

AGREEMENT TO CORRECT ERRORS IN LEGAL DESCRIPTIONS AND EASEMENTS OF RECORD

THIS AGREEMENT is made this 14 day of January, 1992, between FLOWERS BROTHERS, INC., hereinafter referred to as "FBI", MARTIN DALE SCULL and DOROTHY MAE SCULL, husband and wife, hereinafter referred to as "Scull," and ROBERT G. FLOWERS and CHRISTY L. FLOWERS, husband and wife, hereinafter called "Flowers."

RECITALS:

A. WHEREAS, The Parties hereto own real property which is contiguous; FBI owned at one time all the subject real property, has sold portions to Flowers (as per document recorded at Vol. M80 page 19097 et. seq., Klamath County Deed Records) and to Scull (as per document recorded at Vol. M80, page 14906 et. seq., Klamath County Deed Records). FBI retains ownership of real property which is relevant for grants and reservations herein contained and contained in the above referenced documents.

B. WHEREAS, certain easements, uses and reservations are not contained in the above referred to documents and the same documents contain errors in legal descriptions and otherwise.

C. WHEREAS, the parties intend this document to correct errors in the record.

NOW THEREFORE, the Parties hereby grant, recognize and affirm the following:

1. The legal description contained in document recorded at Vol. M80 pages 19097 and 19098, Klamath County Deed Records is hereby amended to read as set out in Exhibit "A" attached hereto in its entirety including easement grants, reservations and other items. Said recorded document is the evidence of contract of sale from FBI as Vendor and Flowers as Vendee and had an incorrect legal description and did not include easement information, which Exhibit "A" and the terms of this agreement replace. The memorandum of the contract is affirmed with the corrected legal description contained in Exhibit "A", attached hereto.

2. The document recorded at Vol. M80, Page 14908 et. seq. Klamath County Deed Records is amended as stated in this agreement and as follows:

CJF
RGE
JMF

92 JAN 21 AM 11:00
92 JAN 21 AM 11:00

a. Easement grant #(3) recorded at Vol. M80, page 14908 is amended to read as set out in Exhibit "B" attached hereto.

b. Easement grant #(4) recorded at Vol. M80 at page 14908 is amended to read as set out in Exhibit "C" attached hereto. The Easement grant set out in Exhibit "C" is benefitting the real property owned by the parties hereto, including the land owned by FBI to the west of land owned by Scull.

c. Easement grant #(2) recorded at Vol. M80, page 14907 is amended to read as set out in Exhibit "D" attached hereto.

d. #(6) and #(7), recorded at Vol. M80 at pages 14909 and 14910 including references to pumps and easement grants are hereby eliminated in their entirety.

3. The easements and obligations herein created and as created in the above referred to documents are appurtenant and shall run with the land.

4. The documents above referred to are hereby affirmed and grants and reservations contained therein are honored by the parties hereto, and to the extent necessary to effectuate the easements, the parties grant and affirm the rights and restrictions contain therein and as amended herein. No rights, grants, or terms in the above referenced documents are amended or changed except as set out herein.

5. It is recognized that the easements referred to herein and in the documents above referred to are nonexclusive and maintenance of such easements shall be based upon the actual prorated usage according to actual use. In the event that such maintenance contribution is not agreed to, then the parties agree to submit to arbitration where each party appoints one arbitrator and those two arbitrators choose a third. The three arbitrators shall decide the resolution of said dispute, and the parties shall be bound thereby. The costs of arbitration shall be borne equally by the parties.

R6F
J.M.F.
G.J.F.
D.M.L.
M.D.J.

IN WITNESS WHEREOF, the Parties hereto have set their hands on the date first above written.

FLOWERS BROS., INC.

BY: James M. Flowers Pres

Martin D. Scull
MARTIN DALE SCULL

Dorothy M. Scull
DOROTHY SCULL

Robert G. Flowers

ROBERT G. FLOWERS

Christy L. Flowers

CHRISTY L. FLOWERS

STATE OF OREGON |
| ss.
County of Klamath |

The foregoing instrument was acknowledged before me this 14 day of January, 1992, by James M. Flowers, President of FLOWERS BROS., INC. an Oregon Corporation on behalf of the corporation.

