

NETC 91023

2012-003174

Klamath County, Oregon



00115839201200031740050056

03/27/2012 11:24:52 AM

Fee: \$57.00

RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON REPRESENTING THE ATTACHED INSTRUMENT FOR RECORDING. ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTION(S) CONTAINED IN THE INSTRUMENT ITSELF.

After Recording, Return To:

Robert L. Garbrecht
McAfee & Taft, A Professional Corporation
10th Floor, Two Leadership Square
211 N Robinson
Oklahoma City, OK 73102-7103

1. Name(s) of the Transaction(s):

Amendment to Memorandum of Lease

2. Grantor and address:

Pro-Build Real Estate Holdings, LLC
82 Devonshire, R7A
Boston, MA 02109

3. Grantee and address:

**ProBuild Company, LLC
82 Devonshire, R7A
Boston, MA 02109**

4. True and Actual Consideration:

4. \$0.00

574me

107C91023
After Recording Return To:

Robert L. Garbrecht
McAfee & Taft A Professional Corporation
10th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102-7103
Telephone: (405) 235-9621
Facsimile: (405) 235-0439

①

American Eagle Title Group, L.L.C.
410 N. Walnut, Suite 100
Oklahoma City, OK 73104
File # 2102-080533

**AMENDMENT TO
MEMORANDUM OF LEASE**

The undersigned, being the Landlord and Tenant under that certain Lease dated January 2, 2007, as amended to date (the "Lease"), pursuant to which Tenant leased from Landlord certain real property and improvements located in Klamath Falls, Klamath County, Oregon as more particularly described in that certain Memorandum of Lease between Landlord and Tenant dated May 1, 2009, recorded May 11, 2009 as 2009-006614 of the real estate records of Klamath County, Oregon (the "Lease Memorandum"), do hereby amend Exhibit A of the Lease Memorandum to exclude the tract of property described on Exhibit A-1 attached hereto comprising 30,211 square feet, pursuant to that certain Third Amendment to Lease Agreement entered into between Landlord and Tenant of even date herewith.

4/52

[Signature Page to Follow]

52717f

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment to Memorandum of Lease effective as of December 1, 2011.

LANDLORD:

PRO-BUILD REAL ESTATE HOLDINGS, LLC, a Delaware limited liability company, successor by merger to PBRE2 CORPORATION, a Delaware corporation

By: David Polishook
David Polishook, President

December 1, 2011

STATE OF Colorado)
) ss.
COUNTY OF Denver)

Then personally appeared the above-named David Polishook and stated that he is a duly authorized President of PRO-BUILD REAL ESTATE HOLDINGS, LLC, a Delaware limited liability company, successor by merger to PBRE2 CORPORATION, a Delaware corporation ("Company") and acknowledged the foregoing to be his free act and deed and the free act and deed of said Company, before me,

Leanne K. Harris-Wollenweber
Notary Public
My Commission Expires: 05/20/2015

LEANNE K. HARRIS-WOLLENWEBER
NOTARY PUBLIC
STATE OF COLORADO
MY COMMISSION EXPIRES 05/20/2015

EXHIBIT A-1

A Parcel of land situated in the NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath Fall, Oregon, being more particularly described as follows:

Beginning at the northwest corner of Parcel 3 as described in Deed Volume 2007-002371 (on file at the Klamath County Clerks Office), from which the north one-quarter corner of said Section 8 bears North $48^{\circ}51'12''$ East, 2627.90 feet; thence along the northwesterly line of said Parcel 3, along the arc of a 2259.86 foot radius curve to the left, through a central angle of $03^{\circ}47'28''$ (the long chord of which bears North $43^{\circ}55'39''$ East, 149.50 feet) an arc distance of 149.53 feet; thence leaving said northwesterly line, South $03^{\circ}34'37''$ East, 119.35 feet; thence South $27^{\circ}31'49''$ East, 115.90 feet; thence South $37^{\circ}36'12''$ East, 251.38 feet to the northerly Right-of-Way line of the Southside Expressway; thence, along said northerly Right-of-Way line, North $87^{\circ}30'50''$ West, 197.22 feet to a point of an offset spiral; thence continuing along said northerly Right-of-Way line and along the chord of said offset spiral, North $87^{\circ}30'53''$ West, 1.44 feet; thence leaving said northerly Right-of-Way line and along the northwesterly line of Parcel 1 as described in said Deed Volume 2007-002371, North $44^{\circ}40'22''$ East, 127.08 feet to the southwest corner of Parcel 3; thence along the southwesterly line of said Parcel 3, North $44^{\circ}16'15''$ West, 299.40 feet to the point of beginning. Basis of Bearings is Record of Survey #7325, on file at the Klamath County Surveyors Office.

Containing 30,211 square feet.