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MEMORANDUM OF CONTRACT FOR DEED Vol. M86 Page 12450

THIS INDENTURE, *Aspen Title #M-28895* made and entered into this 12th day of June, 1986, by and between GEORGE A. PONDELLA and JOSPEHINE L. SNYDER, as tenants in common, hereinafter referred to as sellers, and GILBERT WILLHITE and BOBBIE WILLHITE, husband and wife, hereinafter referred to as purchasers.

W I T N E S S E T H:

WHEREAS, the parties have executed a document entitled "Contract of Sale", dated June 12, 1986, wherein seller has agreed to sell and purchaser has agreed to buy, all the following described real property situated in Klamath County, Oregon.

The W 1/2. E1/2 W 1/2 SW 1/4 NE 1/4 of Section 35, Township 34 South, Range 7 East of the Willamette Meridian, in the County of Klamath, State of Oregon, lying South of the Sprague River.

Subject to the following described encumbrances, reservations and restrictions:

- A. Subject to rules and regulations of Fire Patrol District.
- B. Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.
- C. Right, title or interest of the public, including governmental bodies in and to that portion of said premises lying below the ordinary high water line of the Sprague River and public rights of fishing and recreation in and to the shoreline of said river.
- D. Reservations, including the terms and provisions thereof, as set forth IN in Land Status Report recorded November 3, 1958 in Book 305 at page 668, Deed Records of Klamath County, Oregon.
- E. Reservations as contained in instrument recorded in Book 285 at page 391, Deed Records, as follows: "there is reserved from the lands hereby allotted, a right of way thereon for ditches or canals constructed by the authority of the United States".
- F. Reservations as contained in instrument recorded in Volume 285, page 394, Deed Records, as follows: "Subject, however, to such rights of way for ditches, canals and reservoir sites for irrigation purposes as may have been reserved by the United States or otherwise."
- G. Easement as disclosed by instrument: For Roadway; recorded in book 351, page 111, as follows: "reserving unto the grantor a 30 foot non-exclusive easement for roadway over the property herein conveyed for the benefit of the lands of the grantor adjacent on the West."

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H. Grant of right of way, including the terms and provisions thereof, recorded in Book 362 at page 89, Klamath County Deed Records, granted to Pacific Power & Light Company, a Maine corporation, for pole and wire lines.

Together with those easements of record and those apparent on the land.

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 \$18,625 allocated to the real property, seller will convey to purchaser the above described real property by Warranty Deed;

NOW, THEREFORE, the parties agree that the within Memorandum is executed for the purposes 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.

George L. Pondella Jr.
GEORGE PONDELLA

Josephine L. Snyder
JOSEPHINE L. SNYDER

STATE OF ARIZONA)
County of MOHAVE) ss.

Personally appeared before me the above named and JOSEPHINE L. SNYDER, and acknowledged the foregoing instrument to be her voluntary act and deed.
Before me:

Richard L. Brown
NOTARY PUBLIC FOR ARIZONA
My commission expires: 1-17-87

Bobbie A. Willhite
BOBBY WILLHITE
Bobbie B.W.

Gilbert W. Willhite
GILBERT WILLHITE

STATE OF OREGON)
County of Klamath) ss.

Personally appeared before me the above named BOBBY WILLHITE & George and GILBERT WILLHITE, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.
Before me:

Wardene L. Addington
NOTARY PUBLIC FOR OREGON
My commission expires: 3-22-89

RetATC
Tax Statements to be sent to
Gilbert & Bobby Willhite
H.C. 36 Box 9-6
Chiloquish OR 97624
Return for Aspen Title

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of July _____ A.D., 19 86 at 11:23 o'clock A M., and duly recorded in Vol. _____ M86
on Page 12450
Deeds

FEE \$9.00

Evelyn Biehn, County Clerk
By Ann Smith