

2011-003159

Klamath County, Oregon



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03/03/2011 03:14:14 PM

Fee: \$72.00

Recording requested by:
Brush Creek Co.

When recorded mail to:
Chuck Bacchi
P.O. Box 479
Lotus, CA 95651

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MEMORANDUM OF LEASE TERMINATION

THIS MEMORANDUM OF LEASE TERMINATION is made effective as of March ___, 2011, by and between BRUSH CREEK CO., a California general partnership and successor-in-interest to Henry F. Bacchi as Lessor ("Lessor"), and BACCHI RANCH, a California general partnership ("Lessee").

Lessor and Lessee hereby acknowledge that that certain lease by and between Henry F. Bacchi, as Lessor, and Bacchi Ranch, as Lessee, dated on or about October 7, 1985 and described by that certain Memorandum of Lease, recorded on November 13, 1985, Volume M85, Page 18399, Deed Records of Klamath County, Oregon, pertaining to that certain real property described in Exhibit A attached hereto, has been terminated and no longer has any force or effect.

EXECUTED on March 2, 2011, at the City of Sacramento, Sacramento
County, California.

BRUSH CREEK CO., a California
partnership

By: CW Bacchi
Charles William Bacchi, General Partner

By: Cheri Bacchi Little
Cheri Bacchi Little, General Partner

By: Nikki Bacchi Bari
Nikki Bacchi Bari, General Partner

BACCHI RANCH, a California general
partnership

By: CW Bacchi
Charles William Bacchi, General Partner

By: Cheri Bacchi Little
Cheri Bacchi Little, General Partner

MEMORANDUM OF LEASE TERMINATION

386307.1

1 of 8

EXHIBIT A

Real property in the County of Klamath, State of Oregon, described as follows:

PARCEL 1:

A TRACT OF LAND SITUATED IN TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EAST SECTION LINE OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, AND THE CENTERLINE OF THE SEVEN MILE CANAL, AS NOW LOCATED AND CONSTRUCTED; THENCE NORTHWEST ALONG SAID CENTER LINE TO ITS INTERSECTION WITH THE TOWNSHIP LINE BETWEEN TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN AND TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH ALONG SAID TOWNSHIP TO THE NORTH LINE OF PARCEL 1 OF PROPERTY DESCRIBED IN DEED RECORDED AUGUST 02, 1961 IN VOLUME 331, PAGE 367, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE EAST 98 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID PARCEL 1 OF PROPERTY DESCRIBED IN DEED VOLUME 331, PAGE 367; THENCE SOUTH ALONG THE EAST LINE OF SAID DEED TO THE NORTH LINE OF PARCEL 2 OF THE PROPERTY DESCRIBED IN DEED RECORDED AUGUST 02, 1961 IN VOLUME 331, PAGE 367, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTHEASTERLY ALONG THE NORTH LINE OF PARCEL 2 OF SAID DEED TO ITS INTERSECTION WITH THE EAST LINE OF THE SECTION LINE COMMON TO SECTIONS 19 AND 30; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION LINE TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN THE DEED RECORDED JUNE 05, 1958 IN VOLUME 299, PAGE 646, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE WEST ALONG THE SOUTH LINE OF THE REAL PROPERTY DESCRIBED IN SAID DEED TO THE CENTER LINE OF THE DIXON MCQUISTON CANAL; THENCE NORTH ALONG THE CENTER OF SAID CANAL TO THE NORTHWEST CORNER OF THE REAL PROPERTY DESCRIBED IN THE DEED RECORDED MAY 17, 1956 VOLUME 283, PAGE 212, DEED RECORDS OF KLAMATH COUNTY, OREGON; THENCE EAST ALONG THE NORTH LINE OF THE REAL PROPERTY DESCRIBED IN SAID DEED TO THE EAST LINE OF SECTION 7; THENCE NORTH ALONG THE EAST LINE OF SECTIONS 7 AND 6 TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM, THAT PORTION LYING NORTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINES:

