

17285

M4C - 11382

M82 Page 15294

## MEMORANDUM OF OPTION TO PURCHASE REAL PROPERTY

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THIS INDENTURE, made and entered into this 15 day of July, 1982 by and between KERNS BROTHERS REAL ESTATE, a co-partnership consisting of JAMES WILLIAM KERNS, JOHN PAUL KERNS and ROBERT B. KERNS, (hereinafter called Seller), and ROY R. HUBERD and CONNIE HUBERD, husband and wife, (hereinafter called Purchaser);

W I T N E S S E T H:

WHEREAS, the parties have executed a document entitled "OPTION TO PURCHASE REAL PROPERTY", dated the 15 day of July, 1982, wherein Seller has agreed to give to Purchaser an exclusive option to purchase the following described real property for a period of three years from the date of the execution of the Option to Purchase Real Property:

A tract of land situated in Tract 33A, Enterprise Tracts subdivision, in the NW 1/4 of Section 3, T 39 S, R9EWM, Klamath County, Oregon, more particularly described as follows:

Beginning at the cased monument marking the Northwest corner of said Section 3; thence S 00 degrees 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 degrees 52' 30" E, along said parallel line 1741.84 feet to a 5/8 inch iron pin marking 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 owners certification of original property corners: thence N 34 degrees 07' 30" E. at right angles to said South Sixth Street and along the easterly right of way line of said Austin Street, a distance of 250.00 feet to the northwest corner of that tract of land described in D. V. M69, page 10247, as recorded in Klamath County Deed records; thence S 55 degrees 52' 30" 205.28 feet; thence N 34 degrees 07' 30" E, generally along the southeasterly edge of an existing building and its southwesterly extension, 154.27 feet to the southerly line of that parcel conveyed by D. V. M72, page 6088, as recorded in the Klamath County deed records, said point being the TRUE POINT OF BEGINNING of this description; thence along the boundaries of said parcel, S 55 degrees 52' 30" E.

9:35 AM

NOV 17 1982

49.72 feet, N 34 degrees 07' 30" E. 94.94 feet (95.05 feet by said M72, page 6088), N 00 degrees 21' 15" E 6.09 feet (6.00 feet by said M72, page 6088); thence S. 55 degrees 52' 30" E, along the southeasterly extension of the northerly line of the said D. V. M72, page 6088, 36.09 feet to the easterly line of said Tract 33A; thence S 00 degrees 21' 15" W, along said easterly line, 294.09 feet; thence S 34 degrees 07' 30" W 9.80 feet; thence N 55 degrees 52' 30" W, 245.90 feet; thence N 34 degrees 07' 30" E. 154.27 feet to the TRUE POINT OF BEGINNING, containing 37,579 square feet; TOGETHER WITH a 4-foot roof overhang and sidewalk easement northeasterly of and parallel to the following described line; Beginning at the TRUE POINT OF BEGINNING; thence S 55 degrees 52' 30" E. 49.72 feet; and SUBJECT TO a 4-foot sidewalk easement southwesterly of, being adjacent with and parallel to the above described easement.

The parties agree that the within Memorandum is executed for the purpose of memorializing of record the execution of the Option to Purchase Real Property aforesaid.

IN WITNESS WHEREOF, the parties have hereunto set their hand the day and year first above written.

SELLER:

KERNS BROTHERS REAL ESTATE, a  
co-partnership

by: James William Kerns  
JAMES WILLIAM KERNS  
by: John Paul Kerns  
JOHN PAUL KERNS  
by: Robert B. Kerns  
ROBERT B. KERNS

PURCHASER:

Roy E. Huberd  
ROY E. HUBERD  
Connie Huberd  
CONNIE HUBERD

STATE OF OREGON )

) ss.

County of Klamath )

Personally appeared the above-named JAMES WILLIAM KERNS, JOHN PAUL KERNS and ROBERT B. KERNS, a Co-partnership known as KERNS BROTHERS REAL ESTATE, and each acknowledged the foregoing instrument to be their voluntary act and deed

BEFORE ME:

Susan Kay Way  
Susan Kay Way  
Notary Public for Oregon  
My commission expires 6/4/1985

NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )

) ss.

County of Klamath )

Personally appeared the above-named ROY R. HUBERD and  
CONNIE HUBERD, husband and wife, and acknowledged the foregoing  
instrument to be their voluntary act and deed.

BEFORE ME:

*Susan Kay Way*  
Susan Kay Way  
Notary Public for Oregon  
My commission expires 6/4/95

NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

Unless a change is requested  
all future tax statements shall  
be sent to:

Kerns Brothers Real Estate  
c/o Ben Kerns  
2044 Earle Street  
Klamath Falls, Oregon 97601

AFTER RECORDING RETURN TO:

Mr. and Mrs. Roy Huberd  
1935 Austin Street  
Klamath Falls, Oregon 97601

STATE OF OREGON; COUNTY OF KLAMATH; ss.

Filed for record .

this 17 day of Nov 92 at 9:35 o'clock A.M. d  
duly recorded in Vol. M82 of Deeds on a c 15294

Fee \$12.00

EVELYN BIEHN, County Clerk  
By *Evelyn Biehn*