

7917

Vol. m89 Page 22129

ASSIGNMENT OF CONTRACT

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, for the consideration hereinafter stated, has sold and assigned and hereby does grant, bargain, sell, assign and set over unto Thomas A. Ayers

his heirs, successors and assigns, all of the vendor's right, title and interest in and

to that certain contract for the sale of real estate dated March 1, 19 79, between L.A. Swetland, M.D., P.C., Pension and Profit Sharing Trust; R.H. Otteman, M.D., P.C., Pension and Profit Sharing Trust; ORE-CAL General Wholesale, Inc., an Oregon Corporation; Jack C. Prock and Diane Bryan, formerly Diane Prock as seller and THOMAS A. AYERS, as Buyer

BUT an Assignment of Seller's interest in a portion thereof has been recorded

un which contract is recorded in the Deed ~~XXXXXX~~ Records of Klamath County, Oregon, in book M-84 at page 2822 or as file number ~~XXXXXX~~, reel number ~~XXXXXX~~ (indicate which) (reference to said recorded contract hereby being expressly made) together with all the right, title and interest of the undersigned in and to all moneys due and to become due thereon; the undersigned hereby expressly covenants and warrants to the assignee above named that the undersigned is the owner of the vendor's interest in the real estate described in said contract of sale and that the unpaid principal balance of the purchase price thereof is not less than \$21,776.32 with interest paid thereon to November 1, 19 83. The real property affected by this Assignment of Contract is legally described on the attached EXHIBIT A.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$10,000.00. Part of the ~~XXXXXX~~ of the ~~XXXXXX~~ property of value given or promised which is ~~XXXXXX~~

In construing this assignment, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, the masculine shall include the feminine and the neuter and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to one or more individuals and/or corporations.

IN WITNESS WHEREOF, the undersigned assignor has hereunto set his hand; if the undersigned is a corporation, it has caused its corporate seal to be affixed hereunto by its officers duly authorized thereunto by order of its board of directors.

DATED: November 14, 19 89

L.A. SWETLAND, M.D., P.C., PENSION AND PROFIT SHARING TRUST

BY:

L.A. SWETLAND, M.D.

(If executed by a corporation, affix corporate seal.)

STATE OF OREGON,

County of

Personally appeared the above named

and acknowledged the foregoing instrument to be a voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon

My commission expires:

STATE OF OREGON, County of Klamath) ss.
November 14, 19 89

Personally appeared L.A. Swetland, M.D. and

who, being duly sworn, each for himself and not one for the other, did say that the above is the president ~~XXXXXX~~ of L.A. SWETLAND, MD, PC, PENSION & PROFIT SHARING TRUST

a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:
Notary Public for Oregon

My commission expires: 12-20-89

(OFFICIAL SEAL)

*Strike whichever word not applicable. NOTE—The sentence between the symbols (), if not applicable, should be deleted. See ORS 93.030. If the contract is not already of record, it should be recorded, preferably in the Deed Records.

L.A Swetland MD PC Pension and Profit Sharing Trust

GRANTOR'S NAME AND ADDRESS

Thomas A. Ayers
P.O. Box 1209
Klamath Falls, OR 97601

GRANTEE'S NAME AND ADDRESS

After recording return to:

Neal G. Buchanan
Attorney at Law
601 Main Street, Suite 215
Klamath Falls, NAME, ADDRESS, ZIP OR 97601

Until a change is requested all tax statements shall be sent to the following address.

Thomas A. Ayers
P.O. Box 1209
Klamath Falls, OR 97601

NAME, ADDRESS, ZIP

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 19

at o'clock M., and recorded in book on page or as file/reel number

Record of Deeds of said county.

Witness my hand and seal of County affixed.

Recording Officer

By

Deputy

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A tract of land situated in the S $\frac{1}{2}$ NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., more particularly described as follows: Beginning at the Northwest corner of said Section 18; thence S. 00°01'10" W. 1328.73 feet to the Northwest corner of said S $\frac{1}{2}$ NW $\frac{1}{4}$; thence S. 89°59'04" E., along the North line of said S $\frac{1}{2}$ NW $\frac{1}{4}$, 94.42 feet to the true point of beginning of this description; thence continuing on said North line, S. 89°59'04" E. 1446.75 feet; thence S. 03°17'26" E. 155.80 feet; thence along the arc of a curve to the right (central angle = 69°18'42" and radius = 400 feet) 483.89 feet; thence S. 66°01'16" W. 144.49 feet; thence along the arc of a curve to the right (central angle = 71°03'30" and radius = 205.06 feet) 254.32 feet; thence N. 42°55'14" W. 81.00 feet; thence along the arc of a curve to the left (central angle = 47°03'50" and radius = 220.00 feet) 180.71 feet; thence N. 89°59'04" W. 102.35 feet; thence S. 00°02'42" E. 25.21 feet; thence N. 64°56'14" W. 285.79 feet; thence N. 79°13'44" W. 136.41 feet; thence along the arc of a curve to the right (central angle = 20°13'30" and radius = 380.00 feet) 134.14 feet; thence N. 59°00'14" W. 101.65 feet to a point on the easterly right of way line of State Highway No. 39; thence N. 00°02'42" W., along said easterly right of way line, 44.61 feet; thence S. 89°59'04" E. 70.00 feet; thence N. 00°02'42" W. 160.00 feet to the true point of beginning of this description, containing 14.45 acres, more or less. EXCLUDING that parcel of land described in Deed Volume M-66, Page 1501, as recorded in the office of the Klamath County Clerk. The bearings of the above-described tract of land are based on recorded Survey No. 2834, as recorded in the office of the Klamath County Surveyor. TOGETHER WITH a perpetual and non-exclusive easement for access to and egress from the above-described property along and upon the following-described strip of land: A 60-foot strip of land situated in the N $\frac{1}{2}$, Section 18, Township 39 S., R. 10 E.W.M., being 30 feet on either side of, measured at right angles from, the following-described centerline: Beginning at a point on the easterly right of way line of State Highway 39, said point being South 00°01'10" West 2162.47 feet and South 89°51'42" East 25.31 feet from the Northwest corner of said Section 18; thence South 89°51'42" East 599.83 feet; thence North 00°02'42" West 439.32 feet.