BEGINNING AT THE CORNER COMMON TO SECTIONS 13 AND 24, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, AND SAID SECTIONS 18 AND 19, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT; THENCE SOUTH 00° 23' 47" WEST ALONG THE WEST LINE OF SAID SECTION 19, 1557.50 FEET TO THE NORTHWEST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN DEED VOLUME 331, PAGE 367 OF THE SAID KLAMATH COUNTY DEED RECORDS; THENCE EAST 98.00 FEET TO THE NORTHEAST CORNER OF SAID DEED VOLUME 331, PAGE 367 AND BEING THE CENTERLINE OF FOUR MILE CANAL; THENCE SOUTH 00° 04' 38" EAST ALONG THE EAST LINE OF SAID DEED VOLUME 331 PAGE 367, TO THE INTERSECTION OF THE CENTERLINES OF FOUR MILE CANAL AND AN EXISTING CANAL, SAID INTERSECTION BEING THE TRUE POINT OF THE BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 74° 27' 51" EAST ALONG THE CENTERLINE OF SAID CANAL, 3243.55 FEET, TO ITS INTERSECTION WITH THE CENTERLINE OF THE DIXON AND MCQUISTON CANAL; THENCE, ALONG THE CENTERLINE OF SAID DIXON AND MCQUISTON CENTER CANAL, NORTH 13° 18' 22" EAST 681.05 FEET, NORTH 23° 53' 22" WEST 156.11 FEET AND NORTH 00° 13' 57" WEST 16,175 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE CENTERLINE OF THE SEVEN MILE CANAL, WITH BEARINGS BASED ON SURVEY NO. 3146, AS RECORDED IN THE OFFICE OF THE KLAMATH COUNTY SURVEYOR. THE REMAINING TRACT CONTAINING 1100 ACRES, MORE OR LESS.

PARCEL 2:

A PORTION OF THE SOUTH HALF OF SECTION 20, TOWNSHIP 34 NORTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST LINE OF SECTION 20 AND THE NORTH LINE OF PROPERTY DESCRIBED IN DEED VOLUME 331, PAGE 367, RECORDS OF KLAMATH COUNTY, OREGON; THENCE SOUTH 88° 57' EAST ALONG SAID NORTH LINE A DISTANCE OF 4,700 FEET TO A POINT; THENCE NORTH A DISTANCE OF 200 FEET TO A POINT; THENCE WEST TO A POINT ON THE CENTERLINE OF A CANAL RUNNING SOUTHWESTERLY THROUGH SECTION 20; THENCE NORTHWESTERLY ALONG SAID CENTER LINE OF CANAL TO THE WEST LINE OF SAID SECTION 20; THENCE SOUTH 2250 FEET, MORE OR LESS, ALONG SAID WEST LINE OF SECTION 20 TO THE POINT OF BEGINNING.

PARCEL 3:

A PARCEL OF LAND SITUATE IN SECTIONS 7 AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF THE DIXON AND MCQUISTON CENTER CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, FROM WHICH THE SECTION CORNER AT THE SOUTHEASTERLY CORNER OF SECTION 1, TOWNSHIP 34 SOUTH OF THE RANGE 6 EAST WILLAMETTE MERIDIAN, AS ESTABLISHED BY NORMAN D. PRICE, U.S. CADASTRAL ENGINEER, BETWEEN OCTOBER 31, 1930 AND JUNE 22, 1931, BEARS NORTH 0° 04' WEST, ALONG SAID CENTER LINE OF THE CENTER CANAL 4246.0 FEET, TO A POINT IN THE CENTER LINE OF THE SEVEN MILE CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, AND SOUTH 56° 11' WEST 3923.8 FEET TO SAID CORNER, AND RUNNING FROM SAID POINT OF BEGINNING EAST 2006.0 FEET, MORE OR LESS, TO A POINT IN THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF THE SAID SECTION 7, 1796.6 FEET SOUTHERLY FROM THE CORNER COMMON TO SECTIONS 5, 6, 7, AND 8, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 01' 1/2" WEST ALONG SAID SECTION LINE 3441.4 FEET, MORE OR LESS, TO THE SECTION CORNER COMMONS TO SECTION 7, 8, 17 AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 18 1/2' WEST, ALONG THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF THE SAID SECTION 18, 37.6 FEET; THENCE WEST 200.3 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE SAID DIXON AND MCQUISTON CENTER CANAL; THENCE NORTH 0° 04' WEST, ALONG THE CANAL CENTER LINE 3479.0 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 4:

A PARCEL OF LAND SITUATE IN SECTION 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT IN THE CENTER LINE OF THE DIXON AND MCQUISTON CENTER CANAL, AS THE SAME IS NOW LOCATED AND CONSTRUCTED, FROM WHICH THE SECTION CORNER AT THE SOUTHEASTERLY CORNER OF SECTION 1, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, AS ESTABLISHED BY NORMAN D. PRICE, U.S. CADASTRAL ENGINEER, BETWEEN OCTOBER 31, 1930, AND JUNE 22 1931, BEARS NORTH 0° 04' WEST ALONG SAID CENTER LINE OF CENTER CANAL, 7755.0 FEET TO A POINT IN THE CENTER LINE OF THE SEVEN MILE CANAL AS THE SAME IS NOW LOCATED AND CONSTRUCTED, AND SOUTH 56° 11' WEST 3923.8 FEET TO A SAID CORNER, AND RUNNING FROM SAID POINT OF BEGINNING EAST 2000.3 FEET, MORE OR LESS, TO A POINT IN THE SECTION LINE MARKING THE EASTERLY BOUNDARY OF SAID SECTION 18, 37.6 FEET SOUTHERLY FROM THE SECTION CORNER COMMON TO SECTIONS 7, 8, 17, AND 18, TOWNSHIP 34 SOUTH, RANGE 7 1/2 EAST WILLAMETTE MERIDIAN; THENCE SOUTH 0° 18 1/2' WEST ALONG THE SAID SECTION LINE 3504.5 FEET; THENCE WEST 1977.3 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF THE SAID DIXON AND MCQUISTON CENTER CANAL; THENCE NORTH 0° 04' WEST ALONG THE CANAL CENTER LINE 3504.4 FEET, MORE OR LESS, TO A POINT OF BEGINNING.

