

2012-007966

Klamath County, Oregon



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Fee: \$47.00

**RECORDING COVER SHEET**

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON  
PRESENTING 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:**

Michael P. Rudd  
Brandsness, Brandsness & Rudd, P.C.  
411 Pine Street  
Klamath Falls, or 97601

**PARTIES:**

Klamath High Desert, LLC,  
An Oregon Limited Liability Company  
P.O. Box 338  
Klamath Falls, OR 97601

And

Ed Staub and Sons Petroleum, Inc.,  
A California corporation authorized  
To transact business in the State of Oregon  
1440 North 4<sup>th</sup> Street  
Lakeview, OR 97630

**Document Being Recorded: Memorandum of Right of First Refusal**

Returned @ Counter

After recording return to:  
Brandsness, Brandsness & Rudd, P.C.  
Attn: Michael Rudd  
411 Pine Street  
Klamath Falls, OR 97601

### **MEMORANDUM OF RIGHT OF FIRST REFUSAL**

Klamath High Desert, LLC, an Oregon limited liability company ("Owner"), and Ed Staub and Sons Petroleum, Inc. a California corporation authorized to do business in Oregon ("Staub"), have entered into a Right of First Refusal dated April 26, 2012 (the "Agreement"), wherein Owner has granted to Staub a right of first refusal to purchase the property described in Exhibit A. The term of the Agreement will expire on April 30 2022.

This Memorandum is being executed and recorded in the Official Records of Klamath County, Oregon, to give notice of the provisions of the Agreement and will not be deemed or construed to define, limit, or modify the Agreement in any manner.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTIN STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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 214.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERWS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.366 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010 THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY BE SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505.

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 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.

Executed as of 6-13, 2012.

**OWNER:**

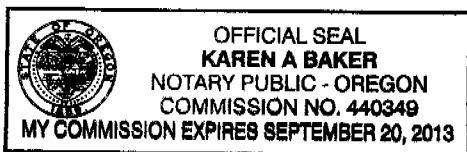
**STAUB:**

James F. Clough  
Klamath High Desert, LLC  
By: James F. Clough  
Its: Authorized Member

Ed Staub  
Ed Staub and Sons Petroleum, Inc.  
By: David Staub  
Its: President

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

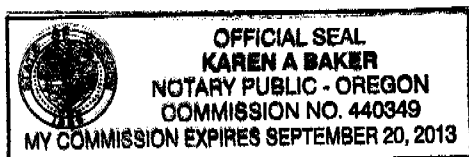
This instrument was acknowledged before me on 6-13, 2012, by James F. Clough as the authorized member of Klamath High Desert, LLC, an Oregon limited liability company, on behalf of said Owner.



Karen A Baker  
Notary Public for Oregon  
My commission expires: 9-20-2013

STATE OF OREGON           )  
  ) ss.  
County of Klamath        )

This instrument was acknowledged before me on 6-26, 2012, by David Staub, as President of Ed Staub and Sons Petroleum, Inc. a California corporation, on behalf of Staub.



Karen A Baker  
Notary Public for Oregon  
My commission expires: 9-20-2013