

# AGREEMENT TO TERMINATE SUBLEASE AND SECURITY INTEREST

THIS AGREEMENT is made this 27<sup>th</sup> day of August, 1985 by and among Carlton Brothers, a general partnership (the "Subtenant"), James L. Eckhardt and Nellie R. Eckhardt (collectively, the "Sublandlord"), and Engineered Structures, Inc. (the "Assignee").

WHEREAS, on August 10, 1984, Sublandlord and Subtenant entered into a Sublease as disclosed by a Memorandum of Sublease dated August 10, 1984 and recorded in the deeds records of Klamath County, Oregon on October 17, 1984 in Volume M84, page 17873; and,

WHEREAS, on December 18, 1984, Sublandlord assigned to Assignee all of Sublandlord's right, title and interest in and to the Sublease, and conveyed to Assignee a Security Interest in and to the Sublease and in and to all improvements, fixtures, personal property and other property used on or in connection with the real estate which is subject to the Sublease; and,

WHEREAS, the parties have determined that it is in their best interests to terminate the Sublease;

NOW, THEREFORE, FOR VALUABLE CONSIDERATION RECEIVED, the parties hereto agree as follows:

1. The Sublease is hereby terminated, effective immediately.
2. The assignment to Assignee of Tenants' right, title and interest in and to the Sublease is hereby terminated, effective immediately.
3. Assignee's Security Interest described above is hereby terminated, effective immediately.
4. The parties hereby absolve each other, their employees, agents, shareholders, partners and affiliates from any liability, claim or cause of action arising out of or in connection with the Sublease.

CARLTON BROTHERS, a general partnership

By: George A. Carlton  
A general partner

By: Richard J. Carlton  
A general partner

JAMES L. ECKHARDT

James L. Eckhardt

NELLIE R. ECKHARDT

Nellie R. Eckhardt

ENGINEERED STRUCTURES, INC.

By: James L. Eckhardt  
Its: James L. Eckhardt

STATE OF Idaho )  
COUNTY OF Canyon } ss:

16367

On this 27<sup>th</sup> day of August, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared JAMES L. ECKHARDT and NELLIE R. ECKHARDT, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jan E. Gabrielson  
NOTARY PUBLIC FOR Idaho  
Residing at Meridian

STATE OF OREGON )  
COUNTY OF Klamath } ss:

On this 3<sup>rd</sup> day of September, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared George A. Carleton and Richmond J. Carleton, known and identified to me to be partners in the partnership of CARLTON BROTHERS, and the partner or one of the partners who subscribed said partnership name to the foregoing instrument, and acknowledged to me that he executed the same in said partnership name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Sharon K. Green  
NOTARY PUBLIC FOR Oregon  
Residing at Menill, OR

My Commission Expires October 11, 1989

STATE OF Idaho )  
COUNTY OF Canyon } ss:

On this 27<sup>th</sup> day of August, 1985, before me, the undersigned, a Notary Public in and for said State, personally appeared James L. Eckhardt, known and identified to me to be the Pres. of Engineered Structures, Inc., who subscribed said corporate name to the foregoing instrument, and acknowledged to me that he executed the same in said corporate name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Jan E. Gabrielson  
NOTARY PUBLIC for Idaho  
Residing at Meridian

Return to:  
Norwest Leasing, INC  
Suite 930, Cargill Bldg.  
7th St. & Marquette Ave.  
Minneapolis, Mn 55479-2052

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of \_\_\_\_\_  
of October A.D., 19 85 at 1:33 o'clock P M., and duly recorded in Vol. M85 the 9th day  
of \_\_\_\_\_ Deeds on Page 16366

FEE \$9.00

Evelyn Biehn  
By \_\_\_\_\_

County Clerk  
Phyllis Smith