

2020-004940

Klamath County, Oregon

04/17/2020 01:39:41 PM

Fee: \$97.00

MTC 359305AM

Return to:

Rabo AgriFinance LLC

Attn: Grace Sandow

14767 N Outer 40 Road, Suite 400

Chesterfield, MO 63017

Mail tax statements to:

Great Western Farm & Ranches LLC

Attn: Scott E. Balin

13600 Homedale Road

Klamath Falls, OR 97603

### MEMORANDUM OF LAND SALE CONTRACT

This Memorandum of Land Sale Contract (this "Memorandum") is made as of <sup>for April</sup> ~~March~~ 17, 2020, between **Rabo AgriFinance LLC**, a Delaware limited liability company ("Seller"), whose address is 14767 N Outer 40 Road, Suite 400, Chesterfield, MO 63017, and **Great Western Farm & Ranches LLC**, an Oregon limited liability company ("Purchaser"), whose address is 13600 Homedale Road, Klamath Falls, Oregon 97603.

Pursuant to a Land Sale Contract dated <sup>for April</sup> ~~March~~ 17, 2020 ("Contract"), Seller sold to Purchaser Seller's interest in that certain property in Klamath County, Oregon, known as 12075 and 12080 Homedale Road, Klamath Falls, Oregon, Klamath County more particularly described on the attached Exhibit A (the "Property"). The terms upon which Seller has sold the Property to Purchaser are set forth in the Contract, to which reference is made for all purposes. The true and actual consideration for this conveyance is \$950,000.00. Purchaser will pay such amount, with interest, according to the terms of the Contract, under which the final payment of principal and interest is due on or before October 31, 2020.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 195.305 TO 195.336 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. 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

ATTN

PARCEL, AS DEFINED IN ORS 92.010 OR ORS 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, ORS 195.301 AND ORS 195.305 TO 195.336 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.

This Memorandum must be recorded in the official records of Klamath County, Oregon, in order to give notice of the existence of the Contract. This Memorandum will not be deemed or construed to define, limit, or modify the Contract, or any provision thereof, in any manner.

*[signature page follows]*

IN WITNESS WHEREOF, the parties have caused this Memorandum of Land Sale Contract to be executed as of the day and year first above written.

**Seller:**

**Rabo AgriFinance LLC**

By: [Signature]

Name: Stephen A. Tornio

Its: Vice President

**Purchaser:**

**Great Western Farm & Ranches LLC**

By: [Signature]

Name: Scott Berlin

Its: Managing Member

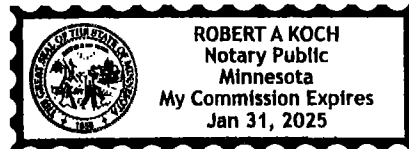
State of MN

County of Hennepin

This instrument was acknowledged before me on March 27<sup>th</sup> 2020, by Stephen A. Tornio, as Vice President of Rabo AgriFinance LLC.

[Signature]  
Notary Public – State of MN

My commission expires: 1-31-2025



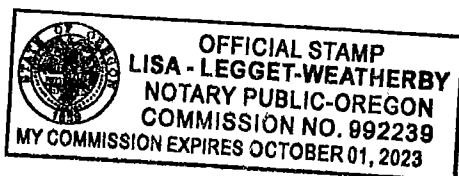
State of Oregon

County of Klamath

This instrument was acknowledged before me on April 7, 2020, by Scott Berlin as Managing Member of Great Western Farm & Ranches LLC.

[Signature]  
Notary Public -- State of Oregon

My commission expires: 10/1/2023



## **EXHIBIT A**

### **Legal Description of the Property**

**Parcel 1:**

A tract of land situated in Section 1, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, described as follows:

Beginning at the Southeast corner of the SE1/4 SW1/4 of Section 1; thence North along the North-South centerline of said section to the Southerly right of way line of the Southern Pacific railroad company right of way; thence Northwest along said right of way line to the West line of the SE1/4 NW1/4 of said section; thence South to the Northeasterly right of way line of the South branch of the "C" Canal as now located; thence Southeasterly along said right of way to the South line of said section; thence East to the point of beginning. Excepting therefrom, that portion lying within the boundaries of the Lower Lake Road.

**Parcel 2:**

Parcel A: The E1/2 SE1/4 of Section 2, Township 40 South, Range 9 East of the Willamette Meridian. Saving and excepting therefrom 5 acres forming a square in the Southwest corner of the SE1/4 SE1/4 conveyed for cemetery

Parcel B: All that portion of the NE1/4 of the NE1/4 of Section 2, Township 40 South, Range 9 East of the Willamette Meridian, lying Southwesterly right of way line on the C4 (formerly E) Canal;

Also the SE1/4 of the NE1/4 of Section 2, Township 40 South, Range 9 East of the Willamette Meridian lying Southwesterly right of way line of the C4 (formerly E) Canal.

**Parcel 3:**

The SW1/4 of the NW1/4 and the W1/2 of the SW1/4, in Section 1, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; EXCEPT 2.34 acres in the SW1/4 of the NW1/4 conveyed to Modoc Northern Railway Company in Volume 30, page 479, deed records of Klamath County, Oregon; and except those portions lying within Homedale Road and in the Southern Pacific Railroad right-of way

ALSO Excepting that portion thereof conveyed to the California Oregon Power Company by deed recorded September 21, 1946 in Volume 196, page 72, deed records of Klamath County, Oregon being a strip of land of undisclosed width for a power line right of way, the centerline of which is described as follows:

Beginning at a point on the Northeasterly right of way boundary of the U.S.R.S. South Branch Canal and 1-B drain, said point being South 63° 42' East 1463.0 feet from the Westerly quarter corner of Section 1, Township 40 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon; thence from said point of beginning North 0° 32' West 989.0 feet; thence North 71° 32' West 125.0 feet to the end of said power line.

AND ALSO Excepting that portion of the S1/2 NW1/4 lying Northeasterly of the Union Pacific Railroad and Northwesterly of the USBR "C" Canal