

MTC 1396-7019

**MEMORANDUM OF EXTENSION OF OPTION AND EASEMENT AGREEMENT**

*(First Party)*

Jeld Wen, inc., an Oregon corporation

*(Second Party)*

Peoples Energy Resources Company, LLC,  
successor to Peoples Energy Resources Corp.

After recording return to:  
Paul Turner  
Managing Director  
Peoples Energy Resources Company  
2151 E. Broadway Road, Suite 110  
Tempe, AZ 85282

AMERITITLE has recorded this  
instrument by request as an accommodation only,  
and has not examined it for regularity and sufficiency  
or as to its effect upon the title to any real property  
that may be described therein.

**State of Oregon**

**County of** \_\_\_\_\_

I certify that the within instrument was received for record on the \_\_\_\_\_ day of  
\_\_\_\_\_ 2005, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book / reel / volume No. \_\_\_\_\_,  
Page \_\_\_\_\_ or as instrument / fee No. \_\_\_\_\_, Record of Deeds of said  
county.

Witness my hand and seal of County affixed.

\_\_\_\_\_  
Name Title  
By: \_\_\_\_\_ Deputy

36.00

## **MEMORANDUM OF EXTENSION OF OPTION AND EASEMENT AGREEMENT**

THIS MEMORANDUM OF EXTENSION OF OPTION AND EASEMENT AGREEMENT ("**Memorandum**") is made and entered into as of the 25<sup>th</sup> day of August, 2005, by and between **JELD WEN, inc.**, an Oregon corporation ("**Owner**"), and **PEOPLES ENERGY RESOURCES COMPANY, LLC**, an Illinois limited liability company, as successor to Peoples Energy Resources Corp., an Illinois company, whose address is 130 East Randolph Drive, Chicago, Illinois, 60601, or its nominee ("**PERC**").

### **RECITALS**

A. Owner and PERC entered into a certain Option and Easement Agreement dated August 27, 2002 ("**Option and Easement Agreement**"), wherein Owner granted to PERC an exclusive option to purchase a perpetual, nonexclusive right-of-way and easement for the purpose of installing, constructing, operating, maintaining, repairing and replacing from time to time the Utility Improvements over, under, across, on, along and through land in Klamath County, Oregon (the "**Property**"), as more fully described in that Option and Easement Agreement. A memorandum of the Option and Easement Agreement was recorded in the Official Records of Klamath County, Oregon at Volume M05, Page 44309, on June 14, 2005.

B. Owner has further agreed that PERC shall have the right to extend the Option Period for an additional one-year period under the Option and Easement Agreement, which such Option Period will expire at 11:59 p.m. on August 27, 2006, and have entered into an Extension of Option and Easement Agreement dated August 25, 2005.

C. The parties desire to place this Memorandum of record to provide notice to third parties of the existence of the Extension of Option and Easement Agreement and the additional right to extend the Option Period, and PERC's rights under the Option and Easement Agreement, but do not desire to place all of the terms and provisions of the Option and Easement Agreement of record.

### **WITNESSETH**

That for good and valuable consideration more particularly described in the Option and Easement Agreement, the receipt of which is hereby acknowledged by Owner, the parties hereby state and agree as follows:

1. **Grant of Options; Option Period.** Commencing on August 27, 2005 and expiring on August 27, 2006 ("**Option Period**"), PERC has a right and option to use the Property and Owner does hereby grant to PERC the right and option to use the Property, in accordance with the terms and conditions of the Option and Easement Agreement.

2. **Reference to and Incorporation of Option Agreement.** Reference is made to the Option and Easement Agreement for a complete and definitive statement of the terms of the

rights and obligations of Owner and PERC thereunder. Unless defined otherwise herein, capitalized terms used in this Memorandum shall have the meanings ascribed to them in the Option and Easement Agreement, which definitions are incorporated herein by reference. This Memorandum is subject to the terms and conditions of the Option and Easement Agreement which is incorporated herein by reference. This Memorandum shall not be construed to modify or amend the Option and Easement Agreement in any respect.

3. **Counterparts.** This Memorandum may be executed in a number of separate counterparts, each of which, when executed and delivered, shall be deemed an original, but all of which shall constitute one and the same instrument. All signatures of the Owner and PERC need not be on the same counterpart.

IN WITNESS WHEREOF, Owner and PERC have duly executed and delivered this Memorandum as of the day, month and year first above written.

OWNER:

**JELD WEN, inc., an Oregon corporation**

By: Craig B. Dithman

Name: CRAIG B DITHMAN

Title: GENERAL MANAGER JELD WEN TIMBER 1 RANCH

PERC:

**PEOPLES ENERGY RESOURCES  
COMPANY, LLC,**

~~an Illinois limited liability company~~

By: Paul Turner

Name: Paul Turner

Title: Managing Director

STATE OF OREGON )  
COUNTY OF Wameth )ss.

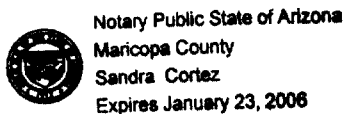
This instrument was acknowledged before me this 25 day of August, 2005, by  
Craig Dittman GENERAL MGR of JELD WEN, inc., an Oregon corporation, on its  
behalf.

Kathryn E. Nowaski  
Notary Public  
My commission expires: 20 Nov 2005  
Commission No.: 352065



STATE OF Arizona )  
COUNTY OF Maricopa )ss.

This instrument was acknowledged before me this 26 day of August, 2005, by Paul  
Turner, Managing Director of PEOPLES ENERGY RESOURCES COMPANY, LLC, an Illinois  
limited liability company, on its behalf.



Sandra Cortez  
Notary Public  
My commission expires: January 23, 2006  
Commission No.: