

2009-006614

Klamath County, Oregon



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05/11/2009 11:54:45 AM

Fee: \$41.00

After recording return to:

Robert L. Garbrecht, Esq.
McAfee & Taft
211 N. Robinson
Tenth Floor, Two Leadership
Square
Oklahoma City, OK 73102

ATE 66294

MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is made as of the 1st day of May, 2009 by and between PBRE2 CORPORATION, a Delaware corporation ("Landlord"), and LUMBERMENS, INC., a Washington corporation ("Tenant"), with respect to that certain Lease effective as of January 2, 2007, as amended by that certain First Amendment to Lease dated October 30, 2007, and as further amended by that certain Second Amendment to Lease dated November 19, 2008 between Landlord and Tenant (the "Lease"):

1. **Premises.** Landlord leases to Tenant and Tenant leases from Landlord all that certain parcel of land located at 2845 Greensprings Drive, Klamath Falls, OR 97601 more particularly described as follows:

See Exhibit A attached hereto.

2. **Term.** The original term of the Lease shall terminate on December 31, 2017 in accordance with the provisions of the Lease.

3. **Tenant's Right to Extend the Lease Term.** Tenant has an option to extend the original term of the Lease for up to six (6) five (5)-year renewal terms, to commence immediately following the original term of the Lease, in each case upon the terms, covenants and conditions set forth in the Lease.

4. **Purpose of Memorandum.** This Memorandum of Lease is for notice purposes only, and shall in no way be deemed to modify or amend the provisions of the Lease.

[Signature Page Follows]

LANDLORD:

PBRE2 CORPORATION, a Delaware corporation

By: David Polishook

Name: David Polishook

Title: President

TENANT:

LUMBERMENS, INC., a Washington corporation

By: Mark B. Buttermán

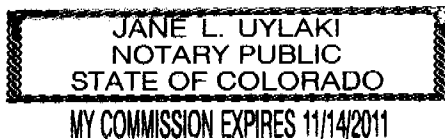
Name: Mark B. Buttermán

Title: Vice President

May 1, 2009

STATE OF COLORADO)
) ss:
COUNTY OF DENVER)

Then personally appeared the above-named David Polishook and stated that he/she is a duly authorized President of PBRE2 Corporation, a Delaware corporation ("Company") and acknowledged the foregoing to be his/her free act and deed and the free act and deed of said Company, before me,

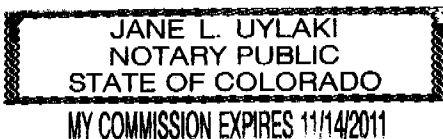


Jane L. Uylaki
Notary Public
My Commission Expires: 11-14-2011

May 1, 2009

STATE OF COLORADO)
) ss:
COUNTY OF DENVER)

Then personally appeared the above-named Mark B. Buttermann and stated that he/she is a duly authorized Vice President of Lumbermens, Inc. ("Company") and acknowledged the foregoing to be his/her free act and deed and the free act and deed of said Company, before me,



Jane L. Uylaki
Notary Public
My Commission Expires: 11-14-2011

EXHIBIT A

LEGAL DESCRIPTION

Exhibit A

PARCEL 1:

Being a portion of the SW 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin in the said SW 1/4 of the NW 1/4 of said Section 8 which is at the most Easterly corner of property conveyed to Harold B. and Ruth Beal VanHoozen by deed recorded June 23, 1948 in Deed Volume 222, Page 83, Deed Records of Klamath County, Oregon, and which lies South 51°19 1/2' East a distance of 620 feet from an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls Highway, which last described iron pin is 30 feet at right angles Southeasterly from the center of said highway, and lies South 89° 22 1/2" East along the section line, a distance of 1321.4 feet and South 0°40 1/2' East (along the 40 line which is also the West line of Westover Terraces) a distance of 626.5 feet and North 89°22 1/2' West a distance of 106.2 feet and South 38°40 1/2' West (along the Southeasterly right of way line of said highway) a distance of 982.6 feet from the Northwest corner of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, thence from the point of beginning Southwesterly along the arc of a 2° 14' curve to the right (the long chord of this curve bears South 41° 45 1/2' West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin; thence South 44° 30 1/2' West 160.5 feet to a point; thence North 45°50 1/2' West 300 feet to a point which is the most Westerly corner of property conveyed to Homer L. and Vera L. Ross by deed recorded October 21, 1950 in Volume 242, Page 641, Deed Records of Klamath County, Oregon; thence South 44° 50 1/2' West 350 feet to an iron pin which is at the most Southerly corner of property conveyed to J.E. and Vivian Eichendorf by deed recorded October 22, 1945 in Volume 181, Page 175, Deed Records of Klamath County, Oregon; thence South 265.18 feet to a line parallel with the South line of said NW 1/4 of Section 8 and 250 feet distance therefrom; thence Easterly along said line 1000 feet, more or less, to the East line of W 1/2 NW 1/4 of said Section; thence North along said East line of W 1/2 NW 1/4 of said Section, 424 feet, more or less, to a point which is South 51°19 1/2' East 320 feet, more or less, from the point of beginning; thence North 51° 19 1/2' West 320 feet more or less, to the point of beginning.

