

other public improvement assessed against the Company by, or paid by the Company to, any taxing authority; or (d) any good will or going concern value or value attributable to any franchise or governmental permit:

and

WHEREAS, the Company is acquiring, coincidentally with execution hereof, certain "fixed property" hereinafter in this Indenture more particularly described, and has recently acquired, additionally, certain "fixed property" described as being:

All the following described real property situate in Klamath County, Oregon:

The West 85.75 feet of Lot 5, Block 28, Original town of Merrill, Oregon, and more particularly described as follows: Beginning at a point on the South line of said Lot 5, Block 28, Original Town of Merrill, Oregon, which point is West a distance of 30.0 feet from the Southeast corner of said Lot; thence West 85.75 feet to the Southwest corner of said Lot 5; thence North 62.5 feet to the Northwest corner of said Lot 5; thence East, along the North line of said Lot 5 to a point which is 30.0 feet West of the Northeast corner of said Lot 5; thence South a distance of 62.5 feet to the point of beginning.

Also the South 22.5 feet of Lot 6, Block 28, Original Town of Merrill, Oregon:

And also:

Lots Five (5) and Six (6), Block Twenty-one (21), SUNNYSIDE, Washington, according to the official plat thereof on file and of record in the office of the Auditor of Yakima County, Washington, recorded in Volume "A" of Plats, Page 59, records of Yakima County, Washington, together with the appurtenances and water rights thereunto belonging.

and desires, pursuant to the covenants and provisions of