

2009-014917

Klamath County, Oregon



11/20/2009 10:16:45 AM

Fee: \$47.00

LESSOR NAME AND ADDRESS

CARY ANN T. BAILEY  
1377 Lower Klamath Lake Road  
Klamath Falls, OR 97603

LESSEE NAME AND ADDRESS

Arthur W. Davina  
Mary M. Davina  
1363 Lower Klamath Lake Road  
Klamath Falls, OR 97603

AFTER RECORDING RETURN TO

UNTIL A CHANGE IS REQUESTED  
SEND TAX STATEMENTS TO  
Unchanged

**MEMORANDUM OF LEASE WITH OPTION**

KNOW ALL MEN BY THESE PRESENTS, that effective on the 14<sup>th</sup> day of November, 2009, CARY ANN T. BAILEY, as Lessor and ARTHUR W. DAVINA and MARY M. DAVINA, husband and wife, as Lessee made and entered into a certain LEASE WITH OPTION wherein said lessor agreed to lease (and to grant an option to purchase) to said lessee and the latter agreed to lease from said lessor certain real property described on that certain Tru Line Surveying, Inc. legal description dated November 4, 2009, a true copy of which is attached hereto, marked as Exhibit A, and incorporated herein by this reference.

The lease is for a term set out in the said agreement. The true and actual consideration for the transfer, set forth in said LEASE WITH OPTION, is rent in the amount of \$100.00 for the term of said LEASE WITH OPTION, receipt of which sum is acknowledged by Lessor.

"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 THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OF COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007"

"BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND

SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007."

IN WITNESS WHEREOF, the parties have executed this memorandum effective the 14 day of November, 2009

LESSOR:

Cary Ann T. Bailey  
CARY ANN T. BAILEY

LESSEE:

Arthur W. Davina  
ARTHUR W. DAVINA  
Mary M. Davina  
MARY M. DAVINA

STATE OF OREGON, County of Klamath ) ss.

This instrument was acknowledged before me on 14th November, 2009, by Cary Ann T. Bailey, as Lessor.

Tracy Skyles  
NOTARY PUBLIC FOR OREGON  
My commission expires: November 20, 2009

STATE OF OREGON, County of Klamath ) ss.

This instrument was acknowledged before me on 14th November, 2009 by Arthur W. Davina and Mary M. Davina, husband and wife as Lessee.

Tracy Skyles  
NOTARY PUBLIC FOR OREGON  
My commission expires: November 20, 2009



JOHN HEATON P.L.S.

**TRU SURVEYING, INC. LINE**

2333 SUMMERS LANE  
KLAMATH FALLS, OREGON 97603  
PHONE: (541) 884-3691

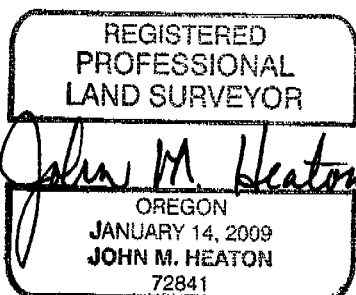


NOVEMBER 4, 2009

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN GOVERNMENT LOT 1 OF SECTION 28, T40S, R9EWM, KLAMATH COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE 1/4 CORNER COMMON TO SAID SECTION 28 AND SECTION 21, T40S, R9EWM; THENCE N89°51'05"W, ALONG THE SECTION LINE COMMON TO SAID SECTIONS 21 AND 28, 489.01 FEET; THENCE, LEAVING SAID SECTION LINE, S00°05'50"W 48.38 FEET TO THE TRUE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE N89°54'10"W 79.48 FEET; THENCE S00°05'50"W 72.17 FEET; THENCE S89°54'10"E 79.48 FEET; THENCE N00°05'50"E 72.17 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.13 ACRES, MORE OR LESS, WITH BEARINGS BASED ON RECORD OF SURVEY 6847 ON FILE AT THE OFFICE OF THE KLAMATH COUNTY SURVEYOR.



*John M. Heaton*  
JOHN M. HEATON P.L.S. 72841

RENEWAL DATE 6/30/11

**EXHIBIT A**