EXCEPTING therefrom, a parcel of land situated in SW 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the NW 1/4 of said Section 8; thence North along the West line a distance of 250 feet; thence East a distance of 305.3 feet to the true point of beginning; thence North a distance of 265.18 feet to a 3/4 inch pipe at the most Southerly corner of that parcel of property described in Volume 181, Page 175, Deed Records of Klamath County, Oregon; thence North 44° 50 1/2' East a distance of 350 feet to the Southwesterly line of that property described in Volume M72, Page 1198, Microfilm Records of Klamath County, Oregon; thence South 45° 09 1/2' East a distance of 300 feet, more or less, to the most Southerly corner of the above mentioned property described in Volume M72 Page 1198, Microfilm Records of Klamath County, Oregon; thence continuing along the same line extended Southeasterly to its point of intersection with a line being parallel to and 250 feet North of the South line of said NW 1/4 of Section 8; thence West along said line to the true point of beginning.

ALSO EXCEPTING THEREFROM that portion conveyed to Klamath County by Warranty Deed recorded October 2, 1985 in Volume M85, Page 16038, Microfilm Records of Klamath County, Oregon.

PARCEL 2

Being a portion of the SW 1/4 of the NW 1/4 and NW 1/4 of the NW 1/4 of said Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin on the Southeasterly right of way line of the Ashland-Klamath Falls highway, which iron pin is 30 feet at right angles Southeasterly from the center of said highway, that lies South 89° 22 1/2' East along the section line a distance of 1321.4 feet and South 0° 40 1/2' East along the 40 line, which is also the West line of Westover Terraces, a distance of 626.5 feet and North 89° 22 1/2' West a distance of 106.2 feet and South 38° 40

1/2' West along the Southeasterly right of way line of said highway a distance of 300 feet to the Westerly corner of property conveyed by William Ganong and Mildred Ganong, his wife, to Emery Hebert, Wilfred Hebert and Delina Hebert by deed recorded in Volume 147 Page 215, Deed Records of Klamath County, Oregon; thence continuing South 38° 40 1/2' West along the Southeasterly line of said highway a distance of 682.6 feet to an iron pin, which pin is at the most northerly corner of property conveyed to E.W. Melosh by deed recorded in Volume 194, page 307, Deed Records of Klamath County, Oregon; thence at right angles South 51° 19 1/2' East along the Northeasterly line of property conveyed to Melosh, VanHoosen and Patricia V. McBee, Jimmie A. Warner and Dean C. Mason, a distance of 930 feet, more or less, to the 40 line, which is also the West line of Westover Terraces; thence North 0° 40 1/2' West along said 40 line a distance of 875 feet, more or less, to an iron pin which is the most Southerly corner of the property conveyed to Heberts by the above described deed; thence North 51° 19 1/2' West along the Southeaterly line of said property conveyed to Heberts a distance of 383.5 feet, more or less, to the true point of beginning.

PARCEL 3

Being a portion of the SW 1/4 of the NW 1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at an iron pin which lies North 0° 43' West along the West section line a distance of 629 feet and North 44° 50 1/2' East along the Southerly right of way line of the Weed-Klamath Falls Highway a distance of 438 feet and North 45° 09 1/2' West along the right of way line a distance of 20 feet and North 44° 50 1/2' East along the right of way line a distance of 210.5 feet and South 45° 09 1/2' East a distance of 320 feet from the iron pin which marks the quarter corner common to Sections 7 and 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, and running thence; Northeasterly along the arc of a 2° 32' Curve to the left (the loing chord which curve bears North 41° 45 1/2' East a distance of 243.1 feet) a distance of 243.2 feet to an iron pin; thence South 51° 19 1/2 East a distance of 300 feet to an iron pin; thence Southwesterly along the arc of a 2° 14' curve to the right (the long chord of this curve bears South 41° 45 1/2' West a distance of 275.4 feet) a distance of 275.4 feet to an iron pin; thence North 45° 09 1/2' West a distance of 300 feet more or less, to the point of beginning.

CODE: 004 MAP: 3909-008BC TL: 01000 KEY: 539466

CODE: 004 MAP: 3909-008BB TL: 00600 KEY: 539288

CODE: 004 MAP: 3909-008BC TL: 00100 KEY: 539448

CODE: 004 MAP: 3909-008BC TL: 00900 KEY: 539457