RICHARD S. FAIRCLO
NOTARY PUBLIC-OREGON

My Commission Expires

STATE OF OREGON |

| ss.

County of Klamath |

Richard Fairclo
Notary Public for Oregon

My Commission expires: 3/15/92

On this 14 day of January, 1992, personally appeared before me the above-named MARTIN DALE SCULL and DOROTHY SCULL, husband and wife, and acknowledged the above to be their voluntary act and deed.

RICHARD S. FAIRCLO
NOTARY PUBLIC-OREGON

My Commission Expires

STATE OF OREGON |

| ss.

County of Klamath |

Richard Fairclo
Notary Public for Oregon

My Commission expires: 3/15/92

The foregoing instrument was acknowledged before me this 14 day of January, 1992, by ROBERT G. FLOWERS and CHRISTY FLOWERS, husband and wife

RICHARD S. FAIRCLO
NOTARY PUBLIC-OREGON

My Commission Expires

Richard Fairclo
Notary Public for Oregon

My Commission expires: 3/15/92

the County of Klamath, State of Oregon, described as follows, to-wit:

A parcel of land situated on Sections 15 and 22, Township 40 South, Range 8 East, Willamette Meridian, Klamath County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod on the South high bank of the Klamath Straits Drain from which point the brass cap marking the section corner common to sections 15, 16, 21, and 22 bears N 89°12'37" W, 2255.49 feet; thence S 11°57'22" W, 1936.75 feet to a 5/8" iron rod; thence S 33°31'32" W, 888.11 feet to a 5/8" iron rod on the East-West centerline of section 22; thence S 89°51'07" W, 38.88 feet to the Center-West 1/16 corner of said section 22; thence S 00°15'16" E, 1334.67 feet along the North-South centerline of the southwest one-quarter of said section 22 to the Southwest 1/16 corner of section 22; thence N 89°39'47" E, 1319.83 feet along the East-West centerline of said southwest one-quarter of section 22 to the Center-South 1/16 corner of section 22; thence S 00°13'05" E, 1330.32 feet along the North-South centerline of section 22 to the brass cap marking the South one-quarter corner of section 22; thence N 89°46'59" E, 1341.61 feet along the section line common to sections 22 and 27 to the East 1/16 corner common to sections 22 and 27 marked by a 5/8" iron rod; thence N 00°28'37" W, 2659.06 feet along the North-South centerline of the southeast one-quarter of section 22 to the Center-East 1/16 corner of section 22; thence N 41°18'05" E, 403.16 feet; thence N 29°43'05" E, 117.33 feet to a point on the centerline of a drainage ditch; thence continuing along the centerline of said drainage ditch along the following described courses:

- 1.) N 29°43'05" E, 129.68 feet; thence
- 2.) N 24°30'02" E, 427.04 feet; thence
- 3.) N 18°23'18" E, 177.99 feet; thence
- 4.) N 03°52'20" W, 58.40 feet; thence
- 5.) N 22°45'29" W, 99.17 feet; thence
- 6.) N 00°16'25" E, 78.98 feet; thence
- 7.) N 01°44'04" E, 90.00 feet; thence
- 8.) N 17°49'39" W, 240.04 feet; thence
- 9.) N 18°48'14" W, 322.62 feet; thence
- 10.) N 23°56'53" W, 588.84 feet; thence
- 11.) N 30°17'12" W, 223.59 feet; thence
- 12.) N 16°51'56" W, 191.45 feet; thence

leaving said centerline, N 58°46'58" W, 396.63 feet to a 5/8" iron rod on the South high bank of the Klamath Straits Drain; thence continuing N 58°46'58" W, 25 feet, more or less, to the mean high water line of said Klamath Straits Drain; thence southwesterly and westerly following the sinuosities of the mean high water line on the South bank of said Klamath Straits Drain to a point from which a 5/8" iron rod on the South high bank bears S 11°57'22" W, 15 feet, more or less; thence S 11°57'22" W, 15 feet, more or less, to the point of beginning, containing 278.73 acres, more or less.

