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Vol M02 Page 9114

State of Oregon, County of Klamath  
Recorded 02/14/2002 at 12:16 PM  
In Vol.M02 Page 9114-20  
*Linda Smith*, County Clerk  
Fee \$ 51.00 # of Pgs 7

When recorded mail to:  
THE TRUST FOR PUBLIC LAND  
116 New Montgomery Street  
Third Floor  
San Francisco, CA 94105  
Attn: Legal Department

#### MEMORANDUM OF OPTION

This is a memorandum of a certain unrecorded Option Agreement (the "Agreement") dated November 19, 2001, between M & B CATTLE COMPANY, a general partnership ("Seller"), and THE TRUST FOR PUBLIC LAND, a California nonprofit public benefit corporation ("Buyer"). Seller and Buyer together shall be referred to below as the Parties.

By said Agreement, Seller has granted to Buyer an exclusive option to purchase that certain real property in Klamath County, Oregon described in Exhibit A attached hereto.

The option extends from the Effective Date of this Agreement through that date which is ninety (90) days from the Effective Date thereof, subject to extension for up to eighteen (18) months from the Effective Date as described in the Agreement.

SELLER:

M & B CATTLE COMPANY, a  
general partnership

By: *Mark Elworthy*  
Mark Elworthy

By: *Bert Elworthy*  
Bert Elworthy

Elworthy OA  
11-19-01

51 ✓

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

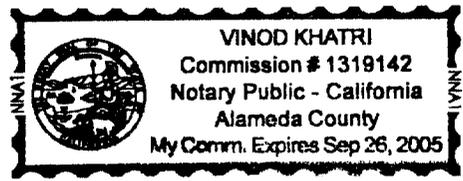
State of CALIFORNIA

County of ALAMEDA

On 12/01/2001 before me, VINOD KHATRI, NOTARY PUBLIC

personally appeared BERT ELWORTHY

proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature of Vinod Khatri]

SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- INDIVIDUAL
CORPORATE OFFICER
PARTNER(S) LIMITED GENERAL
ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER:

DESCRIPTION OF ATTACHED DOCUMENT

MEMORANDUM OF OPTION

TITLE OR TYPE OF DOCUMENT

ONE

NUMBER OF PAGES

11/19/01

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

MARK ELWORTHY
SIGNER(S) OTHER THAN NAMED ABOVE

STATE OF CALIFORNIA )  
 )  
 ) ss.  
COUNTY OF Glenn )

On 12.19, 2001, before me, the Undersigned, a Notary Public in and for the State of California, personally appeared MARK ELWORTHY and ~~BERT ELWORTHY~~, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that by their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

Witness my hand and official seal.

Heather Michele Sutliff  
Notary Public



## EXHIBIT "A"

## PARCEL 1:

In Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon:

Section 19 : That portion of the W ½ lying Southerly and Westerly of the Klamath Straits as presently located and constructed.

ALSO EXCEPTING any portion lying within the Klamath Straits Drain Enlargement Unit No. K-5 as described in Book M76, page 4636, Deed records, dated December 2, 1975, recorded April 2, 1976, more particularly described as follows: A strip or parcel of land in said Section 19, Township 40 South, Range 9 East of the Willamette Meridian, in the County of Klamath, State of Oregon. Said parcel having a uniform width of 50.0 feet, where measurable at right angles, and lying Northeasterly of, adjacent to, and parallel with the arc of a curve as said arc is described in Parcel 1 of Book M76, page 4636, Deed records.

Section 30 : W ½

Section 31 : W ½

SAVING AND EXCEPTING that portion lying in Township Road

## PARCEL 2:

That portion of the SW ¼ of Section 33, Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, included within the land described in Deed dated August 31, 1908 from H. F. Chapman, et al, to California Northeastern Railway Company, recorded January 11, 1909 in Deed Book 25, page 398, as conveyed to Tulana Farms in Deed Volume M66 at page 5794, all deed records of Klamath County, Oregon.

AND

That portion of the N ½ of Section 4, Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, included within the land described in deed dated May 10, 1907, from F. H. Downing et al., to California Northeastern Railway Company, recorded June 7, 1907 in Deed Book 22, page 549 and in Deed dated December 19, 1907 from D. E. Gordon et ux., to California Northeastern Railway Company, recorded January 30, 1908 in Deed Book 23 page 497, as conveyed to Tulana Farms by Deed Volume M66 at page 5794, all records of Klamath County, Oregon.

