

WTC 85015

2009-005642

Klamath County, Oregon



00064771200900056420040049

04/24/2009 11:12:33 AM

Fee: \$36.00

**RECORDING COVER SHEET**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

**After Recording Return To:**

Neal Buchanan, Attorney at Law  
435 Oak Avenue  
Klamath Falls, OR 97601

**1. Name(s) of the Transaction(s):**

Memorandum of Contract

**2. Direct Party (Grantor):**

Donna M. McGavin, Trustee of the McGavin Revocable Living Trust

**3. Indirect Party (Grantee):**

Elmer Evinger and Patricia Evinger, husband and wife

**4. True and Actual Consideration Paid:**

This document being re-recorded to correct the legal description as contained in the Memorandum of Contract, recorded June 27, 2002 in Volume M02, page 37228, Microfilm Records of Klamath County, Oregon

**5. Legal Description:**

*See attached*

*30AmT*

**TAX STATEMENT:** Until a change is requested, all tax statements shall be sent to DONNA M. McGAVIN, Trustee of the McGAVIN REVOCABLE LIVING TRUST, 1165 Chemewa Loop NE, Keizer, OR 97303.

**AFTER RECORDING RETURN TO:** Amerititle 320 Church St. NE, Salem, OR 97301.

02 JUL 27 PM 3:10

## MEMORANDUM OF CONTRACT

THIS MEMORANDUM Made and entered into as of June 25, 2002 by and between DONNA M. McGAVIN, as Trustee of the McGAVIN REVOCABLE LIVING TRUST, as SELLER, and ELMER EVINGER and PATRICIA EVINGER, husband and wife, PURCHASER, for recording purposes, acknowledge that a Land Sales Contract, dated June 25, 2002, was entered into wherein the total consideration is the sum of \$ 280,000 payable in installments as therein stated. The interest conveyed to the PURCHASER is equitable title in the following described real property, commonly known as the CRESCENT MOTEL, located at 1367321 Hwy 97 N. Crescent, Oregon, Oregon which property (hereinafter known as "Property") is situated in the County of Klamath, State of Oregon, legally described in Exhibit "A", subject to the encumbrances described in Exhibit "B".

And said Land Sales Contract is in full force and effect between the SELLER and PURCHASER herein.

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

IN WITNESS WHEREOF, said parties have hereunto set their hands June 25, 2002.

MEMORANDUM OF LAND SALE CONTRACT

PAGE 1 OF 2

State of Oregon, County of Klamath  
Recorded 06/27/2002 3:10 p. m.  
Vol M02, Pg 37228-37236  
Linda Smith, County Clerk  
Fee \$ 31.00 # of Pgs 3

SELLER:

PURCHASER:

37229

Donna M McGavin, TR  
DONNA M. McGAVIN, as Trustee of the  
McGAVIN REVOCABLE LIVING TRUST

Elmer Evinger  
ELMER EVINGER

Patricia Evinger  
PATRICIA EVINGER

STATE OF OREGON                    )  
  ) ss.   June 25, 2002  
County of Marion                    )



Personally appeared the above named DONNA M. McGAVIN, as Trustee of the McGAVIN REVOCABLE LIVING TRUST, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Lori J Barrett  
Notary Public for Oregon  
My Commission Expires: 3/3/06

STATE OF OREGON                    )  
  ) ss.   June 26, 2002  
County of Marion                    )

Personally appeared the above named ELMER EVINGER and PATRICIA EVINGER, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: Lori J Barrett  
Notary Public for Oregon  
My Commission Expires: 3/3/06



## EXHIBIT A

## LEGAL DESCRIPTION

8  
Lots 5, ~~6~~, 7, 9, 10, 16, 17, 18, 19, 20, 21, 22, 23 and 24 in Block 38 of CRESCENT according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon. EXCEPTING THEREFROM those portions conveyed to the State of Oregon by and through its State Highway Commission by deed recorded March 5, 1943 in Deed Volume 153, Page 367; recorded April 30, 1943 in Deed Volume 155, page 31; recorded June 30, 1943 in Deed Volume 156, Page 339; recorded March 30, 1944 in Deed Volume 163, page 461 and recorded March 25, 1952 in Deed Volume 253, page 583, all records of Klamath County, Oregon.