

'02 AUG 30 PM 3:32

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Record Requested By:

Pine Tree Building  
706 Main  
Klamath Falls, OR 97601

Return To:

Pine Tree Building  
706 Main  
Klamath Falls, OR 97601

State of Oregon, County of Klamath

Recorded 08/30/2002 3:32 p. m.

Vol M02, Pg 49682-83

Linda Smith, County Clerk

Fee \$ 26.00 # of Pgs 2

K582174V

**MEMORANDUM OF PARTY WALL AGREEMENT** executed by the undersigned for placing of record the following information:

1. **Name of First Party:** William C. and Lois Dian Nash Trust
2. **Name of Second Party:** Pine Tree Building, an Oregon Limited Partnership
3. **Agreement:** First Party is the Owner of the real property described in that certain warranty deed recorded in Vol. M-00 page 33874, Microfilm Records of Klamath County, Oregon, and Second Party is the Owner of the real property described in that certain deeds recorded in Vol. M-89, page 23020 and 23022, Microfilm Records of Klamath County, Oregon. The parties acknowledge that division walls are constructed at the right side of First Party's property and the left side of Second Party's property so they abut each other. The parties agree that the walls constitute a common boundary wall and intend to treat it as a party wall. Each party agrees that the other may make or provide openings in the party wall and close up such openings at any time; all in compliance with applicable building codes of Klamath County, Oregon, and the State of Oregon. However, neither party may later separate one building from the other by sale or otherwise without closing off any opening as may from time to time be required by applicable building codes.
4. **Term:** The term of this party wall agreement commences with the date of this instrument and continues until one of the parties abandons it.
5. **Consideration:** The consideration for this party wall agreement is the mutual covenants of the parties to share equally in the costs of any maintenance, repair, or upkeep.

In construing this Memorandum, and where the context so requires, the singular includes the plural.

Dated: August 29, 2002

FIRST PARTY

SECOND PARTY

PINE TREE BUILDING,  
An Oregon Limited Partnership

By

J. Anthony Giacomini  
J. Anthony Giacomini, General Partner

By

Sydney K. Giacomini  
Sydney K. Giacomini, General Partner

WILLIAM C. and LOIS DIAN NASH TRUST

By

Lois Dian Nash  
Trustee

[JURATS FOLLOW]

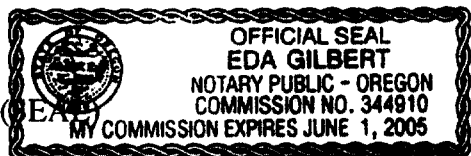
K26

STATE OF OREGON

)  
) ss.  
)

COUNTY OF KLAMATH

On the 30th day of August, 2002, personally appeared before me the above-named J. Anthony Giacomini who being sworn, acknowledged to me that the foregoing instrument was J. Anthony Giacomini's voluntary act and deed as FIRST PARTY'S General Partner.



Before me:

Eda Gilbert

Notary Public

My Commission expires: 6-1-05

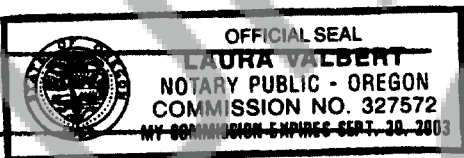
STATE OF OREGON

)  
) ss.  
)

COUNTY OF KLAMATH

On the 29th day of August, 2002, personally appeared before me the above-named WILLIAM C. NASH, who, being sworn, stated he is a Trustees of SECOND PARTY and acknowledged that the foregoing instrument was voluntarily signed and sealed in behalf of SECOND PARTY.

Before me:

READ, APPROVED AND ACCEPTED(SEAL)  
BY: Eda GilbertLaura Valbert

Notary Public

My Commission expires: 9-29-03