

2012-008853

Klamath County, Oregon



00122577201200088530040046

08/10/2012 02:58:01 PM

Fee: \$52.00

2012-007966

Klamath County, Oregon



00121503201200079660030031

07/20/2012 03:49:01 PM

Fee: \$47.00

1st Courtesy

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 4th Street
Lakeview, OR 97630

Document Being Recorded: Memorandum of Right of First Refusal

**Being re-recorded to attach legal description #2012-007966

Returned @ County

F 52-

After recording return to:
Brandsness, Brandsness & Rudd, P.C.
Attnt: 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:

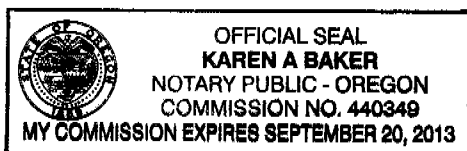
STAUB:

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)

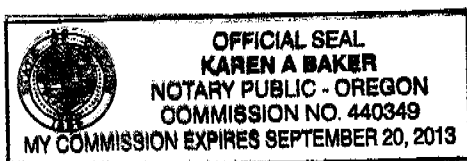
This instrument was acknowledged before me on 6-13, 2012, by James F. Clough as the authorized member of Klamath High Desert, LLC, an Oregon limited liability company, on behalf of said Owner.



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

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

1100
A tract of land situated in the SW1/4 of the NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southeasterly right of way line of the Weed-Klamath Falls Highway, which point is North 44 degrees 50 1/2' East a distance of 138 feet from the intersection of the Southeasterly line of said Highway with the Westerly line of Section 8, and the true the point of beginning; thence continuing North 44 degrees 50 1/2' East along said Southeasterly line a distance of 300 feet; thence North 45 degrees 09 1/2' West a distance of 20 feet; thence North 44 degrees 50 1/2' East along aforementioned Highway right of way line a distance of 50 feet; thence South 45 degrees 09 1/2' East at right angles a distance of 320 feet; thence South 44 degrees 09 1/2' West parallel to said Highway line a distance of 350 feet; thence North 45 degrees 09 1/2' West 300 feet to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Klamath County, by Deed dated February 20, 1985, recorded April 1, 1985 in Volume M85, page 4700; and Deed dated March 19, 1985, recorded April 1, 1985 in Volume M85, page 4702, all Microfilm Records of Klamath County, Oregon.

PARCEL 2:

A tract of land situated in the SW1/4 NW1/4 of Section 8, Township 39 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of the Northwest quarter of said Section 8; thence North along the West line a distance of 250 feet; thence East a distance of 305.3 feet to the true the point of beginning; thence North a distance of 265.18 feet to a 3/4 inch pipe at the most Southerly corner of that parcel of property described in Deed Volume 181, page 175, Deed Records of Klamath County, Oregon; thence North 44 degrees 50 1/2' East a distance of 350 feet to the Southwesterly line of that property described in Deed Volume M72, page 1198, Microfilm Records of Klamath County, Oregon; thence South 45 degrees 09 1/2' East a distance of 300 feet, more or less, to the most Southerly corner of the above mentioned property described in Volume M72, page 1198, Microfilm Records of Klamath County, Oregon; thence continue along the same line extended Southeasterly to its point of intersection with a line being parallel to and 250 feet North of the South line of said NW1/4 of Section 8; thence West along said line to the true the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Klamath County, by Deed dated February 20, 1985, recorded April 1, 1985 in Volume M85, page 4700; and Deed dated March 19, 1985, recorded April 1, 1985 in Volume M85, page 4702, all Microfilm Records of Klamath County, Oregon.