

94799

02-13-95P03:39 RCVD

Vol. 95 Page

3171

AIZ # 0304281 EU

AFTER RECORDING, RETURN TO: Aspen Title & Escrow, Inc.  
525 Main Street  
Klamath Falls OR 97601

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MEMORANDUM OF CONTRACT OF SALE

Dated: February 1, 1995

Between: Peggy M. Stivers  
Post Office Box 7345  
Klamath Falls Or 97601

("Seller")

And: John C. Pratt  
Peter L. Cartwright  
Marcia L. Cartwright  
29834 Pelican Butte Road  
Klamath Falls Or 97601

("Purchaser")

Pursuant to a Contract of Sale dated February 1, 1995, Seller sold to Purchaser Seller's interest in that certain property in Klamath County, Oregon, more particularly described in the attached Exhibit A. If not earlier paid, all amounts owed under the Contract of Sale shall be due and payable on October 1, 2010. The true and actual consideration for this conveyance is \$317,000.00.

Seller retains an easement allowing Seller exclusive use of Parcel C and grants Purchaser an easement allowing Purchaser the use of parcels A and B as described on Exhibit B attached hereto.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

John C. Pratt  
Peter L. Cartwright  
Marcia L. Cartwright  
29834 Pelican Butte Road  
Klamath Falls, Oregon 97601

IN WITNESS WHEREOF, the parties have caused this memorandum to

be executed as of the day and year first above written.

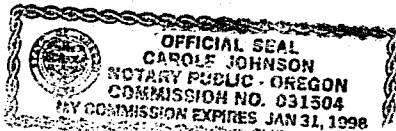
Seller:

Peggy M. Stivers

Purchaser:

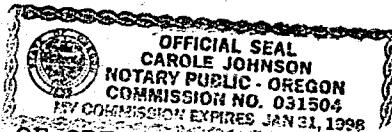
Marcia L. Cartwright  
JW

STATE OF OREGON, County of Klamath ) ss.  
This instrument was acknowledged before me on February  
13, 1995, by Peggy M. Stivers, Seller.



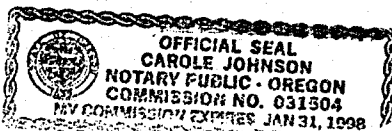
Carol Johnson  
Notary Public for Oregon  
My Commission Expires: 1-31-98

STATE OF OREGON, County of Klamath ) ss.  
This instrument was acknowledged before me on February  
13, 1995, by John C. Pratt, Purchaser.



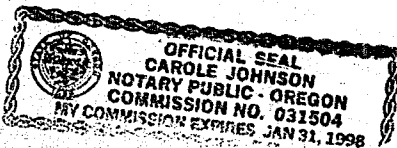
Carol Johnson  
Notary Public for Oregon  
My Commission Expires: 1-31-98

STATE OF OREGON, County of Klamath ) ss:  
This instrument was acknowledged before me on February  
13, 1995, by Peter L. Cartwright, Purchaser.



Carol Johnson  
Notary Public for Oregon  
My Commission Expires: 1-31-98

STATE OF OREGON, County of Klamath ) ss.  
This instrument was acknowledged before me on February  
13, 1995, by Marcia L. Cartwright, Purchaser.



Carol Johnson  
Notary Public for Oregon  
My Commission Expires: 1-31-98

## EXHIBIT A

## Parcel I (Family Residence)

A tract of land situated in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 E.W.M., more particularly described as follows:

Beginning at a point on the East-West centerline of said Section 3, said point being S. 89°50' East 2478.64 feet from the USGLO brass cap marking the West quarter corner of said Section 3; thence North 75 feet to an iron pin; thence South 89°50' East 215 feet to an iron pin; thence, South 150 feet to a point; thence North 89°50' West 215 feet to an iron pin; thence, North 75 feet to the point of beginning;

Together with an easement and right of way for ingress and egress to the Klamath Falls-Rocky Point Road described in the Deed recorded January 21, 1958, in Volume 297 at page 105 of the Deed Records of Klamath County, Oregon.

R-3606-003BD-11600

## Parcel II (Horse Pasture)

All of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 E.W.M., lying East of County Road, which is also known as the Klamath Falls-Rocky Point Road or Westside Highway, except that portion described as follows:

Beginning at a point on the East-West centerline of said Section 3, said point being South 89°50' East 2478.64 feet from the USGLO brass cap marking the West quarter corner of said Section 3; thence South 75 feet to an iron pin; thence South 89°50' East 215 feet to an iron pin; thence North 75 feet to the East-West centerline of said Section 3; thence West 215 feet to the point of beginning.

