

WTC 89144-DS

2010-014360

Klamath County, Oregon



00094271201000143600030039

12/20/2010 11:41:34 AM

Fee: \$47.00

AFTER RECORDING, RETURN TO:  
William M. Ganong  
Attorney at Law  
514 Walnut Avenue  
Klamath Falls OR 97601

SEND TAX STATEMENTS TO:  
Justin Whitaker  
Carolyn Whitaker  
10545 Yonna Drive  
Bonanza OR 97623

**MEMORANDUM OF CONTRACT OF SALE**

DATED: December 30, 2010

BETWEEN: Mike B. Russell  
Donna J. Russell, husband and wife  
11011 Yonna Loop Road  
Bonanza OR 97623 ("Seller")

AND: Justin Whitaker  
Carolyn Whitaker, husband and wife  
10545 Yonna Drive  
Bonanza OR 97623 ("Purchaser")

Pursuant to a Contract of Sale dated December 30, 2010, Seller sold to Purchaser Seller's interest in that certain tract of land being a portion of Parcel 2 of "Minor Land Partition 15-90" in Klamath County, Oregon, more particularly described on Exhibit "A" attached hereto and known as Klamath County Assessor's Parcel No. R-3711-V0000-07302-000; the irrigation equipment located thereon consisting of a 50 hp pump, mainline, Bauer Traveler big gun and supply line; and the right to use the irrigation well described in the Agreement for Joint Use of Irrigation Well and Appurtenances and Reciprocal Easements recorded on July 7, 1998 in Volume M98 at Page 23851 of the Microfilm Records of Klamath County, Oregon, collectively referred to in this Contract as "the Property."

The true and actual consideration for this conveyance is \$170,000.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE

MEMORANDUM OF CONTRACT OF SALE

1

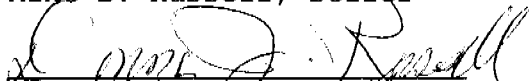
472nd

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

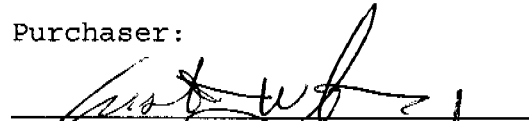
IN WITNESS WHEREOF, the parties have caused this memorandum to be executed as of the day and year first above written.

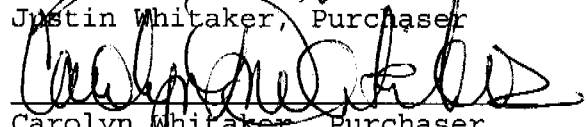
Seller:

  
Mike B. Russell, Seller

  
Donna J. Russell, Seller

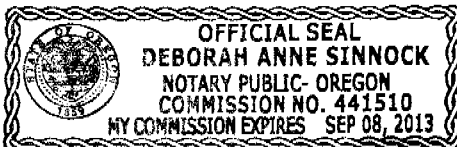
Purchaser:


  
Justin Whitaker, Purchaser

  
Carolyn Whitaker, Purchaser

STATE OF OREGON, County of Klamath) ss.

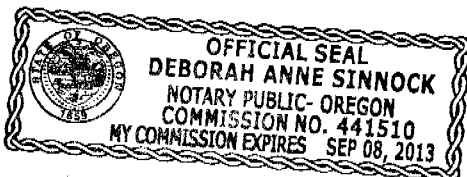
This instrument was acknowledged before me on December 17<sup>th</sup>, 2010 by Mike B. Russell and Donna J. Russell.




  
Notary Public for Oregon  
My Commission Expires: 9-8-13

STATE OF OREGON, County of Klamath) ss.

This instrument was acknowledged before me on December 17<sup>th</sup>, 2010 by Justin Whitaker and Carolyn Whitaker.



  
Notary Public for Oregon  
My Commission Expires: 9-8-13

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

**PARCEL 1:**

A tract of land being a portion of Parcel 2 of "Minor Land Partition 15-90". Situated in the W1/2 E1/2 and the NE1/4 NW1/4 of Section 36, Township 37 South, Range 11 1/2 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the North 1/4 corner of said Section 36; thence North 89° 05' 03" East 1,323.78 feet to the East 1/16 corner common to Sections 25 and 36 and the West line of that tract of land owned by Mike and Donna Russell; thence South 00° 21' 57" West, along the said tract of land, 1,320.15 feet to a fence corner; thence the following courses and distances generally along an existing fence line; South 88° 49' 15" West 114.29 feet, South 00° 14' 09" East 1,318.34 feet, South 00° 05' 02" East 962.47 feet and South 89° 25' 11" West 1,132.76 feet; thence south 89° 25' 11" West, to a point on the center line of Squaw Flat Road and on the West boundary line of said Parcel 2, 26.9 feet more or less; thence the following courses and distances along said boundary; North 00° 10' 06" West 2,732.58 feet, along the arc of a curve to the left (radius equals 1,909.86 feet and central angle equals 05° 00' 00") 166.67 feet, North 05° 10' 06" West 546.22 feet and along the arc of a curve to the left (radius equals 954.93 feet and central angle equals 09° 09' 08") 152.54 feet, North 89° 05' 03" West 42.65 feet to the point of beginning, with bearings based on "Minor Land Partition 15-90".