

2009-008556

Klamath County, Oregon



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06/22/2009 09:14:12 AM

Fee: \$56.00

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Driscoll Strawberry Associates, Inc.  
434 Redcliff Drive, Suite D  
Redding, CA 86002  
Attn: Holly Burgess

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

### MEMORANDUM OF SUBLEASE

March 23, 2009, by and between Crown Nursery, LLC a California corporation ("Sublessor"), and Driscoll Strawberry Associates, Inc., a California corporation ("Sublessee").

#### Recitals

A. Sublessor has leased from California Giant, Inc. ("Master Lessor"), a portion of the certain real property located in Klamath County, Oregon, as more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property"), pursuant to the terms of that certain Lease dated January 1, 2009 (the "Master Lease").

B. Sublessor and Sublessee have entered into that certain Sublease of even date herewith (the "Sublease"), pursuant to which Sublessor has subleased to Sublessee a portion of the Property, consisting of approximately six and one half (6.5) acres, as shown by cross-hatching on Exhibit B attached hereto and incorporated herein by this reference (the "Premises").

C. Sublessor and Sublessee desire to execute this Memorandum to provide notice to all third parties of Sublessee's rights under the Sublease.

In consideration of the mutual promises and covenants contained in the Sublease and for other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, the parties agree as follows:

1. Sublessor hereby subleases the Premises to Sublessee, pursuant to the terms and conditions contained in the Sublease, for a term commencing on the date hereof and expiring on December 31, 2009.

6 1/2 ACRES / Malin

2. This Memorandum and the Sublease are governed by the laws of the State of California. This Memorandum shall not be construed as modifying the terms or conditions of the Sublease. In the event of a conflict between this Memorandum and the Sublease, the Sublease shall control. This Memorandum may be signed in counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same Memorandum.

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

Sublessor:

Crown Nursery, LLC

By: 

Name:

Title:

Carl Anberg  
Prod. MGR.

By: \_\_\_\_\_

Name:

Title:

Sublessee:

Driscoll Strawberry Associates, Inc.

By: 

Name: Steve Griffiths

Title: Nursery Department Director

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Dehama

On Mar 26 2009 before me, Gordon Ray Wilson, Notary Public  
(Here insert name and title of the officer)

personally appeared Carl Anberg

who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

### CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
☐ Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they- is /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ✦ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ✦ Indicate title or type of attached document, number of pages and date.
  - ✦ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Shasta

On MAY 15 2009 before me, April L Fullerton, Notary Public  
(Here insert name and title of the officer)  
personally appeared Steve Griffiths

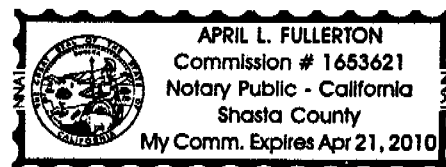
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s),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

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

April L. Fullerton  
Signature of Notary Public

(Notary Seal)



## ADDITIONAL OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

(Additional information)

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- ☐ Individual (s)  
☐ Corporate Officer

(Title)

- ☐ Partner(s)  
☐ Attorney-in-Fact  
☐ Trustee(s)  
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- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ✦ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ✦ Indicate title or type of attached document, number of pages and date.
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- Securely attach this document to the signed document

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PARCEL 1:**

The W1/2 NE1/4, the SE1/4 NE1/4, and the NW1/4 SE1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 2:**

Beginning at the Northwest corner of the NE1/4 NE1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon; thence South along the West line of said NE1/4 NE1/4 a distance of 20 chains, more or less to the Southwest corner of said NE1/4 NE1/4; thence East along the South line of said NE1/4 NE1/4 a distance of 20 chains, more or less, to the Southeast corner of said NE1/4 NE1/4; thence approximately North 45° West a distance of 28.28 chains more or less to the point of beginning; being the Southwest one-half of the NE1/4 NE1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 3:**

Beginning at the Northwest corner of the SW1/4 SE1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, thence East along the North line of said SW1/4 SE1/4, a distance of 20 chains, more or less to the Northeast corner of said SW1/4 SE1/4; thence South along the East line of said SW1/4 SE1/4 a distance of 20 chains, more or less, to the Southeast corner of said SW1/4 SE1/4; thence West, along the South line of said SW1/4 SE1/4 a distance of 8.5 chains, more or less, to the Northeasterly right of way line of the high line canal of the Shasta View Irrigation District; thence Northwesterly along said right of way line, to the West line of said W1/4 SE1/4; thence North a distance of 6.5 chains, more or less, to the point of beginning; being that portion of the SW1/4 SE1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying Northeasterly from the said high line canal.

