

44181

**MEMORANDUM OF AGREEMENT  
AFFECTING REAL PROPERTY**

Oregon

Vol. 1992 Page 9179

DATED AS OF:

9-5-91

BETWEEN:

Mardi Randolph

"OWNER"

AND:

PacifiCorp, dba  
Pacific Power & Light Company  
920 SW 6th Ave., 440 PFFC  
Portland, Oregon 97204

"PP&amp;L"

Owner is the owner of that certain real property in Klamath Falls, Klamath County, Oregon, commonly known as 1819 Kane Street and as more particularly described on attached Exhibit A (the "Property"). PP&L is a duly licensed and authorized public utility that provides electrical service in the area in which the Property is located.

Owner and PP&L are parties to that certain Energy Services Contract dated 9-5-91 (the "Agreement"), the terms and conditions of which are hereby incorporated by this reference and made part of this Memorandum of Agreement Affecting Real Property as if completely set forth herein, pursuant to which PP&L has agreed to provide conservation assistance as described in the Agreement for the purpose of improving the Property through weatherizing and making more energy efficient the structures, fixtures and facilities on the Property. The Agreement provides in part for Owner, Owner's successor or other persons occupying the Property to pay additional charges for conservation assistance provided or to be provided by PP&L to the Property, as authorized by Energy Services Tariff Schedule 130.

The Agreement also provides that PP&L may discontinue any and all such services, including the provision of electricity to the Property, if Owner, Owner's successor or other person occupying the Property ceases or fails to make such additional payments as scheduled.

The provisions of the Agreement shall run with the land and burden the Property, shall bind Owner and each successor or assignee of Owner and shall inure to the benefit of PP&L and its successors and assigns. Unless sooner terminated by PP&L in a duly recorded document, the provisions of the Agreement shall run with the land and burden the Property for a period of 240 payments after the date of recording of this Memorandum when the Agreement shall automatically cease to be an encumbrance on the Property assuming owner or assignee is not in default of the agreement at said time.

All persons acquiring or intending to acquire any interest in or to the Property during the effective period of this Memorandum should direct a written inquiry to PP&L at the following address:

Pacific Power & Light Company  
ATTN: Demand-Side Resources  
920 SW 6th Ave., 440 PFFC  
Portland, OR 97204

All such inquiries must include the name of the owner and street address of the Property and be signed by such owner authorizing release of such information to the person making the request.

OWNER:

Mardi A. Randolph

PP&amp;L:

Cindy Davis  
Product Manager  
New Energy Services Dept.

Yellow - Owner

Pink - District

White - Pacific Power, 440 PFFC

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STATE OF OREGON )  
 County of Klamath ) ss.

This instrument was acknowledged before me on September 5, 1991, by Mardi A. Randolph.

Cynthia Denson  
 Notary Public for Oregon  
 My commission expires: 3-25-93

[SEAL]

STATE OF OREGON )  
 ) ss.  
 County of MULTNOMAH.

This instrument was acknowledged before me on APRIL 13, 1992, by Cindy Davis, as Representative (Title) of Pacific Power & Light Company, an assumed business name of PacifiCorp, an Oregon corporation.

Cynthia Denson Lynn K Miller  
 Notary Public for Oregon  
 My commission expires: 02/15/94

[SEAL]

**EXHIBIT A**

**(Legal Description)**

**9181**

Yalta Gardens, Lot 68, located in Klamath County, Oregon.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of PP&L the 29th day  
of April A.D., 19 92 at 10:05 o'clock A M., and duly recorded in Vol. M92,  
of Mortgages on Page 9179.

Evelyn Biehn, County Clerk

By Pauline Miller

FEE \$20.00