PARCEL 5:

A TRACT OF LAND SITUATED IN GOVERNMENT LOTS 20, 21, 22 AND 25 OF SECTION 6, TOWNSHIP 34 SOUTH, RANGE 71/2 EAST WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A PK NAIL ON A FENCE POST FROM WHICH THE NORTH 1/16 CORNER COMMON TO SAID SECTION 6 AND SECTION 1, TOWNSHIP 34 SOUTH, RANGE 6 EAST WILLAMETTE MERIDIAN, KLAMATH COUNTY OREGON, BEARS SOUTH 35° 49' 22" WEST 516.81 FEET; THENCE SOUTH 00° 12' 47" WEST 287.54 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 01° 02' 38" EAST 120.71 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 02° 26' 25" WEST 287.52 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 18° 02' 14" EAST 1131.66 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 83° 43' 23" EAST 48.62 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 83° 31' 40" EAST 16.38 FEET TO A PK NAIL ON A FENCE POST; THENCE SOUTH 43° 54' 16" EAST 58.37 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 73° 09' 13" EAST 629.63 FEET TO A PK NAIL ON A FENCE POST; THENCE NORTH 71° 53' 47" EAST, GENERALLY ALONG AN EXISTING FENCE 709.12 FEET TO A 5/8 INCH IRON PIN ON THE NORTHEAST SIDE OF A FENCE CORNER; THENCE NORTH 31° EAST 75 FEET, MORE OR LESS, TO THE CENTERLINE OF THE SEVEN MILE CANAL; THENCE NORTHWESTERLY ALONG THE CENTERLINE OF SAID SEVEN MILE CANAL TO A POINT THAT BEARS NORTH 00° 12' 47" EAST FROM THE POINT OF BEGINNING; THENCE SOUTH 00° 12' 47" WEST 195 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 6:

THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 33 SOUTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON, LESS 0.56 ACRE ROAD, AND LESS THE WESTERLY PORTION AS DESCRIBED IN DEED VOLUME M71 PAGE 3664, DEED RECORDS OF KLAMATH COUNTY, OREGON. ALSO LOTS 1, 2, 3, 8 AND 9, LESS THAT PORTION OF LOTS 2 AND 3 LYING WEST OF THE CENTERLINE OF THE CHANNEL OF SEVEN MILE CREEK, ALL IN SECTION 1, TOWNSHIP 34 SOUTH, RANGE 6 EAST OF THE WILLAMETTE MERIDIAN, KLAMATH COUNTY, OREGON. ALSO, ALL THAT PORTION OF LOTS 7 AND 10 OF SAID SECTION 1, LYING EAST OF SAID SEVEN MILE CREEK AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 7; THENCE WEST ALONG THE NORTH BOUNDARY OF SAID LOT 7, 17.40 CHAINS, MORE OR LESS, TO THE CENTERLINE OF SAID SEVEN MILE CREEK; THENCE SOUTHERLY ALONG THE CENTERLINE OF SAID SEVEN MILE CREEK AS FOLLOWS; SOUTH 34° 35' EAST, 1.50 CHAINS; SOUTH 15° 58' WEST, 4.60 CHAINS; SOUTH 34° 39' EAST 4.48 CHAINS; SOUTH 22° 46' WEST 4.60 CHAINS; SOUTH 28° 01' EAST 6.51 CHAINS; SOUTH 03° 33' WEST 3.00 CHAINS; SOUTH 27° 48' EAST 3.26 CHAINS; SOUTH 45° 10' EAST 5.77 CHAINS; SOUTH 58° 30' EAST 5.80 CHAINS; SOUTH 29° 02' 30" EAST 4.04 CHAINS; NORTH 61° 10' EAST 1.70 CHAINS TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 00° 07' EAST ALONG THE EAST LINE OF SAID LOTS 10 AND 7, 35.08 CHAINS, MORE OR LESS, TO THE PINT OF BEGINNING.