GRANTORS, for themselves, their personal representatives, successors and assigns, reserve the following rights of way and easements across and upon the above-described real property, to-wit: 60 feet lying 30 feet on either side of the following-described centerline: Beginning at a point on the easterly right of way line of State Highway 39, said point being S. 00°01'10" W. 2162.47 feet and S. 89°51'42" E. 25.31 feet of the Northwest corner of Section 18, Township 39 S., R. 10 E.W.M.; thence continuing S. 89°51'42" E. 599.83 feet; thence N. 00°02'42" W. 439.32 feet to the true point of beginning; thence S. 89°59'04" E. 132.38 feet; thence on the arc of a curve to the right (radius = 250.00 feet, central angle = 47°03'50") 205.35 feet; thence S. 42°55'14" E. 81.00 feet; thence on the arc of a curve to the left (radius = 175.06 feet, central angle = 71°03'30") 217.11 feet; thence N. 66°01'16" E. 144.49 feet; thence on the arc of a curve to the left (radius = 370.00 feet, central angle = 69°18'42") 447.60 feet; thence N. 03°17'26" W. 157.53 feet to the North line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, said Section 18.

A strip of land situated in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 18, Township 39 S., R. 10 E.W.M., said strip of land being 50 feet in width, measured 25 feet each side of and at right angles to the following-described centerline: Beginning at a 5/8 inch iron pin on the East right of way line of State Highway No. 39 (Klamath Falls-Merrill Highway), said point located

South a distance of 1326.66 feet and East a distance of 29.61 feet from the bolt purportedly marking the Southwest corner of Section 7, Township 39 S., R. 10 E.W.M., as set and shown by record of Survey No. 1018 filed in the office of the Klamath County Surveyor, said beginning point also being North a distance of 3989.91 feet and East a distance of 9.80 feet from the iron pin marking the Southwest corner of Section 18, Township 39 S., R. 10 E.W.M.; thence N. 89°47'40" E. along the westerly extension of an old existing fence line and along said fence line a distance of 1001.20 feet; thence South a distance of 293.25 feet to a one-half inch iron pin; thence N. 70°49'32" E. a distance of 152.63 feet to the true point of beginning; thence N. 00°12'20" West a distance of 98.62 feet; thence S. 89°47'40" W. a distance of 479.81 feet; thence on the arc of a curve to the left (central angle is 90°03'40") (radius is 94.91 feet) a distance of 149.19 feet; thence S. 00°16'00" E. a distance of 194.56 feet.

SUBJECT TO: (1) The assessment roll and the tax roll disclose that the within-described premises were specially assessed as farm land. Taxes for the year 1978-79 and possibly prior years have been deferred pursuant to ORS 308.370 to 308.403. These, plus earned interest, are due and payable when said reason for the deferment no longer exists. (2) Acreage and use limitations under provisions of United States Statutes and regulations issued thereunder. (3) Liens and assessments of Klamath Project and Enterprise Irrigation District and regulations, easements, contracts and water and irrigation rights in connection therewith. (4) Right of way for transmission line, including the terms and provisions thereof, given by Irving J. Dixon, a single man, to The California Oregon Power Company, a California corporation, dated April 21, 1926, recorded May 5, 1926, in Volume 69, Page 534, Deed Records of Klamath County, Oregon. (5) Access restrictions contained in deed from State of Oregon, by and through its State Highway Commission, to Harry R. Waggoner and Jack C. Prock, dated November 4, 1965, recorded November 17, 1965, in Volume M-65, Page 3734, Deed Records of Klamath County, Oregon. (6) Easement, including the terms and provisions thereof, by and between Harry R. Waggoner and Norma E. Waggoner, husband and wife, and Jack C. Prock and Diane Prock, husband and wife, dated April 22, 1966, recorded May 2, 1966, in Volume M-66, Page 3896, Deed Records of Klamath County, Oregon, for well purposes. (7) Easement, including the terms and provisions thereof, by and between Harry R. Waggoner and Norma E. Waggoner, husband and wife, and Jack C. Prock and Diane Prock, husband and wife, dated April 22, 1966, recorded May 2, 1966, in Volume M-66, Page 3901, Deed Records of Klamath County, Oregon. (8) Road easements as disclosed in Memorandum of Agreement dated October 17, 1978, recorded October 18, 1978, in Volume M-73, Page 23313, Deed Records of Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Neal G. Buchanan the 15th day
of Nov. A.D., 19 89 at 3:49 o'clock PM., and duly recorded in Vol. M89,
of Deeds on Page 22129.
Evelyn Biehn, County Clerk
By Arlene Mullendore

FEE \$18.00

(Exhibit A - Page 2)