TOGETHER WITH that portion of deed Volume M67 at page 5190, Microfilm Records of Klamath County, Oregon, lying North and East of the following described boundary line created by instrument recorded in Volume M91 page 18236, Microfilm Records of Klamath County, Oregon, to wit:

An existing fence line situated in the Northwest quarter of the Northeast quarter of Section 3, Township 41 South, Range 12 East, of the Willamette Meridian, Klamath County, Oregon, and the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the East line of said NW1/4 of the NE1/4, and an existing fence line from which the Easterly 1/16th corner common to said Sections 3 and 34 bears North 00° 24' 17" West, 8.67 feet (fence corner bears North 89° 39' 51" East, 1.7 feet); thence along said fence line South 89° 39' 51" West, 802.26 feet; thence North 00° 10' 19" East, 811.39 feet, thence North 72° 12' 01" West, 943.95 feet, thence South 00° 33' 24" West, 134.21 feet; thence South 87° 33' 44" West, 420.12 feet; thence North 00° 08' 32" East, 203.46 feet; thence North 47° 49' 55" West, 219 feet, more or less, to a point on the East line of that tract of land described as Parcel 2 in Deed Volume M89, page 19, Microfilm Records of Klamath County, Oregon, with bearings based on recorded Survey No. 2600.

- Continued -

(Parcel 3 Continued)

EXCEPTING THEREFROM that portion of Volume M90, at page 24850, Microfilm Records of Klamath County, Oregon, lying South and West of that certain boundary line created by instrument recorded in Volume M91, page 18236, Microfilm Records of Klamath County, Oregon, to wit:

An existing fence line situated in the Northwest quarter of the NE1/4 of Section 3, Township 41 South, Range 12 East, of the Willamette Meridian, Klamath County, Oregon, and the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the East line of said NW1/4 of the NE1/4, and an existing fence line from which the Easterly 1/16th corner common to said Sections 3 and 34 bears North 00° 24' 17" West, 8.67 feet (fence corner bears North 89° 39' 51" East, 1.7 feet); thence along said fence line South 89° 39' 51" West, 802.26 feet; thence North 00° 10' 19" East, 811.39 feet, thence North 72° 12' 01" West, 943.95 feet, thence South 00° 33' 24" West, 134.21 feet; thence South 87° 33' 44" West, 420.12 feet; thence North 00° 08' 32" East, 203.46 feet; thence North 47° 49' 55" West, 219 feet, more or less, to a point on the East line of that tract of land described as Parcel 2 in Deed Volume M89, page 19, Microfilm Records of Klamath County, Oregon, with bearings based on recorded Survey No. 2600.

PARCEL 4:

That portion of the W1/2 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, lying East of the East right of way line of the county road as now located and North of the Northerly right of way line of the high line canal of the Shasta View Irrigation District.

TOGETHER WITH that portion of deed Volume M67 at page 5190, Microfilm Records of Klamath County, Oregon, lying North and East of the following described boundary line created by instrument recorded in Volume M91 page 18236, Microfilm Records of Klamath County, Oregon, to wit:

An existing fence line situated in the NW1/4 of the NE1/4 of Section 3, Township 41 South, Range 12 East, of the Willamette Meridian, Klamath County, Oregon, and the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the East line of said NW1/4 of the NE1/4, and an existing fence line from which the Easterly 1/16th corner common to said Sections 3 and 34 bears North 00° 24' 17" West, 8.67 feet (fence corner bears North 89° 39' 51" East, 1.7 feet); thence along said fence line South 89° 39' 51" West, 802.26 feet; thence North 00° 10' 19" East, 811.39 feet, thence North 72° 12' 01" West, 943.95 feet, thence South 00° 33' 24" West, 134.21 feet; thence South 87° 33' 44" West, 420.12 feet; thence North 00° 08' 32" East, 203.46 feet; thence North 47° 49' 55" West, 219 feet, more or less, to a point on the East line of that tract of land described as Parcel 2 in Deed Volume M89, page 19, Microfilm Records of Klamath County, Oregon, with bearings based on recorded Survey No. 2600.

- Continued -

(Parcel 4 Continued)

EXCEPTING THEREFROM that portion of Volume M90, at page 24850, Microfilm Records of Klamath County, Oregon, lying South and West of that certain boundary line created by instrument recorded in Volume M91, page 18236, Microfilm Records of Klamath County, Oregon, to wit:

An existing fence line situated in the NW1/4 of the NE1/4 of Section 3, Township 41 South, Range 12 East, of the Willamette Meridian, Klamath County, Oregon, and the SW1/4 of the SE1/4 and the SE1/4 of the SW1/4 of Section 34, Township 40 South, Range 12 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the intersection of the East line of said NW1/4 of the NE1/4, and an existing fence line from which the Easterly 1/16th corner common to said Sections 3 and 34 bears North 00° 24' 17" West, 8.67 feet (fence corner bears North 89° 39' 51" East, 1.7 feet); thence along said fence line South 89° 39' 51" West, 802.26 feet; thence North 00° 10' 19" East, 811.39 feet, thence North 72° 12' 01" West, 943.95 feet, thence South 00° 33' 24" West, 134.21 feet; thence South 87° 33' 44" West, 420.12 feet; thence North 00° 08' 32" East, 203.46 feet; thence North 47° 49' 55" West, 219 feet, more or less, to a point on the East line of that tract of land described as Parcel 2 in Deed Volume M89, page 19, Microfilm Records of Klamath County, Oregon, with bearings based on recorded Survey No. 2600.

