

WTC 91023

2012-003174

Klamath County, Oregon



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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  
10<sup>th</sup> 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**

574m

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 # 21102-080633

**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]

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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

IN WITNESS WHEREOF, Landlord and Tenant have executed this Amendment to Memorandum of Lease effective as of December 14, 2011.

**TENANT:**

PROBUILD COMPANY LLC, a Delaware limited liability company, successor by merger to LUMBERMEN'S, INC., a Washington corporation

By: *Michael Mahre*  
Name: Michael Mahre  
Title: SVP Corporate Development

December 14, 2011

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF DENVER     )

Then personally appeared the above-named Michael Mahre and stated that he/she is a duly authorized SVP Corporate Development of PROBUILD COMPANY LLC, a Delaware limited liability company, successor by merger to LUMBERMEN'S, INC., a Washington corporation ("Company"), and acknowledged the foregoing to be his/her 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.