

2010-010633

Klamath County, Oregon



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09/08/2010 11:42:53 AM

Fee: \$62.00

AFTER RECORDING RETURN TO:

Laurie A. Pinard
CPM Development Corporation
P O Box 88050
Tukwila, WA 98138-2050

Document Title(s) (or transactions contained therein):

1. Memorandum of Lease
- 2.

Reference Number(s) of Documents assigned or released: N/A

(on page ___ of documents(s))

Grantor(s) (Last name first, then first name and initials):

1. Klamath Cascade Group, LLC, an Oregon Limited Liability Company
- 2.
3. ☐ Additional names on page ___ of document.

Grantee(s) (Last name first, then first name and initials):

1. CPM Development Corporation, a Washington corporation, d/b/a Klamath Pacific Company
2. ☐ Additional names on page ___ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

☒ Full legal is on pages 5 and 6 of document.

Memorandum of Lease -- Shady Pine

Grantor: Klamath Cascade Group, LLC

Grantee: CPM Development Corporation, d/b/a Klamath Pacific Company

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MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE is entered into as of the 23rd day of August, 2010, by and between Klamath Cascade Group, LLC, an Oregon Limited Liability Company ("Landlord"), and CPM DEVELOPMENT CORPORATION, a Washington corporation, d/b/a Klamath Pacific Company ("Tenant").

1. This is a Memorandum of that certain Commercial Lease and Royalty Agreement dated January 8, 2003, between Landlord and Klamath Pacific Corporation as Tenant, affecting the real property situated in Klamath County, Oregon as more fully described in Exhibit A attached hereto (the "Property").
2. CPM Development Corporation, d/b/a Klamath Pacific Company is the successor in interest to Klamath Pacific Company and the Tenant under the Lease.
3. The Commercial Lease and Royalty Agreement has been modified by that certain First Amendment to Commercial Lease and Royalty Agreement dated December 28, 2009. The Commercial Lease and Royalty Agreement, as modified, is hereunder referred to as the "Lease."
4. This document is hereinafter referred to as the Memorandum of Lease.
5. The term of the Lease is approximately forty-five (45) years, commencing January 8, 2003 and expiring July 31, 2048. The primary purpose of the Lease is to grant Tenant the right to enter upon, produce, excavate, screen, crush, and remove rock, stone, sand and gravel from the Property.
6. This Memorandum of Lease is not a complete summary of the Lease. Provisions in this Memorandum of Lease shall not be used in interpreting the Lease provisions.
7. This Memorandum of Lease is subject to all of the terms, conditions and understandings set forth in the Lease. In the event of a conflict between the terms and conditions of this Memorandum of Lease and the terms and conditions of the Lease, the terms and conditions of the Lease shall prevail.

Effective as of the date first written above.

LANDLORD:	TENANT:
Klamath Cascade Group, LLC, an Oregon Limited Liability Company	CPM Development Corporation, a Washington corporation
By: <u>Ronald A Stewart</u> (Name printed or typed)	By: <u>RONALD S. CRISS</u> (Name printed or typed)
(Signature) <u>[Signature]</u>	(Signature) <u>[Signature]</u>
Date: <u>8/22/10</u>	(Title) <u>Vice President</u>
	(Date) <u>8/23/2010</u>

STATE OF Oregon)
) ss.
COUNTY OF Klamath)

On this day personally appeared before me, Ronald A. Stewart, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he/she signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 22nd day of August, 2010.

[Signature]
Signature of Notary

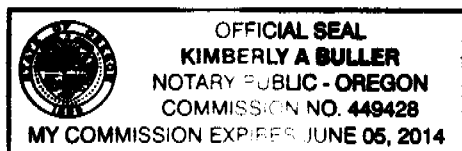


Heather R Criss
Print or stamp name of Notary
Notary Public in and for the State of
Oregon
residing at 3316 N Juniper St Dorris CA 96023
My commission expires 3-27-2012

STATE OF Oregon)
) ss.
COUNTY OF Klamath)

On this day before me the undersigned, personally appeared Bon Criss, to me known to be the Vice President of CPM Development Corporation, a Washington corporation, d/b/a Klamath Pacific Company, the corporation that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument, and that the seal affixed (if any) is the corporate seal of said corporation.

GIVEN under my hand and official seal this 23 day of Aug., 2010.



Kimberly A. Buller
Signature of Notary
Kimberly A. Buller
Print or stamp name of Notary
Notary Public in and for the State of
Oregon
residing at KED
My commission expires 6/5/14

Exhibit "A"
Legal Description of the Property

As per Exhibit "B" to the First Amendment to Commercial Lease and Royalty Agreement
Parcels 1-5

79176

Legal Description

Parcel 1:

Government lots 1, 2, 3, 4, and 5; the NW1/4 NE1/4; the E1/2 NW1/4;
ALL in Section 30, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.
Tax Account No: 3709-03000-00200-000 Key No: 379656

Parcel 2:

A parcel of land situated in Lot 5, Section 25, Township 37 South, Range 8 East of Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at an iron rod monument on the Westerly right-of-way line of Shady Pine Road which bears South 05° 01' 49" West a distance of 1335.29 feet from the brass cap monument marking the Northeast Corner of said section 25; said beginning point being the southeasterly corner of parcel described in Volume M86, page 15572, Microfilm Records of Klamath County, Oregon; Thence Southeasterly along the Westerly line of Shady Pine Road to its intersection with the East line of said Section 25; thence South 0° 17' West 5.0 feet, more or less, to the meander corner; thence South 0° 33' West along the East line of said Section 25 a distance of 460.6 feet; thence West 466.6 feet, more or less, to a point on the Easterly right-of-way line of the relocated Dalles-California Highway; as the same is presently located and constructed; thence Northerly along said right-of-way line to the Southwest corner of parcel described in Volume M86, page 15572, Microfilm Records of Klamath County, Oregon; thence North 87° 54' East along the South line of said parcel a distance of 374.83 feet, more or less to the point of beginning.