## PARCEL 3:

In Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon:

Section 1 : The W ½

Section 2 : All

Section 3 : All that portion of Government Lots 8 and 9, the S ½ NE ¼ and the SE ¼ lying East of the centerline of the West Canal

Section 10 : The NE  $\frac{1}{4}$  NE  $\frac{1}{4}$

Section 11 : All, EXCEPT the SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  ALSO EXCEPTING THEREFROM a tract of land situated in the SW  $\frac{1}{4}$  NW  $\frac{1}{4}$  and in the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 11, Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and being more particularly described as follows:

Beginning at the Northwest corner of said SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ ; thence North 89°45'04" East on the North line of said SW  $\frac{1}{4}$  NW  $\frac{1}{4}$ , 299.60 feet to the Centerline of the West Canal; thence Southerly on said Centerline the following courses and distances: South 33°21'28" East, 234.94 feet; South 27°13'17" East, 1192.99 feet; South 07°47'40" East, 1391.51 feet to a point on the South Line of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence South 89°43'36" West on said south line, 1163.23 feet to the Southwest Corner of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence North on the West Line of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ , 1320.00 feet to the Northwest Corner of said NW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence North on the West Line of said SW  $\frac{1}{4}$  W $\frac{1}{4}$ , 1320.00 feet to the point of beginning.

Section 12 : The W  $\frac{1}{2}$

Section 13 : The N  $\frac{1}{2}$  NW  $\frac{1}{4}$  and Lots 3 and 4

Section 14 : The N  $\frac{1}{2}$  NE  $\frac{1}{4}$ , the NE  $\frac{1}{4}$  NW  $\frac{1}{4}$  and Lots 1, 2, 3 and 4

PARCEL 4:

In Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon:

Sections 23 and 24: All those portions of Section 23 and 24 lying Easterly of Highway No. 97 and Southerly of the centerline of Klamath Straits as presently located and constructed.

SAVING AND EXCEPTING THE FOLLOWING: The following property conveyed to United States of America in Volume M76 at page 4718, Deed records of Klamath County, Oregon. A strip or parcel of land in said Section 23, Township 40 South, Range 8 East of the Willamette Meridian, said County and State, and described as follows:

Beginning at said Point "D", said point being the most Westerly point of the hereinabove described Parcel 1: thence from said point of beginning North 89°02' West 142.2 feet; thence North 71°43' West 1226.7 feet to a point in the Easterly right of way boundary of the U.S. Highway No. 97, said point being South 69°53' East 2942.6 feet from the Northwest corner of Section 23; thence along said right of way boundary North 18°17' East 10.0 feet; thence leaving said boundary South 72°06' East 900.1 feet; thence South 36°56' East 162.1 feet; thence South 68°03' East 330.0 feet to the point of beginning.

Section 25 : All, EXCEPT the SE  $\frac{1}{4}$  NW  $\frac{1}{4}$

Section 26 : All East of the Railroad, EXCEPTING THEREFROM a piece or parcel of land lying in a strip 100.0 feet in width immediately adjacent on the Southeasterly side of the original canal right of way of the Klamath Drainage District over and across the SE ¼ SW ¼ of Section 23, and the NE ¼ NW ¼ and the Fractional NW ¼ NW ¼ of Section 26, Township 40 South, Range 8 East of the Willamette Meridian, more or less, and more particularly described as follows: Beginning at the point in the line marking the Northerly boundary of the SE ¼ SW ¼ of Section 23, Township 40 South, Range 8 East of the Willamette Meridian, where a line parallel with and 310.0 feet distant at right angles Southeasterly from the centerline of the Southern Pacific Railroad as the same is now located and constructed intersect the same and from which point the Section corner common to Sections 22, 23, 26 and 27, Township 40 South, Range 8 East of the Willamette Meridian, bears South 54°37' West, 2308.1 feet distant and running thence South 16°57 ½ ' West along a line parallel with and 310.0 feet distant at right angles Southeasterly from said center line of the Southern Pacific Railroad and which said parallel line is the Southeasterly boundary of the right of way of the Klamath Drainage District's South Canal, 2593.5 feet, more or less, to a point in the Northerly boundary of the right of way of the said South Canal of the Klamath Drainage District, which is a line parallel with and 100.0 feet distant at right angles Northeasterly from the centerline of the said canal as the same is now located and running thence South 75°34 ½ ' East along last mentioned boundary line 100.1 feet, more or less, to its intersection with a line which is parallel with and 410.0 feet distant at right angles Southeasterly from the said centerline of the Southern Pacific Railroad, and running thence North 16°57 ½ ' East, along said last mentioned parallel line, 2620.0 feet, more or less, to its intersection with the Northerly boundary of the SE ¼ SW ¼ of Section 23, Township 40 South, Range 8 East of the Willamette Meridian; thence South 89°48 ½ ' West, along last mentioned boundary line, 104.7 feet, more or less, to the said point of beginning.

