

96824

Vol. 178) Page 4091

MEMORANDUM OF CONTRACT

THIS MEMORANDUM OF CONTRACT is made this 6th day of March, 1981, between FREDERIC SCHILDMEYER and ROBERTA SCHILDMEYER, herein called "Seller", and RICHARD R. RODGERS and CHARLOTTE D. RODGERS, herein called "Purchaser".

Pursuant to ORS 93.670, the following memorandum has been executed for recording purposes:

1. NAME OF SELLER: Frederic Schildmeyer and Roberta Schildmeyer.
2. TAX STATEMENTS SHALL BE SENT TO: Route 5, Box 1146X, Klamath Falls, Oregon 97601.
3. NAME OF PURCHASER: Richard R. Rodgers and Charlotte D. Rodgers.
4. DESCRIPTION OF PROPERTY: Attached as Exhibit "A" hereto.
5. INTEREST TRANSFERRED: Seller's interest in real property described in number 4 above.
6. TRUE AND ACTUAL CONSIDERATION: \$480,000.

SELLER:

Frederic Schildmeyer
Frederic Schildmeyer

Roberta Schildmeyer
Roberta Schildmeyer

PURCHASER:

Richard R. Rodgers
Richard R. Rodgers

Charlotte D. Rodgers
Charlotte D. Rodgers

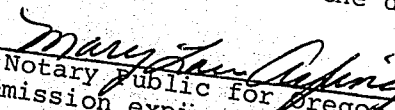
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STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

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On this 6th day of March 1981, before me appeared the within named RICHARD R. RODGERS AND CHARLOTTE D. RODGERS, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

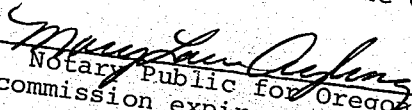
IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.


Notary Public for Oregon
My commission expires 11/16/84

STATE OF OREGON)
) ss.
COUNTY OF KLAMATH)

On this 6th day of March 1981, before me appeared the within named FREDERIC SCHILDMEYER AND ROBERT SCHILDMEYER, KNOWN TO ME TO BE the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.


Notary Public for Oregon
My commission expires 11/16/84

DESCRIPTION

Parcel 1: Lots 6, 7 and 8 of Section 30, Township 37 South, Range 9 East of the Willamette Meridian.

Parcel 2: All that portion of Lot 2 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Westerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Westerly boundary of said Lot 2, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Richard J. Conroy by deed dated April 26, 1937, recorded in Volume 109 at page 19, Deed Records of Klamath County, Oregon.

Parcel 3: All that portion of Lot 4 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northerly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northerly boundary of the said Lot 4.

Parcel 4: All that portion of Lot 5 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, between the Northwesterly boundary of the County Road, at one time the Dalles-California Highway, as the same is now located and constructed, and the meander line which marks the Northwesterly boundary of the said Lot 5, SAVING AND EXCEPTING THEREFROM that certain tract conveyed to J.J. Wissenback by deed dated December 28, 1935, recorded in Book 107 at page 443, Deed Records of Klamath County, Oregon.

Parcel 5: All of Lots 7 and 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, SAVING AND EXCEPTING THEREFROM that certain tract as conveyed to Emanuel Nedvidek by deed dated October __, 1928, recorded in Volume 81 at page 278, Deed Records of Klamath County, Oregon.

Parcel 6: Lot 12, Section 31, Township 37 South, Range 9 East of the Willamette Meridian.

Parcel 7: Lots 9, 10, 11 and 13 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian.

Parcel 8: All of those portions of Lots 6 and 8 of Section 25 and Lots 1, 2 and 3 of Section 36, Township 37 South, Range 8 East of the Willamette Meridian, which lies Easterly from the Easterly boundary of the right of way of the Oregon Eastern Railway (Southern Pacific Railway.)

All of those portions of Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, which lies easterly from the Easterly boundary of the right of way of Oregon Eastern

continued . . .

Railway (Southern Pacific Railway) SAVING AND EXCEPTING THEREFROM that certain tract heretofore conveyed to Leonard Hamilton by deed dated March 16, 1940, recorded in Volume 128 at page 279, Deed Records of Klamath County, Oregon, AND ALSO EXCEPTING THEREFROM those certain parcels deeded to the State of Oregon, by and through its State Highway Commission by Robert E. Graham, et al, dated April 11, 1940, recorded April 29, 1940, and T.B. Watters, et ux, dated August 2, 1941, recorded August 15, 1941, in Volume 129 at page 21 and Volume 140 at page 349, respectively, Deed Records of Klamath County, Oregon.

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Parcel 9: All that portion of Lot 8 of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, more particularly described as follows: Beginning at a point in the Section line between Sections 30 and 31 of said Township and Range, which marks the northerly boundary of said Lot 8, and from which the meander corner between the said Sections bears North 88° 03' East 115.6 feet distant, and running thence South 88° 03' West along the said Section line 680.2 feet, more or less, to the northwesterly corner of the said Lot 8; thence South 1° 16' West along the westerly boundary of the said Lot 8, 795.7 feet; thence North 88° 03' East and parallel with the northerly boundary of the said Lot 8, 978.6 feet; thence North 19° 39½' West 884 feet, more or less, to the said point of beginning.