TOGETHER WITH, the following described easements, rights and usages, for roadway, drainage and irrigation purposes, to-wit:

RGF
JMF
CJF
MDL

(1) An easement 30 feet in width for a drainage canal and drainage purposes the centerline of which is more particularly described as follows:

Beginning at a point on the easterly boundary of the first above described parcel from which the Center-East 1/16 corner of section 22 bears S 38°41'53" W, 518.63 feet; thence S 72°20'37" E, 1817.04 feet; thence S 72°55'31" E, 992.70 feet; thence N 15°59'34" E, 558.49 feet to an existing pumping station; thence N 51°42'36" W, 136.92 feet; thence N 10°14'28" E, 141.22 feet; thence N 02°39'46" W, 226.49 feet; thence N 18°59'24" W, 725.06 feet; thence N 34°10'10" W, 466.13 feet; thence N 34°51'48" W, 709.30 feet to an existing drain inlet from which the section corner common to sections 14, 15, 22, and 23, Township 40 South, Range 8 East, Willamette Meridian, bears N 62°08'01" W, 980.72 feet.

(2) An easement 30 feet in width, for ~~to~~^{irrigation} purposes and drainage purposes, lying southeasterly, southerly, and southwesterly of the mean high water line on the South bank of the Klamath Straits Drain, beginning on the easterly boundary of the first above described parcel; thence running southwesterly, westerly, and northwesterly along said mean high water line to the section line common to sections 15 and 16, Township 40 South, Range 8 East, Willamette Meridian.

(3) An easement 30 feet in width, for ~~roadway~~^{irrigation} purposes and drainage purposes, lying southeasterly, southerly, and southwesterly of that certain easement conveyed by Flowers Bros., Inc. to the United States of America, Bureau of Reclamation, beginning at a point on the section line common to sections 15 and 16, Township 40 South, Range 8 East, Willamette Meridian, thence running northwesterly, westerly, and southwesterly to the westerly boundary of the first above described parcel.

(4) An easement 60 feet in width for ~~an~~^{irrigation and} drainage canal the centerline of which is more particularly described as follows:

Beginning at the outlet of an existing drain siphon on the South bank of the Klamath Straits Drain, said siphon being at U.S. Bureau of Reclamation engineer's station 486+75; thence westerly, northwesterly, and southwesterly 30 southerly from and being parallel with and adjacent to the mean high water line on the South bank of said Klamath Straits Drain to a point on the easterly boundary of that tract of land described in Volume M80 at Pages 14906 through 14912 of Klamath County Deed Records.

RGF
JMF
GSA
MOL

(5) TOGETHER WITH a road easement 30 feet in width for agricultural, forestry, ^{ingress, egress} or mining purposes, the centerline of which is more particularly described as follows:

Beginning at a point on the easterly boundary of the first above described parcel from which the brass cap marking the section corner common to Sections 15, 16, 21, and 22, Township 40 South, Range 8 East, Willamette Meridian, bears N 63°15'04" W, 4857.96 feet; thence S 72°20'30" E, 20.45 feet; thence N 29°43'05" E, 85.42 feet; thence N 24°30'02" E, 429.02 feet; thence N 18°23'18" E, 324.18 feet; thence N 78°10'39" E, 16.93 feet; thence S 20°14'07" E, 168.34 feet; thence S 38°20'25" E, 408.48 feet; thence S 51°28'03" E, 874.13 feet; thence S 69°33'28" E, 314.92 feet; thence S 80°56'47" E, 138.38 feet; thence S 76°49'31" E, 474.75 feet; thence S 88°00'19" E, 157.54 feet; thence N 71°40'53" E, 111.35 feet; thence N 50°37'56" E, 241.31 feet; thence S 72°31'19" E, 203.57 feet to a point on the northwesterly right-of-way line on the Southern Pacific Railroad and said point being on an existing railroad crossing.

(6) TOGETHER WITH a 50 foot wide easement for drainage and irrigation purposes, the centerline being more particularly described as follows:

