

2013-013331

Klamath County, Oregon



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12/03/2013 01:37:25 PM

Fee: \$42.00

**AFTER RECORDING,  
RETURN TO:**  
MLM Pumice & Cinders, LLC  
3708 Swan Lake Road  
Klamath Falls, Oregon 97603

(Space above this line for Recorder's use only)

### MEMORANDUM OF AGREEMENT

**BETWEEN:** JWTR, LLC,  
an Oregon limited liability company JWTR

**AND:** MLM PUMICE & CINDERS, LLC  
a Delaware limited liability company MLM

For \$10 dollars and other good and valuable consideration, JWTR and MLM have entered into a Cinder Rights Agreement (the "Agreement") effective as of the 26<sup>th</sup> day of November, 2013 (the "Effective Date"). The Agreement covers Section 29, Township 28 South, Range 8 East of the Willamette Meridian, Klamath County (the "Property") and access to and from the Property over JWTR's adjacent land.

Subject to all the terms of the Agreement, which are incorporated by reference in this Memorandum of Agreement ("Memorandum"), JWTR grants and conveys to MLM the right to mine and sell Cinders found on or in the Property, subject to JWTR's right to receive half of all royalties MLM receives from Operators for such Cinders, and the right to use the surface of JWTR's adjacent lands to access the Property from the nearest public road.

Nothing in this Memorandum shall be deemed to amend, modify, change, alter, amplify, limit, interpret or supersede any provision of the Agreement or otherwise limit or expand the rights and obligations of the Parties under the Agreement. Capitalized terms not otherwise defined in this Memorandum shall have the meanings provided in the Agreement.

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The Parties authorized representatives have duly executed this Memorandum as of the Effective Date.

**JWTR, LLC**

By: Samuel D. Porter  
Printed Name: Samuel D. Porter  
Title: President

**MLM PUMICE & CINDERS, LLC**

By: David B. Wirth  
Printed Name: DAVID B. WIRTH  
Title: MANAGER

STATE OF OREGON                    )  
COUNTY OF KLAMATH            ) ss.

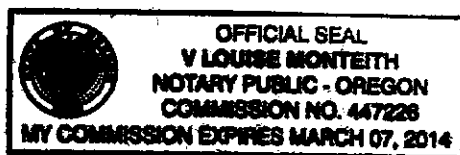
This instrument was acknowledged before me on this 26<sup>th</sup> day of Nov, 2013, by Samuel D. Porter, President of JWTR, LLC, an Oregon limited liability company, on its behalf.



Catherine Marie Chapel  
Notary Public for Oregon  
My commission expires: 6/10/18

STATE OF OREGON                    )  
COUNTY OF KLAMATH            ) ss.

This instrument was acknowledged before me on this 15<sup>th</sup> day of Nov, 2013, by David B. Wirth, Manager of MLM Pumice & Cinders, LLC, a Delaware limited liability company, on its behalf.



V Louise Monteith  
Notary Public for Oregon  
My commission expires: 03/07/2014