EXCLUDING AND EXCEPTING THEREFROM

BEGINNING AT A 1/2 INCH IRON PIN ON THE EAST LINE OF SAID SECTION 1 FROM WHICH THE NORTHEAST CLOSING CORNER OF SAID SECTION 1, AS MARKED BY A 1931 G.L.O. BRASS CAP MONUMENT, BEARS NORTH 00°03'52" WEST 329.90 FEET; THENCE SOUTH 88°21'24" WEST 108.64 FEET TO A 1/2 INCH IRON PIN; THENCE SOUTH 00°21'23" EAST 127.40 FEET TO A 1/2 INCH IRON PIN ON THE NORTHERLY EDGE OF AN EXISTING FENCE; THENCE NORTH 86°02'20" EAST ALONG SAID NORTHERLY EDGE OF FENCE, 19.96 FEET TO A 1/2 INCH IRON PIN BY THE WEST WALL OF AN EXISTING BARN; THENCE SOUTH 00°20'19" EAST 61.99 FEET TO A 1/2 INCH IRON PIN ON THE SOUTHERLY EDGE OF AN EXISTING FENCE; THENCE SOUTH 88°46'32" EAST ALONG SAID SOUTHERLY EDGE OF FENCE 44.40 FEET TO A 1/2 INCH IRON PIN ON THE SOUTHWEST SIDE OF AN EXISTING FENCE CORNER; THENCE SOUTH 01°58'20" EAST 11.63 FEET TO A 1/2 INCH IRON PIN ON THE NORTHWEST SIDE OF AN EXISTING FENCE CORNER; THENCE SOUTH 63°46'09" WEST 158.62 FEET TO A 1/2 INCH IRON PIN ON THE NORTHWEST SIDE OF AN EXISTING FENCE CORNER; THENCE SOUTH 01°03'26" WEST 1102.62 FEET TO A 1/2 INCH IRON PIN ON THE SOUTHWEST SIDE OF AN EXISTING FENCE CORNER; THENCE SOUTH 89°08'38" EAST 206.94 FEET TO A 1/2 INCH IRON PIN IN AN EXISTING FENCE LINE AND BEING ON THE EAST LINE OF SAID SECTION 1; THENCE NORTH 00°03'52" WEST 1379.33 FEET TO THE POINT OF BEGINNING.

Tax Parcel Number: R76964 and R76955 and R846188 and R77491 and R76991 and R76973 and R72646 and R72664 and M36525

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California)
) ss.
County of Sacramento)

On March 2, 2011, before me, Charlotte E. Siligo, Notary Public, personally appeared Charles William Bacchi, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

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

WITNESS my hand and official seal.



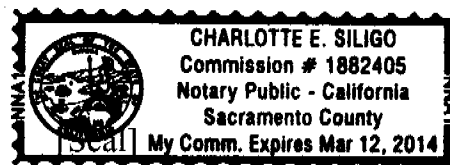
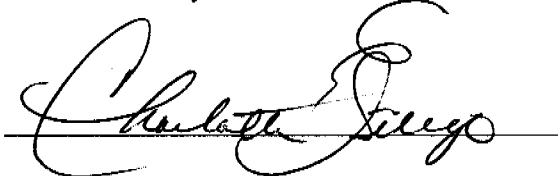
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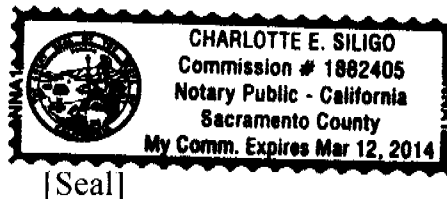
State of California)
) ss.
County of Sacramento)

On March 2, 2011, before me, Charlotte E. Siligo, Notary Public,
personally appeared Cheri Bacchi Little, who proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument and
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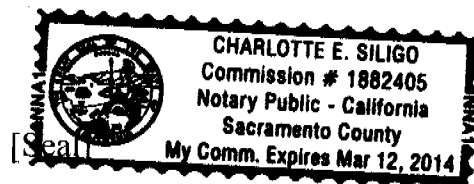
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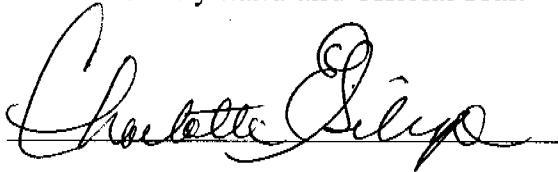
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

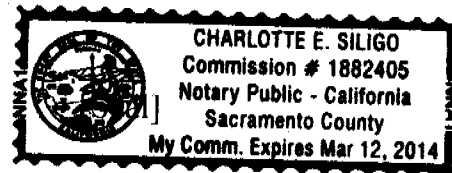
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