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For office use only  
Return to PACIFIC POWER & LIGHT COMPANY  
Attn: Debra Baker  
920 SW Sixth Avenue, 440 PFFC  
Portland, OR 97204

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## MEMORANDUM OF AGREEMENT AFFECTING REAL PROPERTY

DATED AS OF:

August 29, 1994

BETWEEN:

Kenneth & Judith Clapp

(OWNER)(S)

AND:

PacifiCorp  
920 SW Sixth Avenue, 440 PFFC  
Portland, Oregon 97204

PacifiCorp

Owner is the owner of that certain real property in Merill, Klamath County, OREGON, commonly known as DONUT DINER and as more particularly described on attached Exhibit A (the "Property"). PacifiCorp is a duly authorized public utility that provides electrical service in the area in which the Property is located.

Owner and PacifiCorp are parties to that certain Energy Services Agreement dated August 29, 1994 (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 PacifiCorp has agreed to provide conservation assistance as described in the Agreement for the purpose of improving the Property through weatherizing and making the structures, fixtures and facilities on the Property more energy efficient. 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 to the Property by PacifiCorp, as authorized by the filed Energy Services Tariff.

The sole purpose of this Memorandum of Agreement is to place on notice any person or persons who may intend to acquire the Property or any interest in the Property that Owner is a party to the Energy Services Agreement, and that any person acquiring the Property or any interest in the Property, which intends to receive electrical service from PacifiCorp at the Property, will become obligated to pay the charges when they become due under the Agreement. Neither the Agreement nor this Memorandum of Agreement shall create any lien of any type against the Property.

The Agreement also provides that PacifiCorp 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 bind Owner and each successive owner of the Property or assignee of Owner's interest in the Energy Service Agreement and shall bind and inure to the benefit of PacifiCorp and its successors and assigns.

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 PacifiCorp at the address shown above.

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

Title:

Judith A. Clapp Kenneth R. Clapp

PacifiCorp

Title:

Debra Baker  
AREA MANAGER

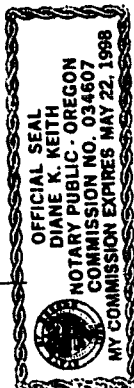
STATE OF Oregon

) ss.

County of Klamath

This instrument was acknowledged before me on  
Aug 29, 1994.

by Judith & Kenneth Clapp of  
Merill

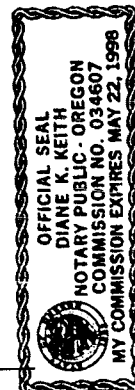
STATE OF Oregon

) ss.

County of Klamath

This instrument was acknowledged before me on  
August 30, 1994, by

DALE FORESEE as  
KLAMATH AREA Mgr of  
PacifiCorp, an Oregon corporation.



Diane K Keith  
(Notary Signature)

Diane K Keith  
(Notary Signature)

NOTARY PUBLIC FOR Oregon  
My Commission Expires: 5-22-98

NOTARY PUBLIC FOR Oregon  
My Commission Expires: 5-22-98

The Donut Diner  
Kenneth D. Clopp  
Judith A. Clopp  
405 East Front Street  
Klamath Falls, OR 97633

## EXHIBIT A

The following described real property located in the County of Klamath, State of Oregon:

PWP 41 Range 10, Blk Section 12, Tract Portion Lot 2 of South Front Street, Acres 0.29

STATE OF OREGON: COUNTY OF KLAMATH: ss.

Filed for record at request of PP & L the 20th day  
of June A.D., 19 95 at 1:59 o'clock P M., and duly recorded in Vol. M95,  
of Deeds on Page 16131.

FEE \$15.00

By Bernetha G. Letch County Clerk  
[Signature]