Section 27 : That part of the SE ¼ SE ¼ lying East of the Easterly right of way line of the Klamath Falls-Dorris State Highway, U.S. Highway 97

EXCEPTING THEREFROM that tract of land conveyed to Klamath County, Oregon by Deed Volume 174, page 121, Deed records of Klamath County, Oregon, as follows:

A piece or parcel of land situated in the NW ¼ NW ¼; the S ½ NW ¼; and the N ½ SW ¼ of Section 26; and the NE ¼ SE ¼ of Section 27, all in Township 40 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and more particularly described as follows:

Beginning at the point of intersection of the Easterly boundary of the right of way of the Dalles-California Highway, as same is now located and constructed, with the Southerly boundary of the right of way of the Ady Canal of the Klamath Drainage District as now located and constructed, from which the Section corner common to Sections 22, 23, 26 and 27 of the above Township and Range bears North 36°30 ½ ' West 1630.7 feet distant and running thence South 75°34 ½ ' East along the said Southerly boundary of the right of way of the Ady Canal 652.3 feet; thence South 0°07' West 2479.2 feet, more or less, to a point in the Southerly boundary of the N ½ SW ¼ of the said Section 26; thence leaving the boundary of the right of way of the said Ady Canal, South 89°50' West along the said Southerly boundaries of the N ½ SW ¼ of the said Section 26, and the NE ¼ SE ¼ of the said Section 27, 2147.0 feet, more or less, to an intersection with the said Easterly boundary of the right of way of the Dalles-California Highway; thence North 32°21 ½ ' East, following said right of way line, 2097.0 feet; thence following a 1°38 ½ ' circular curve to the left, 937.8 feet; thence North 16°57 ½ ' East 23.5 feet, more or less; to the said point of beginning.

Section 33 : The W ½ SE ¼ SE ¼

Section 34 : Lot 5, LESS the West 400 feet thereof. ALSO Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14

Section 35 : All

Section 36 : All

In Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon:

Section 3 : All, EXCEPTING FROM Lot 1 that portion lying West of the Central Pacific Railroad right of way and ALSO EXCEPTING THEREFROM that portion lying Easterly of the centerline of the West Canal.

Section 4 : The N  $\frac{1}{2}$  NE  $\frac{1}{4}$ ; the SE  $\frac{1}{4}$  NE  $\frac{1}{4}$  and Lot 1,

AND EXCEPTING a piece or parcel of land situate in Government Lot 1 of Section 3, in Government Lot 1 and the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 4, all in Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, and described as follows:

That portion of said Lot 1 of Section 3 and said Lot 1 and said E  $\frac{1}{2}$  NE  $\frac{1}{4}$  Section 4 bounded Easterly by the Westerly line of Oregon State Highway U.S. 97, bounded Southerly by the Easterly prolongation of the southerly line of the 0.701 acre parcel of land described as Parcel 2 in Deed dated December 26, 1963 from Winston H. Patterson, et ux., to Southern Pacific Company recorded December 27, 1963 in Volume 350 of Deeds, page 146, records of said County (said prolongation being the Southerly line of Lot 1 of said Section 4 and bearing South 80°00' East), bounded Northerly by the Southwesterly line of the County Road leading from said Oregon State Highway U.S. 97 to Keno, Oregon, and bounded Westerly by the following described line: Beginning at the point of intersection of the East line of the W  $\frac{1}{2}$  SE  $\frac{1}{4}$  of said Section 4 with the southerly line of Lot 2 of said Section 4, said point being the Southeasterly corner of said 0.701 acre parcel of land described as Parcel 2 in said deed and is distant South 17°55'06" West 4267.65 feet from the Northeast corner of said Section 4; thence North along said East line, being also the West line of said Lot 1 of Section 4, a distance of 320.83 feet to a point; thence Northeasterly along a curve to the left having a radius of 5679.60 feet and central angle of 10°50'35" (tangent to said curve at last mentioned point bears North 31°47'35" East) an arc distance of 1074.85 feet; thence North 20°37' East 99.56 feet; thence North 20°27' East 2359.20 feet; thence North 22°08'15" East 75.75 feet to a point; thence Northeasterly along a curve to the right having a radius of 3869.75 feet and central angle of 8°40'19" (tangent to said curve at last mentioned point is last described course) an arc distance of 450.62 feet to a point in the North line of said Section 3, distant thereon North 89°29'30" East 245.33 feet from the Northwest corner of said Section 3; thence continuing Northeasterly along the continuation of said curve to the right having a radius of 3869.75 feet, an arc distance of 111.65 feet to the Northerly terminus of the line being herein described.

AND EXCEPTING that portion of Government Lot 1 of Section 3, Township 41 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, included within a strip of land 100.0 feet in width, lying contiguous to and easterly of the line particularly described in the above described Parcel 1.

AND EXCEPTING THEREFROM that portion thereof lying Southerly of the Northerly line of County Road leading from Oregon State Highway U.S. 97 to Keno, Oregon.

AND ALSO EXCEPTING THEREFROM that portion of the above described 100.00 foot wide strip of land lying Northwesterly of the Southeasterly line of land of the Southern Pacific Company.

AND ALSO EXCEPT that portion conveyed to Klamath County, by Deed recorded October 23, 1933 in Volume 101, page 553, Deed records of Klamath County, Oregon.

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