

77243

RIGHT OF FIRST REFUSAL

Vol. 1187 Page 13046

Parties.

Landowner: EDWARD J. WHITE and KITTY L. WHITE,
Husband and Wife

Purchaser: MCGORDEN, INC., an Oregon corporation,
now known as Eternal Hills Memorial
Gardens, Inc.

R E C I T A L S

1. Landowner is the owner of a parcel of real property described on Exhibit "A" attached.
2. Purchaser desires to obtain the right to purchase the real property described above.
3. Purchaser, contemporaneously with this Agreement and in consideration for obtaining this Right of First Refusal, is purchasing personal property from Landowner.

A G R E E M E N T

In consideration of mutual promises contained herein, it is agreed as follows:

A. In the event Landowner shall decide to sell the real property described above, he shall first offer the property to Purchaser for the price and the terms of the intended sale. Seller shall have thirty (30) days from such offer in which to accept or reject the offer. In the event Purchaser does not accept the offer within thirty (30) days, all rights in the property will terminate subject to Paragraph B below.

B. In the event Landowner decides to sell the property and Purchaser does not accept the offer, Landowner may sell the property to the person according to the price and terms as disclosed. However, in the event the offer is not consummated according to its terms, then this Right of First Refusal shall be reinstated.

C. If suit or action is instituted to enforce any of the provisions of this Contract, the prevailing party shall be entitled to recover from the other party such sums as the Court may adjudge reasonable as attorney fees at trial or on appeal in

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(503) 389-5010

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such suit or action, in addition to all other sums provided by statute. Prevailing party shall also recover the cost of a current title examination.

D. This Agreement shall terminate ninety (90) days after the death of the survivor of the Landowners.

E. This provision shall inure to the benefit of the Purchaser, their assigns and representatives.

DATED this 19 day of May, 1987.

McGORDEN, INC., an Oregon corporation, aka ETERNAL HILLS MEMORIAL GARDENS, INC.

By: H. Sydney McEllis Jr. PRES.

Edward J. White
EDWARD J. WHITE

Kitty L. White
KITTY L. WHITE

STATE OF OREGON

County of Klamath) ss.

The foregoing instrument was acknowledged before me this 19 day of May, 1987 by EDWARD J. WHITE and KITTY L. WHITE, Husband and Wife, to be their voluntary act and deed.

STATE OF OREGON

County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 9th day of July, 1987 by H. Sydney McEllis Jr., the President of McGORDEN, INC., aka ETERNAL HILLS MEMORIAL GARDENS, INC., to be its voluntary act and deed.

Herman F. Smith
Notary Public for Oregon
My Commission Expires: 12-13-90

Collin Kerry Rost
Notary Public for Oregon
My Commission Expires: 6-27-89

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EXHIBIT A

13048

A parcel of land, situated in Klamath County,
Oregon, more particularly described as follows:
The NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, except the North 30 feet
thereof; and the East 50 feet of the North 260 feet
of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, except the North 30 feet
thereof, all in Township 39 S., R. 10 E.W.M.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of _____
of _____ July _____ A.D., 19 87 at 11:34 o'clock A M., and duly recorded in Vol. M87 day
of _____ Deeds _____ on Page 13046.

FEE \$13.00

Evelyn Biehn,
By _____

County Clerk

R. M. Smith