EXCEPTING THEREFROM:

A parcel of land situated in Lots 1 and 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian and being more fully described as follows:

Beginning at the meander corner on the easterly boundary of the said Section 25, Township 37 South, Range 8 East of W. M. from which the Northeasterly corner of the said Section 25 bears North 1° 17' East, 1507.4 feet distant, and running thence

South 0° 33' West along the said Easterly boundary of the said Section 25, 460.6 feet; thence

West 466.6 feet, more or less to the point in the Easterly boundary of the right of way of the relocated Dalles-California Highway, as the same is now established and staked on the ground; thence

Northerly along the said right of way boundary 1515 feet, more or less to its intersection with the Westerly boundary of the right of way of the original Dalles-California Highway as the same is now located and constructed; thence

Southeasterly along the last mentioned right of way boundary 1185 feet more or less to its intersection with the said Easterly boundary of the said Section 25; thence

South 1° 17' West 5 feet more or less to the said POINT OF BEGINNING

SAVING AND EXCEPTING that portion thereof conveyed to State of Oregon, by and through its State Highway Commission by deed recorded January 28, 1942, Volume 144 at page 481, Records of Klamath County;

ALSO reserving and excepting from said property a parcel of land 25 feet in width, being 12½ feet on each side of the following described center line:

Beginning at a point in the line marking the Easterly boundary of said Section 25, from which the above mentioned meander corner bears North $0^{\circ} 33'$ East 176.4 feet distant and running thence; North $27^{\circ} 39'$ West 597.7 feet; thence North $26^{\circ} 20'$ West 222.8 feet; thence West 125.4 feet, more or less, to a point in the above mentioned Easterly boundary of the right of way of the relocated Dalles-California Highway as the same is now established and staked upon the ground.

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Parcel 10: A portion of Lot 2, Section 31, Township 37 South, Range 9 East of the Willamette Meridian, more particularly described as follows:

Beginning at the center of an iron pipe driven in the ground in the line marking the Westerly boundary of the Dalles-California Highway as the same is now constructed, from which Angle Point No. 7 in the meander line of Section 31, Township 37 South, Range 9 East of the Willamette Meridian, as established by Fred Mensch, U.S. Cadastral Engineer, in November 1916, bears North $16^{\circ} 37'$ East 932.3 feet distant; and running thence North $81^{\circ} 27'$ West 235.5 feet, thence South $30^{\circ} 12'$ West 201 feet; thence South $72^{\circ} 08'$ East 269.2 feet more or less to a point in the Westerly line of the Highway which is South $19^{\circ} 08'$ West 237 feet from the point of beginning; thence North $19^{\circ} 08'$ East along the Westerly line of the Highway, 237 feet to the place of beginning.

Parcel 11: A piece or parcel of land situated in Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian, being more particularly described as follows:

All those portions of Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian lying Northerly and Easterly from the centerline of Klamath County Road No. 698 (Original Dalles-California Highway) as the same is presently located and constructed.

Subject to and exempted from:

1. Agreements, including the terms and provisions thereof, between John T. Graham, Robert E. Graham, Henry H. Graham, Algia F. Graham and the United States of America, as set out and recorded in Volume 50 at pages 482, 483, 484 and 615 respectively, Deed Records of Klamath County, Oregon.

When recorded return to:
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2. Rights of the public in and to any portion of the above described property lying within the limits of roads and highways.

3. An easement created by instrument, including the terms and provisions thereof,
Dated : August 24, 1925
Recorded : March 5, 1926 Volume: 69 Page: 346
In favor of : Klamath Telephone and Telegraph Company
For : Electric and telephone lines

4. An easement created by instrument, including the terms and provisions thereof,
Dated : April 1, 1942
Recorded : July 1, 1942 Volume: 148 Page: 231
In favor of : California Oregon Power Company, a California corporation
For : Electric transmission lines

5. Agreement, including the terms and provisions thereof, between T.B. Watters and Evelyn Watters, husband and wife, and the United States of America, dated May 28, 1943, recorded April 8, 1944, in Volume 163 at page 607, Deed Records of Klamath County, Oregon.

6. Agreement, including the terms and provisions thereof, between Lewis Kandra, et ux, J.T. Graham, et ux, and Emanuel Nedvideck, recorded in Volume 105 at page 415, Deed Records of Klamath County, Oregon, which as amended by Amendatory Agreement, including the terms and provisions thereof, between T.B. Watters, et ux, Robert E. Graham, J.T. Graham, et ux, and Emanuel Nedvideck, dated February 1, 1940, recorded February 2, 1940 in Volume 127 at page 44, Deed Records of Klamath County, Oregon.

7. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disgaulfied for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.

8. No liability is assumed if a financing statement is filed in the office of the County Clerk covering growing crops or fixtures wherein the land is described other than by metes and bounds, the rectangular survey system or by recorded lot and block.

9. This report does not include a search for financing statements filed in the office of the Secretary of State covering crops on the land described herein, and is subject to any encumbrances on such crops.

10. Memorandum of Contract, including the terms and provisions thereof, a memorandum of which was

Dated : November 13, 1975
Recorded : November 13, 1975 Book: M-75 Page: 14306
Correction recorded : September 29, 1977 Book: M-77 Page: 18392
Vendor : Donald A. Hurd and Linda J. Hurd, husband and wife
Vendee : Wendell P. Sperling and Sherry L. Sperling, husband and wife

STATE OF OREGON; COUNTY OF KLAMATH: ss.

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

6th day of March A.D., 1981 at 3:46 o'clock p M., and duly recorded in

Vol M81 of Deeds on page 4091.

Fee \$ 21.00

EVELYN BIEHN

COUNTY CLERK

By *Bernard J. Smith* Deputy