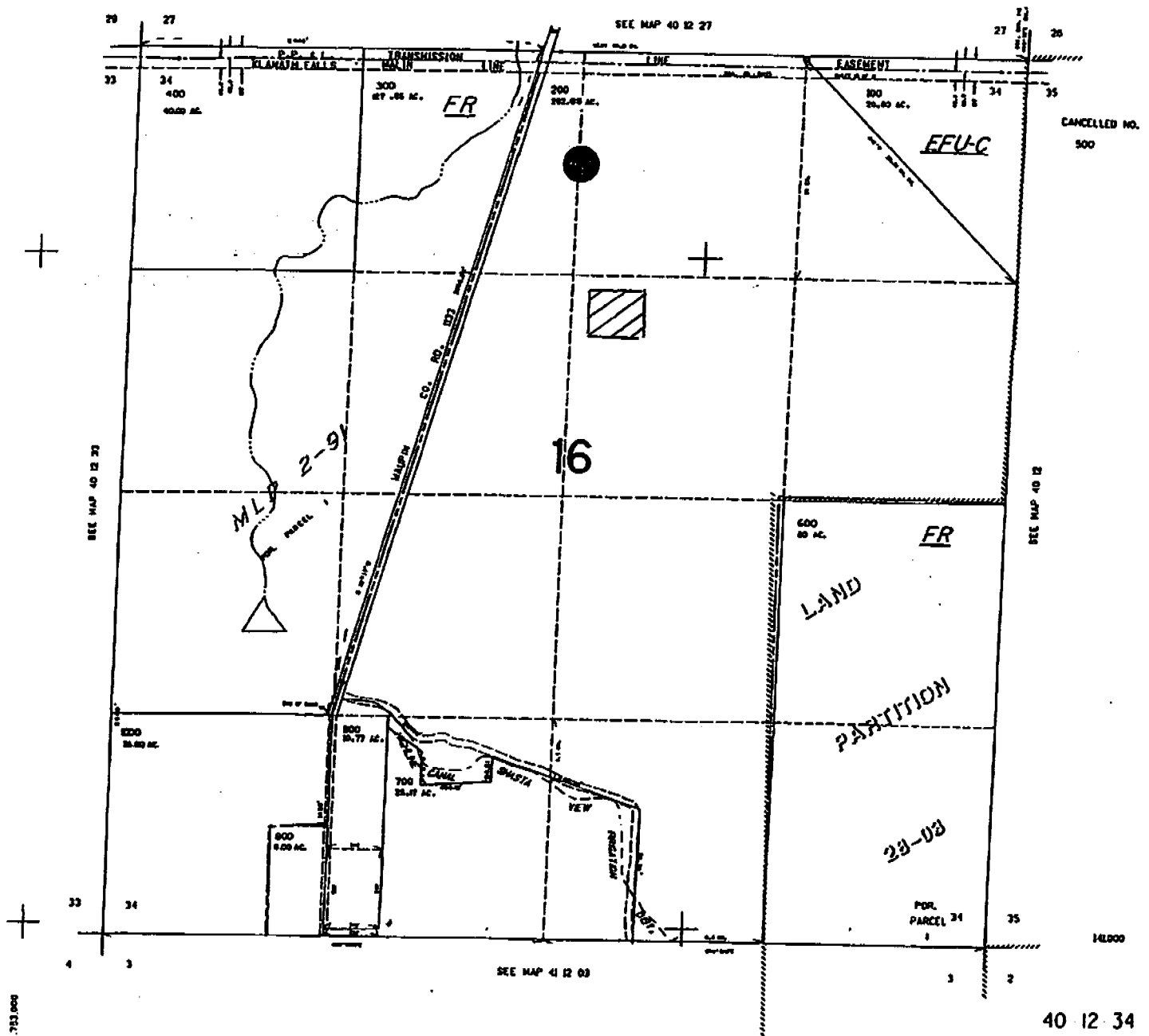
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Tax Account No: 4012-03400-00200-000

Key No: 600077  
Key No: 628477

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

40 12 34

**T-400**



Crown Malin 2009

# AmeriTitle

**THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING CERTAIN PREMISES AND NO LIABILITY IS ASSUMED FOR VARIATIONS IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.**