Beginning at a point on the mean high water line on the left bank of the Klamath River from which point the brass cap marking the section corner common to Sections 15, 16, 21 and 22, Township 40 South, Range 8 East, Willamette Meridian, bears S 77°12'15" E, 2803.93 feet; thence S 8°19'25" W, 46.13 feet; thence S 19°39'16" E, 719.81 feet; thence S 49°33'45" E, 378.45 feet; thence S 61°49'30" E, 160.54 feet to a point on the West boundary of that tract of land described in Volume M-80 at Pages 14,906 through 14,907 from which point the brass cap marking the section corner common to Sections 15, 16, 21 and 22 bears N 78°25'35" E, 2112.26 feet; thence continuing S 61°49'30" E, 34.32 feet; thence S 47°40'49" E, 215.76 feet; thence S 23°47'41" E, 217.37 feet; thence S 43°21'50" E, 369.90 feet; thence S 38°58'30" E, 296.73 feet; thence S 63°23'13" E, 334.49 feet; thence S 72°38'28" E, 340.87 feet; thence S 49°19'12" W, 382.08 feet to a point from which the brass cap marking the section corner common to Sections 15, 16, 21 and 22 bears N 29°40'14" E, 2053.58 feet; thence southerly, southeasterly, easterly, and northeasterly along the centerline of an existing drainage canal to an existing pump station from which the brass cap marking the section corner common to Sections 15, 16, 21 and 22 bears N 43°54'44" W, 2673.26 feet.

CLF JMF
MD. RGF

Exhibit "A", page 4

(7) Together with a road easement 30 feet in width to be used for agricultural, forestry, ^{ingress, egress} or mining purposes, the centerline being more particularly described as follows:

Beginning at a point on the westerly boundary of the first above described parcel, said boundary also being the North-South centerline of the southwest one-quarter of Section 22, Township 40 South, Range 8 East, Willamette Meridian, from which point the Center-West 1/16 corner of said Section 22 bears N 00°15'16" W, 7.44 feet; thence N 61°35'49" W, 15.55 feet to a point on the East-West centerline of said Section 22; thence continuing N 61°35'49" W, 1228.83 feet; thence N 65°59'44" W, 817.20 feet; thence N 65°59'04" W, 279.00 feet; thence S 76°47'27" W, 94.90 feet; thence N 82°02'05" W, 402.71 feet to a point on the centerline of an existing road from which the brass cap marking the section corner common to Sections 15, 16, 21 and 22 bears N 38°14'45" E, 2039.43 feet; thence continuing from said centerline point, westerly, northwesterly and southwesterly along the centerline of said existing road to a point on the West boundary of that tract of land described in Volume M80 at Pages 14,906 through 14,912 of Klamath County Deed Records, from which point the brass cap marking the section corner common to Sections 15, 16, 21 and 22 bears N 47°49'16" E, 2791.90 feet; thence from said point S 63°57'16" W, 56.23 feet to the P.C. of a 250.00 foot radius curve to the left; thence along the arc of said curve 70.31 feet to the P.T. (the long chord of which bears S 55°53'53" W, 70.08 feet); thence S 47°50'29" W, 68.71 feet to the P.C. of a 250.00 foot radius curve to the right; thence along the arc of said curve 68.59 feet to the P.T. (the long chord of which bears S 55°42'06" W, 68.38 feet); thence S 63°33'43" W, 220.66 feet to the P.C. of a 300.00 foot radius curve to the right; thence along the arc of said curve 95.80 feet to the P.T. (the long chord of which bears S 72°42'38" W, 95.40 feet); thence S 81°51'32" W, 193.15 feet to the P.C. of a 400.00 foot radius curve to the right; thence along the arc of said curve 117.28 feet to the P.T.

RCF
JMF
GML

W.A.

202 (the long chord of which bears N 89°44'29" W. 116.86 feet); thence N 81°20'31" W, 75.06 feet to the P.C. of a 100.00 foot radius curve to the left; thence along the arc of said curve 38.76 feet to the P.T. (the long chord of which bears S 87°33'13" W, 38.52 feet); thence S 76°26'57" W, 9.32 feet to the P.C. of a 120.00 foot radius curve to the right; thence along the arc of said curve 100.23 feet to the P.T. (the long chord of which bears N 79°37'26" W, 97.34 feet); thence N 55°41'50" W, 129.06 feet to the P.C. of a 150.00 foot radius curve to the left; thence along the arc of said curve 47.58 feet to the P.T. (the long chord of which bears N 64°47'04" W, 47.38 feet); thence N 73°52'19" W, 43.68 feet to the P.C. of a 120.00 foot radius curve to the left; thence along the arc of said curve 151.25 feet to the P.T. (the long chord of which bears S 70°01'14" W, 141.43 feet); thence S 33°54'48" W, 329.70 feet to the P.C. of a 150.00 foot radius curve to the left; thence along the arc of said curve 8.90 feet to the P.T. (the long chord of which bears S 32°12'49" W, 8.90 feet); thence S 30°30'50" W, 145.87 feet to the P.C. of a 250.00 foot curve to the right; thence along the arc of said curve 17.38 feet to the P.T. (the long chord of which bears S 32°30'19" W, 17.38 feet); thence S 34°29'48" W, 149.55 feet to the P.C. of a 150.00 foot radius curve to the right; thence along the arc of said curve 40.46 feet to the P.T. (the long chord of which bears S 42°13'28" W, 40.34 feet); thence S 49°57'07" W, 12.52 feet to a point on the East right-of-way line of the Keno-Worden Road, from which point the brass cap marking the section corner common to said sections 15, 16, 21, and 22 bears N 54°57'02" E, 4662.48 feet.