R-3606-003CA-00100

## Parcel III

Lot 30 of Sportsman Park, Klamath County, Oregon

R-3606-003CB-09000

## Parcel IV (Boathouse Marina-Harriman Springs Resort)

A tract of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3, Township 36 S, Range 6 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at an iron pin located South 89°50' East a distance of 2895.02 feet and North a distance of 309.46 feet from the brass cap monument marking the West one-quarter corner of Said Section 3; thence North 79°47' West a distance of 150.0 feet to the true point of beginning of this description; thence North 10°13' East a distance of 130 feet; thence South 79°47' East a distance of 295 feet; thence South 10°13' West a distance of 180 feet; thence North 79°47' West a distance of 295 feet; thence North 10°13' East a distance of 50 feet, more or less, to the true point of beginning. ALSO, an easement for access purposes to the above-described tract of land from the County Road, said easement being 50 feet in width, measured 25 feet at right angles to and each side of the following-described centerline:

Beginning at a point on the Northerly line of the above-described tract of land, said point being South 89°50' East 2895.02 feet, North 309.46 feet, North 10°13' East 130.00 feet and North 79°47' West 135.03 feet from the brass cap monument marking the West one-quarter corner of said Section 3; thence North 36°32' West a distance of 2.44 feet, more or less, to a point which is South 36°32' East a distance of 213.42 feet from the Southerly line of the County Road; thence North 53°28' East a distance of 25.0 feet; thence North 42°14' East a distance of 61.18 feet; thence North 35°47' East a distance of 251.90 feet; thence North 53°28' East a distance of 85.0 feet; thence North 36°32' West a distance of 125.0 feet, more or less, to the Southerly right-of-way line of the County Road.

R-3606-003AC-01900

## Parcel V

All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon, which lies North of the main channel of Harriman Creek, except the following:

- (1) The  $N\frac{1}{2}$   $N\frac{1}{2}$  of said Section 3;
- (2) That portion of said  $SW\frac{1}{4}NE\frac{1}{4}$  of Section 3 contained in Third Addition to Sportsman Park;
- (3) Any portion of said  $SW\frac{1}{4}NE\frac{1}{4}$  of Section 3 contained in the following-described tract of land, to-wit:

Beginning at the Northwest corner of the  $SW\frac{1}{4}NE\frac{1}{4}$  of said Section 3, said point being marked by an "X" on a rock; thence South  $89^{\circ}49'$  East along the North line of said  $SW\frac{1}{4}NE\frac{1}{4}$  of said Section 3, a distance of 596.42 feet to the Easterly line of the County Road which is also known as the Klamath Falls-Rocky Point Road or Westside Highway; thence South  $42^{\circ}29'$  West along the Easterly line of said County Road a distance of 40.56 feet to the true point of beginning; thence, continuing South  $42^{\circ}29'$  West along the Easterly line of said County Road a distance of 10.58 feet to an iron pin; thence South  $35^{\circ}54'$  West along the Easterly line of the County Road 414.60 feet to an iron pin; thence South  $53^{\circ}28'$  West along the Easterly line of said County Road a distance of 71.17 feet to an iron pin; thence South  $36^{\circ}32'$  East a distance of 100 feet to an iron pin; thence, North  $53^{\circ}28'$  East a distance of 86.62 feet to an iron pin; thence, North  $35^{\circ}54'$  East a distance of 511.59 feet to an iron pin; thence, North  $89^{\circ}49'$  West a distance of 121.67 feet to the point of beginning;

- (4) Any portion of the said  $SW\frac{1}{4}NE\frac{1}{4}$  of Section 3 contained in the following described tract of land, to-wit: (Katherine's parcel and easement)

A tract of land situated in the  $SE\frac{1}{4}$  of the  $NW\frac{1}{4}$  and the  $SW\frac{1}{4}$  of the  $NE\frac{1}{4}$  of Section 3, T36S Range 6 E.W.M. more particularly described as follows: Beginning at a point on the southeasterly right of way of the Westside Road (also known as Rocky Point Road) from which the southwesterly end of the cabin identified as the Winema (closed to Sloan Street at top of hill), when measured at right angles to said right of way line is 18 feet easterly; thence southeasterly 117 feet, more or less, to a 94" pine tree at edge of drop-off; thence southeasterly in a straight line towards Power Pole C2392. 160 feet, more or less, to a point on the northwesterly line of

the easement, as described in Volume 297 at page 105 of the Deed of Records of Klamath County, Oregon. Thence, following said line northeasterly and northwesterly to the southeasterly right of way line of the Westside Road. Thence, southwesterly to the point of the beginning.

