing instrument is the corporate seal of

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said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

Janice L. Smith
NOTARY PUBLIC FOR ~~OREGON~~ CALIFORNIA
My Commission Expires: _____



TO 1944 CA (8-74)

(Individual)

STATE OF CALIFORNIA

COUNTY OF Butte } SS.On January 2, 1981

State, personally appeared A. J. McCOSKER before me, the undersigned, a Notary Public in and for said

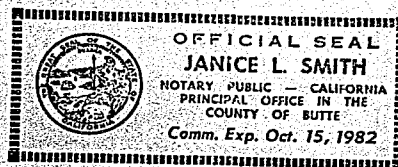
known to me
to be the person whose name is subscribed
to the within instrument and acknowledged that he
executed the same.

WITNESS my hand and official seal.

Signature

Janice L. Smith

**TITLE INSURANCE
AND TRUST**
A TICOR COMPANY



(This area for official notarial seal)

TO 1947 CA (8-74)

(Attorney in Fact - Individual)

STATE OF CALIFORNIA

COUNTY OF Butte } SS.On January 2, 1981

personally appeared A. J. McCOSKER before me, the undersigned, a Notary Public in and for said State,

known to me to be the person whose name is

Attorney in fact of AILEEN C. McCOSKER

and acknowledged to me that he subscribed the name
of AILEEN C. McCOSKER thereto as principal

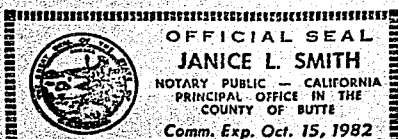
and his own name as Attorney in fact.

WITNESS my hand and official seal.

Signature

Janice L. Smith

**TITLE INSURANCE
AND TRUST**
A TICOR COMPANY



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