(8) A one quarter (1/4) ownership interest in a 20 h.p., 5,000 gallon per minute, turbine drainage pump, for the purpose of draining water from Grantees' land, through the herein granted drainage ditches, and pumping said water into the Klamath Straits Drain and into the Klamath River, PROVIDED THAT, Grantees shall be required to pay their proportionate share of the cost of operation, maintenance, upkeep, repair and replacement of said pump, and shall be responsible on a pro rata basis for maintenance and upkeep of all drainage and irrigation ditches.

20 HP
TURBINE
PUMP
BY THE
S.P. RAILROAD

WML JMF
MML OC 97

DEED DESCRIPTION

Written for: Martin and Dorothy Scull
 Written by: Marshall M. Ager, Registered Oregon Land Surveyor
 Date: January 11, 1992

TOGETHER WITH a road easement 30 feet in width for agricultural, forestry, ^{ingress, egress,} or mining purposes, the centerline of which is more particularly described as follows:

Beginning at a point on the easterly boundary of the first above described parcel, said boundary also being the North-South centerline of the southwest one-quarter of Section 22, Township 40 South, Range 8 East, Willamette Meridian, from which point the center-west 1/16 corner of said Section 22 bears N 00°15'16" W, 7.44 feet; thence S 60°51'32" E, 676.90 feet; thence S 53°19'39" E, 560.41 feet; thence S 52°21'49" E, 1264.41 feet; thence S 39°28'23" E, 258.41 feet; thence S 59°20'09" E, 157.46 feet; thence N 74°11'29" E, 145.59 feet; thence N 08°45'48" E, 194.78 feet; thence N 07°43'09" W, 1031.03 feet; thence N 01°31'49" W, 669.63 feet; thence N 26°58'40" E, 201.60 feet; thence N 73°51'58" E, 343.36 feet; thence N 17°39'23" E, 40.00 feet; thence S 72°20'30" E, 236.90 feet; thence N 29°43'05" E, 85.42 feet; thence N 24°30'02" E, 429.02 feet; thence N 18°23'18" E, 324.18 feet; thence N 78°10'39" E, 16.93 feet; thence S 20°14'07" E, 168.34 feet; thence S 38°20'25" E, 408.48 feet; thence S 51°28'03" E, 874.13 feet; thence S 69°33'28" E, 314.92 feet; thence S 80°56'47" E, 138.38 feet; thence S 76°49'31" E, 474.75 feet; thence S 88°00'19" E, 157.54 feet; thence N 71°40'53" E, 111.35 feet; thence N 50°37'56" E, 241.31 feet; thence S 72°31'19" E, 203.57 feet to a point on the northwesterly right-of-way line on the Southern Pacific Railroad and said point being on an existing railroad crossing.

Marshall M. Ager

RGF
 JMF
 GJZ
 DML
 MOK

Exhibit 2

DEED DESCRIPTION

1197

Written for: Robert G. Flowers
Written by: Marshall M. Ager, Registered Oregon Land Surveyor
Date: January 11, 1992

An easement 60 feet in width for a ^{irrigation and} drainage canal the centerline of which is more particularly described as follows:

Beginning at the outlet of an existing drain siphon on the South bank of the Klamath Straits Drain, said siphon being at U.S. Bureau of Reclamation engineer's station 486+75; thence westerly, northwesterly, and southwesterly 30 southerly from and being parallel with and adjacent to the mean high water line on the South bank of said Klamath Straits Drain to a point on the easterly boundary of that tract of land described in Volume M80 at Pages 14906 through 14912 of Klamath County Deed Records.