Excepting therefrom such property as is currently occupied by the pump house and well, together with an additional 2 foot area of property around the pump house and well and a 2 foot wide strip of property extending westerly from the pump house to the Rocky Point Road, also known as Westside Road.

Together with an easement for ingress and egress from the most southeast corner of said description in a straight line through Power Pole C2392 to the waters edge, thence northeasterly along side of the waters edge 125 feet. Thence, northwesterly parallel to the south line of said easement to a point of the southwesterly line of the easement described in Volume 297 at page 105 of the Deed of Records of Klamath County, Oregon and including the rights to the easement to the Westside Road, provided, however, that actual waterfront access shall be limited to a 50 foot width, commencing at the northeast corner of the boat ramp inlet to Harriman Creek (the northern most part of said inlet), and extending in a general southwesterly direction along the water edge for 50 feet. This 50 foot easement is for the sole purpose of dockage for Katherine H. Sloan.

Together with an easement benefitting the real property described above, for the owner of said real property to use the well and pump house as described in the above exception, provided, however, all maintenance and upkeep of the well, pump house and related equipment, shall be the responsibility of the owner of the property upon which the well is situated; and

(5) Any portion of the said SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3 contained in the following described tract of land, to-wit: (Friedberger encroachment)

A tract of land situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 East of the Willamette Meridian, in the County of

Klamath, State of Oregon, as shown on Lot Line Adjustment 26-94, more particularly described as follows:

Beginning at a point, shown on record of Survey No. 932 as the most Easterly corner of Lot 7, from which the C-N 1/16 corner of said Section 3, as computed from said record of Survey No. 932, bears North 45° 19' West 101.19 feet and North 40° 19' 52" West 492.53 feet; thence South 53°28' West 86.62 feet to the most Southerly corner of said Lot 7; thence South 60° 36'05" East 24.07 feet; thence North 37° 30' 09" East 79.88 feet to the point of beginning.

R-3606-003AC-01800

#### Parcel VI

Beginning at the point on the South bank of the artificially constructed water channel where said South bank intersects the North-South center line of the NE $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon, said point being at or near the Northwest corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 3; thence, continuing on said South and Southwesterly bank of said water channel on courses and distances consecutively as follows: North 68°20' East 160 feet, thence on the circumference of a compound curve having a long chord bearing South 72°55' East 260 feet; thence South 20° East 255 feet; thence South 13°20' East 175 feet to the North high water line of the Harriman Creek channel; thence, Westerly and Southwesterly on said North high water line of the Harriman Creek channel to its intersection with the North-South center line of the NE $\frac{1}{4}$  of Section 3; thence, North on said North-South center line a distance of 810 feet, more or less, to the point of beginning.

R-3606-003AD-02300

#### Parcel VII

All of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon lying South of Harriman Creek;

Saving and reserving unto Grantor a permanent non-exclusive easement consisting of the right

to use Harriman Creek, Fourmile Creek, and the artificially constructed water channels connecting with said creeks for the benefit of Grantor's land located Southerly of said creeks. This reserved easement shall be construed broadly to include all beneficial uses including access, irrigation and drainage, and shall not be deemed to have been abandoned if not used for extended periods of time.

R-3606-003AC-2000

Parcel VIII

All of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying South of Harriman Creek in Section 3, Township 36 South, Range 6 E.W.M., Klamath County, Oregon, saving and reserving to Grantor a perpetual nonexclusive easement as described in Parcel VII above.

R-3606-003AD-02400

All of the land described above is subjected to reservations, restrictions, conditions, easements, rights of way, and agreements of record and those apparent on the land.

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of Aspen Title co the 13th day  
of Feb A.D., 19 95 at 3:39 o'clock P.M. and duly recorded in Vol. M95  
of Deeds on Page 3171

Bernetha G. Letsch, County Clerk

FEE \$65.00

By *Paula M. Miller*