

K-40846

MEMORANDUM OF LAND SALE CONTRACT

KNOW ALL MEN BY THESE PRESENTS, that on APRIL 19, 1989, DAVID S. KURTZ and BETTY J. KURTZ, as vendor(s) and BRENDAN CAPITAL CORP., as vendee(s) made and entered into a certain land sale contract wherein said vendor(s) agreed to sell to said vendee(s) and the latter agreed to purchase from said vendor(s) the fee-simple title in and to the real property described in the attached Exhibit "A", in Klamath County, State of Oregon.

IN WITNESS WHEREOF, the said Vendor(s) has executed this memorandum on APRIL 19 1989. If the vendor is a corporation it has caused its name to be signed and its seal affixed by an officer duly authorized thereto by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS/AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON,)
County of Klamath)

STATE OF OREGON,)
County of Klamath)

This instrument was acknowledged before me on April 19, 1989 by David S. Kurtz and Betty J. Kurtz

This instrument was acknowledged before me on _____, 19____, by _____ as _____ of _____

Notary Public for Oregon
My Commission expires: 11-1-91

Notary Public for Oregon
My Commission expires: _____

David S. Kurtz and Betty J. Kurtz
9324 Homedale
Klamath Falls, OR 97603
Vendor's Name and Address:
Brendan Capital Corp.
815 Washburn Way
Klamath Falls, OR 97603
Vendee's Name and Address:
After recording return to:
Richard N. Belcher
815 Washburn Way
Klamath Falls, OR 97603

Mail Tax Statements to:
Brendan Capital Corp.
815 Washburn Way
Klamath Falls, OR 97603

STATE OF OREGON, County of Klamath) ss.
I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ m., and recorded in book/reel/volume No. _____ on page _____ ar as fee/ file/instrument/microfilm/reception No. _____, Record of Deeds of said county.

Witness my hand and seal of County affixed.

Name _____ Title _____
By _____ Deputy _____

'89 APR 27 AM 10 15

Exhibit "A"

7251

The following described real property situated in Klamath County, Oregon:

The S½SE¼ of Section 26, Township 39 South, Range 9 East of the Willamette Meridian, Oregon, EXCEPT the following parcels thereof, to wit:

PARCEL 1:

That portion of said property conveyed by Frank D. Miles, a single man to P. J. Elliott, by Deed dated December 21, 1937, recorded December 22, 1937, in Volume 113 page 443, Deed records of Klamath County, Oregon, described as follows, to wit: Beginning at a point on the East boundary of said Section 26 from which the Southeast corner of said Section 26 bears South 1193.0 feet distant and running; thence South 89°49' West 100 feet; thence North 50.0 feet; thence South 89°49' West 2559.0 feet to the West boundary of the SE¼ of said Section 26; thence North 60.0 feet; thence North 89°49' East 2479.0 feet; thence South 64°50' East 88.5 feet; thence South 72.0 feet to the point of beginning.

PARCEL 2:

Excepting also that portion of said property described as Parcel Four (Unit No. 11) in the United States of America, Plaintiff vs Charles E. Drew, et al., defendants, Civil No. 4253. In the District Court of the United States for the District of Oregon in Judgment of Declaration of Taking and Order Granting Possession, recorded March 11, 1949, in Volume 229 page 308, Deed records of Klamath County, Oregon, and also described in United States of America, Plaintiff vs Jack C. Hayes, et al., Defendants, Civil No. 4726. In the District Court of the United States for the District of Oregon in Order Fixing Value, Final Judgment in Condemnation and Order Disbursing Funds, recorded March 9, 1951, in Volume 246 page 73, Deed records of Klamath County, Oregon, and described as follows: to-wit: Beginning at a point in the Easterly boundary of the SE¼ of said Section 26, distant there along North 126.7 feet from the Southeast corner of said Section 26, said point being also distant North 165 feet from the center line of Lost River Diversion Channel Enlargement running thence from said point of beginning, South 89°58' West 2658.0 feet to a point in the Westerly boundary of the SE¼ of said Section 26, distant there along North 128.2 feet from the South Quarter corner of said Section 26, said point being also North 165 feet from said center line of Lost River Diversion Channel Enlargement; EXCEPTING THEREFROM all that portion thereof lying within the present boundaries of the right of way for Lost River Diversion Channel owned by the United States of America.

PARCEL 3:

EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by Deed dated February 15, 1955, recorded February 16, 1955, in Volume 272 page 328, Deed records of Klamath County, Oregon, described as follows:
Beginning at the Northwest corner of the SW¼SE¼ of Section 26, Township 39 South, Range 9 E.W.M., said corner being on the center line of the U.S.B.R. drainage canal; thence South 89°57'15" East along the centerline of said canal, a distance of 1026.63 feet to a point; thence South 88°29'45" West a distance of 1107.04 feet to an iron pin; said pin being on the Westerly one-quarter section line of the SE¼ of said Section 26; thence North 0°27'45" East along said one-quarter section line a distance of 406.77 feet to the point of beginning.

PARCEL 4:

EXCEPTING ALSO that portion of said property conveyed to City of Klamath Falls, a municipal corporation of the State of Oregon by Deed dated September 16, 1955, recorded September 21, 1955 in Volume 277 page 468, Deed records of Klamath County, Oregon, described as follows, to-wit: Beginning at an iron pin on the West line of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 E.W.M., said pin being South 0°27'45" West a distance of 408.54 feet from the Northwest corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, Township 39 South, Range 9 E.W.M.; thence North 68°29'45" East a distance of 1107.04 feet, to a point on the North line of the said SW $\frac{1}{4}$ SE $\frac{1}{4}$, said point being also the center line of the U.S.R.S. drainage ditch; thence South 89°57'15" East along said North line of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 53.50 feet to a point; thence South 21°30'15" East a distance of 1312.11 feet to an iron pin; said pin being on the Northerly right of way line of the Lost River Diversion Canal and being within the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 26; thence North 89°49'09" West along said Northerly right of way line a distance of 1571.10 feet to an iron pipe, said pipe being on the West line of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26; thence North 0°27'25" East along said West line a distance of 809.83 feet to the point of beginning.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Klamath County Title Co. the 27th day
of April A.D., 19 89 at 10:15 o'clock AM., and duly recorded in Vol. M89
of Deeds on Page 7250.

FEE \$18.00

Evelyn Biehn County Clerk

By Quentin Muller