

98568

MEMORANDUM OF CONTRACT

7013

KNOW ALL MEN BY THESE PRESENTS, that on the 17th day of April, 1981, JAMES A. SCOTT and SANDRA G. SCOTT, husband and wife, appearing as Sellers, entered into a contract to sell real and personal property with MALIN TIMBER LTD. , as Purchaser, for the sale of the following described real property situated in the County of Klamath, State of Oregon, to-wit:

The N1/2NW1/4 of Section 11, which lies North and East of the High Line Canal of the Malin Irrigation District in Township 41 South, Range 12 East of the Willamette Meridian in the County of Klamath, State of Oregon.

SUBJECT TO:

1. Rights of the public in and to any portion of said premises lying within the limits of roads and highways.
2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Malin Irrigation District.
3. All contract, water rights, proceedings, taxes and assessments relating to the Klamath Basin Improvement District, and all rights of way for roads, ditches, canals and conduits, if any there may be.
4. An easement, including the terms and provisions thereof, to Klamath County, recorded January 18, 1928, in Book 85 at page 165, Records of Klamath County, Oregon.
5. An easement, including the terms and provisions thereof, to Malin Irrigation District, recorded March 9, 1926, in Book 69 at page 352, Records of Klamath County, Oregon.
6. The State of Lien, including the terms and provisions thereof, claimed against the following described property within the boundaries of the Shasta View Irrigation District by United States of America, acting by and through its Department of Agriculture, Farmers Home Administration, by virtue of Water Facilities Loan Agreement, said statement being recorded April 24, 1951, in Mechanical Lien Book 11 at page 7. (Affects NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 41 South, Range 12 East of the Willamette Meridian.)
7. An easement, including the terms and provisions thereof, to California Oregon Power Company, recorded April 28, 1959, in Book 312 at page 103, Records of Klamath County, Oregon.
8. The premises herein have been specially assessed for farm use. If the land becomes disqualified 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.
9. Buyer does not assume the following mortgages and seller shall make payment thereon:
 - (a) Mortgage dated July 20, 1976 and recorded July 27, 1976 in Book M-76 at page 11435, Records of Klamath County, Oregon.
 - (b) Mortgage dated February 10, 1978 and recorded February 23, 1978 in Book M-78 at page 3465 and re-recorded on May 8, 1978 in Book M-78 at page 9331, Records of Klamath County, Oregon.
 - (c) Mortgage dated March 7, 1979 recorded March 7, 1979 in Book M-79 at page 5229, Records of Klamath County, Oregon

and all fixtures, equipment and items of personal property located at the site of the real property, and as set forth in the Contract of Sale.

That the Purchaser in said contract agreed to pay Sellers the sum of \$100,000.00 for said real property, and said sum is the true and actual consideration for said sale.

Memorandum of Contract -- 1.

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This memorandum is not a complete summary of the contract of sale. Provisions in the memorandum shall not be used in interpreting the contract provisions. In the event of a conflict between the memorandum and the unrecorded contract, the unrecorded contract shall control.

James A. Scott
JAMES A. SCOTT
Sandra G. Scott
SANDRA G. SCOTT

MALIN TIMBER LTD,
a Business Trust Organization
James A. Scott Trustee
By Sandra G. Scott Trustee
Title

STATE OF OREGON)
: ss.
County of Klamath)

Personally appeared the above-named James A. Scott and Sandra G. Scott, husband and wife, and acknowledged the foregoing memorandum their voluntary act and deed this 17th day of April, 1981.

Mary Lou Bailey
Notary Public for Oregon
My commission expires: 11-16-84

STATE OF OREGON)
: ss.
County of Klamath)

Personally appeared B. L. Carpenter and Carolyn Carpenter who, being duly sworn, each for himself and not one for the other, did say that the former is the Trustee and the latter is the Secretary of MALIN TIMBER LTD, a Business Trust Organization. The foregoing instrument is the corporate seal of 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 this 17th day of April, 1981.

Mary Lou Bailey
Notary Public for Oregon
My commission expires: 11-16-84

After recording return to: Crane & Bailey, Attorneys at Law
540 Main Street, Klamath Falls, OR 97601
Transamerica Title Insurance Company
Attn: Mary Lou

MAIL FUTURE TAX STATEMENTS TO:

MALIN TIMBER LTD.
15425 Los Gatos Blvd.,
Los Gatos, CA 95030

CITY OF Klamath; ss.

Filed for record at request of Transamerica Title Co.
this 17th day of April A.D. 19 81 at 3:39 o'clock P.M., and
duly recorded in Vol. M81, of Deeds on Page 7013.

EVELYN BIEHN, County Clerk
By Debra A. Janssen

Fee \$7.00