RGF
JMF
GJF
RML
MOK

DEED DESCRIPTION

Written for: Martin and Dorothy Scull
 Written by: Marshall M. Ager, Registered Oregon Land Surveyor
 Date: December 18, 1991

TOGETHER WITH a road easement 30 feet in width to be used for agricultural, forestry, ^{ingress, egress} or mining purposes, the centerline being more particularly described as follows:

Beginning at a point on the westerly boundary of the first above described parcel from which the southwest corner thereof bears S 18°50'57" E. 130.79 feet and also from which point the brass cap marking the section corner common to sections 15, 16, 21, and 22, Township 40 South, Range 8 East, Willamette Meridian, bears N 47°49'16" E. 2791.90 feet; thence S 63°57'16" W. 56.23 feet to the P.C. of a 250.00 foot radius curve to the left; thence along the arc of said curve 70.31 feet to the P.T. (the long chord of which bears S 55°53'53" W. 70.08 feet); thence S 47°50'29" W. 68.71 feet to the P.C. of a 250.00 foot radius curve to the right; thence along the arc of said curve 68.59 feet to the P.T. (the long chord of which bears S 55°42'06" W. 68.38 feet); thence S 63°33'43" W. 220.66 feet to the P.C. of a 300.00 foot radius curve to the right; thence along the arc of said curve 95.80 feet to the P.T. (the long chord of which bears S 72°42'38" W. 95.40 feet); thence S 81°51'32" W. 193.15 feet to the P.C. of a 400.00 foot radius curve to the right; thence along the arc of said curve 117.28 feet to the P.T. (the long chord of which bears N 89°44'29" W. 116.86 feet); thence N 81°20'31" W. 75.06 feet to the P.C. of a 100.00 foot radius curve to the left; thence along the arc of said curve 38.76 feet to the P.T. (the long chord of which bears S 87°33'13" W. 38.52 feet); thence S 76°26'57" W. 9.32 feet to the P.C. of a 120.00 foot radius curve to the right; thence along the arc of said curve 100.23 feet to the P.T. (the long chord of which bears N 79°37'26" W. 97.34 feet); thence N 55°41'50" W. 129.06 feet to the P.C. of a 150.00 foot radius curve to the left; thence along the arc of said curve 47.58 feet to the P.T. (the long chord of which bears N 64°47'04" W. 47.38 feet); thence N 73°52'19" W. 43.68 feet to the P.C. of a 120.00 foot radius curve to the left; thence along the arc of said curve 151.25 feet to the P.T. (the long chord of which bears S 70°01'14" W. 141.43 feet); thence S 33°54'48" W. 329.70 feet to the P.C. of a 150.00 foot radius curve to the left; thence along the arc of said curve 8.90 feet to the P.T. (the

DEED DESCRIPTION PAGE 2 of 2

long chord of which bears S 32°12'49" W, 8.90 feet); thence S 30°30'50" W, 145.87 feet to the P.C. of a 250.00 foot curve to the right; thence along the arc of said curve 17.38 feet to the P.T. (the long chord of which bears S 32°30'19" W, 17.38 feet); thence S 34°29'48" W, 149.55 feet to the P.C. of a 150.00 foot radius curve to the right; thence along the arc of said curve 40.46 feet to the P.T. (the long chord of which bears S 42°13'28" W, 40.34 feet); thence S 49°57'07" W, 12.52 feet to a point on the East right-of-way line of the Keno-Worden Road, from which point the brass cap marking the section corner common to said sections 15, 16, 21, and 22 bears N 54°57'02" E, 4662.48 feet.

Marshall M. Ager
Marshall M. Ager

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title Co. the 21st day
of Jan. A.D., 19 92 at 11:00 o'clock A M., and duly recorded in Vol. M92,
of Deeds on Page 1188.

Evelyn Biehn - County Clerk

By *Pauline Mullendore*

FEE \$83.00

Return: ATC

30

p. 2

RGF
JMF
CSZ
DML
MRL