EXCEPTING THEREFROM that portion of a strip of land 25 feet in width that lies within the above described property, said strip is described in Volume 128, page 279, Deed Records of Klamath County, Oregon, and shown on record of survey no. 1545.

Tax Account No: 3708-02500-00300-000 Key No: 376676
Tax Account No: 3708-02500-00300-000 Key No: 858361

Parcel 3:

Government Lot 1 in Section 31, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No: 3709-03100-00200-000 Key No: 379664

Parcel 4:

The SE1/4 SW1/4, the SW1/4 SE1/4 and Government lot 4 in Section 19, Township 37 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT any portion thereof in Simpson Canyon Road.

Tax Account No: 3709-01900-00900-000 Key No: 377096

Memorandum of Lease – Shady Pine
Grantor: Klamath Cascade Group, LLC
Grantee: CPM Development Corporation, d/b/a Klamath Pacific Company

(Legal Description Continued)

Parcel 5:

A parcel of land situate in Government lot 5 of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

A parcel of land 25 feet in width from the Easterly boundary of Government Lot 58 to the Northerly boundary of Government lot 5, being 12 ½ feet on each side of the following described center line:

Beginning at a point in the meander corner on the Easterly boundary of the said Section 25, Township 37 South, Range 8 East of the Willamette Meridian, from which the Northeasterly corner of the said Section 25 bears North 1° 17' East, 1507.4 feet distant, and running thence South 0° 33' West, along the said Easterly boundary of the said Section 25, 176.4 feet distant, being the True Point of the Beginning; thence North 27° 39' West to the Northerly Boundary line of said Government Lot 5.

Tax Account No: 3708-02500-00401-000

Key No: 884371

As per Exhibit "B" to the First Amendment to Commercial Lease and Royalty Agreement
Tracts 1 and 2

81279
08001

Tract 1:

A parcel of land situated in Lots 1 and 5, Section 25, Township 37 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at and iron rod monument on the Westerly right of way line of Shady Pine Road (originally The Dalles-California Highway), said point being South 05° 01' 49" West, 1,335.29 feet from a brass cap monument at the Northeast corner of said Section 25; thence South 87° 54' 00" West, 374.83 feet to an iron rod monument on the East line of the relocated The Dalles-California Highway No. 97; thence North 02° 06' 00" West, 176.87 feet along said East line to a point; said point being 35 feet distant Easterly from, when measured at right angles to the centerline of said Highway at station 328+73.4; thence North 87° 54' 00" East, 15.00 feet; thence North 02° 06' 00" West, parallel with and 50 feet distant from the centerline of said relocated highway, a distance of 50.95 feet to the Southwest corner of that property described in Volume M82 at Page 7839, Deed Records of Klamath County, Oregon; thence North 68° 37' 20" East, along the South line of that property described in Volume M82 at Page 7839, a distance of 223.35 feet, more or less, to the Westerly right of way line of said Shady Pine Road; thence Southeasterly along said Westerly right of way to the point of beginning.

Tract 2:

A piece or parcel of land situated in the NE ¼ of Section 25, Township 37 South, Range 8 East of the Willamette Meridian, in the County of Klamath, State of Oregon, and being more particularly described as follows:

Beginning at an iron pipe of the Easterly right of way line of State Highway No. U.S. 97, as the same is presently located and constructed on the ground; from which the monument marking the meander corner common to Section 25, Township 37 South, Range 8 East of the Willamette Meridian and Section 30, Township 37 South, Range 9 East of the Willamette Meridian bears South 51° 02-3/4' East 628.9 feet distant (said point of beginning being also 50.0 feet distance from when measured at right angles to, Station 329/24.3 of the centerline of said Highway No. 97); thence North 69° 12-1/3' East 230.0 feet, more or less, to the Westerly right of way of the County Road (Old Highway No. 97), which point is 30 feet from, when measured at right angles to, the centerline of said County Road, and from which point an iron pipe reference monument bears North 69° 12-1/3' East 10.0 feet distant; thence following the said Westerly right of way line of said County Road in a Northerly and Westerly direction to its intersection with the Easterly right of way line of said State highway No. U.S. 97; thence Southerly and Easterly along the said Easterly right of way line of said State Highway to the point of beginning. The basis of bearings for the above description being South 1° 31' East for the centerline of the said State Highway from the said Station 329/24.3 Southerly.

EXCEPTING THEREFROM any portion lying with the State Highway right of way.

Memorandum of Lease – Shady Pine

Grantor: Klamath Cascade Group, I.L.C

Grantee: CPM Development Corporation, d/b/a Klamath Pacific Company

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