

2011-011141

Klamath County, Oregon



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10/06/2011 01:59:04 PM

Fee: \$47.00

After Recording Return To:
Michael P. Rudd
411 Pine Street
Klamath Falls, OR 97601

MEMORANDUM OF AGGREGATE AGREEMENT

DATED: OCT-5, 2011.

BETWEEN: C.A. Galpin
744 Cardley Avenue, Suite 100
Medford, OR 97504 (Hereinafter "Galpin")

Duke Mountain, LLC, an Oregon
Limited Liability Company
744 Cardley Avenue, Suite 100
Medford, OR 97504 (Hereinafter "Duke")

Old Fort Road Sand & Gravel, Inc.,
an Oregon Corporation
Attention: Don Rowlett
16799 Highway 66
Ashland, OR 97520 (Hereinafter "Rowlett")

Pursuant to an Aggregate Agreement (hereinafter the "Agreement") dated OCT-5, 2011, Galpin and Duke granted to Rowlett mining and aggregate removal rights in that certain property in Klamath County, Oregon, more particularly described in the attached Exhibit "A" (hereinafter the "Property"). The Agreement terminates on OCT-4, 2031. The Agreement is binding on and inures to the benefit of the Parties, their successors and assigns and encumbers the Property.

Statutory Disclosure:

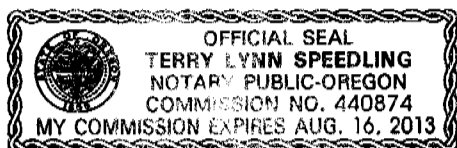
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS 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 DESCRIBED 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 caused this Memorandum to be executed as of the day and year first above written.

C.A. Galpin

STATE OF OREGON)
County of Jackson) ss.

Personally appeared, C.A. Galpin, and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



Terry Speedling
Notary public for Oregon
My commission expires: 8-16-13

Duke Mountain, LLC, an Oregon Limited Liability Company

John A. Duke
By: John A. Duke
Its: Manager

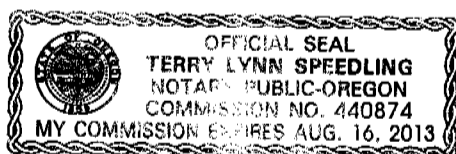
C.A. Galpin
By: C.A. Galpin
Its: Manager

Old Fort Road Sand & Gravel, Inc., an Oregon Corporation

Donald E. Rowlett
By: Donald E. Rowlett
Its: President

STATE OF OREGON)
County of Jackson) ss.

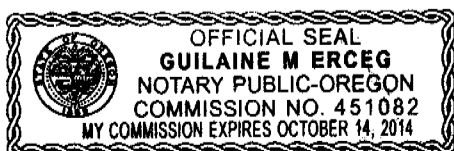
Personally appeared, John A. Duke and C.A. Galpin, who being duly sworn, stated they are Managers of Duke Mountain, LLC, and that said instrument was signed on behalf of said limited liability company by authority of its members; and they acknowledge said instrument was its voluntary act and deed. Before me:



Terry Speedling
Notary public for Oregon
My commission expires: 8-16-13

STATE OF OREGON)
County of Klamath) ss.

Personally appeared, Donald E. Rowlett, who being duly sworn, stated he is President of Old Fort Road Sand & Gravel, Inc., and that said instrument was signed on behalf of said corporation by authority of its members; and he acknowledged said instrument was its voluntary act and deed. Before me:



Guilaïne Erceg
Notary public for Oregon
My commission expires: Oct. 14, 2014

Parcel 3 of Land Partition 26-94, said Land Partition being situated in Section 22, 23, 25, 26, 27 and 36, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tax Account No. 6809-00000-05103-000	Key No. 875425
Tax Account No. 6809-00000-05103-000	Key No. 875426
Tax Account No. 6809-02200-00801-000	Key No. 875422
Tax Account No. 6809-02200-00801-000	Key No. 875423

EXHIBIT " A "