

34038

ORIGINAL

File 44996

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SUBORDINATION OF MORTGAGE TO ACCESS RESTRICTIONS

KNOW ALL MEN BY THESE PRESENTS, that FIRST FEDERAL SAVINGS & LOAN ASSOCIATION OF KLAMATH FALLS, a federal corporation, having received the sum of One and No/100 DOLLAR (\$1.00), as a partial payment on that certain mortgage executed by DONALD L. STROUD and LOIS M. STROUD, husband and wife, to First Federal Savings & Loan Association of Klamath Falls, a federal corporation, recorded August 1, 1958, in Volume 184, Page 154, Mortgage Records of Klamath County, Oregon, thereof, does hereby subordinate the mortgage to the access restrictions in those certain documents from Donald L. and Lois M. Stroud; and from Robert J. and Wilma J. Krusmark, husband and wife, to the State of Oregon, by and through its State Highway Commission, recorded April 10, 1972, Vol. M 72, at Page 3672, Deed Records of Klamath County, Oregon, said access restrictions being set out as follows:

"Do hereby convey and relinquish unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, hereinafter called "State", all access rights between Grantors' property situated in the SE $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and as further described in that Assignment of Contract recorded in Book M-69, Page 1466 of Klamath County Records of Deeds and the right of way of the public way identified as the relocated Klamath Falls - Lakeview Highway with the intent that all existing, or subsequently accruing easements or access rights to said public way, if any, are hereby conveyed to and vested in State: EXCEPT, however,

"There is reserved unto Grantors, their heirs and assigns, for service of the above described property, access rights from said property to the highway right of way at the following place and for the following width:

Hwy. Engr's Sta.	Side of Hwy.	Reservation Width	Approach Width	To Be Const'd. By
174+47	Northeast	40 feet	32 feet	State

"If, after written notice to desist, Grantors, or any person holding under them, shall use the above place of access in a width greater than above stated, or shall permit or suffer any person to do so, the right of access therefor shall automatically be suspended and State shall thereupon have the right to close said place of access. The suspension shall terminate when satisfactory assurance has been furnished State that the place of access will be used in a width not greater than above stated."

AND DOES ALSO HEREBY FURTHER SUBORDINATE the remainder of the property covered by the lien of said mortgage to that certain easement for irrigation facilities contained in those documents mentioned above to the State of Oregon, by and through its State Highway Commission, over, across and upon the following described property, to wit:

A parcel of land lying in the SE $\frac{1}{4}$ of Section 1, Township 39 South, Range 9 East, W.M., Klamath County, Oregon and being a portion of that property described in that Assignment of Contract to Robert J. and Wilma J. Krusmark, recorded in Book M-69, Page 1466 of Klamath County Record of Deeds; the said parcel being that portion of said property included in a strip of land 82 feet in width, lying on the Northeasterly side of the center line of the Klamath Falls - Lakeview Highway as said highway has been relocated, which center line is described as follows:

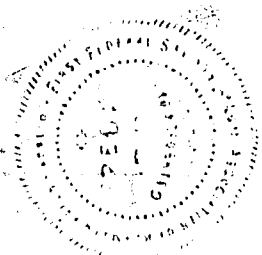
Beginning at Engineer's center line Station 160+00, said station being 1251.29 feet North and 2642.69 feet West of the Southeast corner of Section 1, Township 39 South, Range 9 East, W.M.; thence South 46° 06' 30" East 3050 feet to Engineer's center line Station 190+50.

ALSO that portion of said SE $\frac{1}{4}$ lying Northerly of the Enterprise Irrigation Main Canal abutting said property and included in said strip of land.

Subject to the rights of the Enterprise Irrigation District.

The parcel of land to which this description applies contains 1,360 square feet, more or less.

Dated this 10th day of May, 1971.



FIRST FEDERAL SAVINGS & LOAN
ASSOCIATION OF KLAMATH FALLS,
a federal corporation

By Van S. Mollison
President

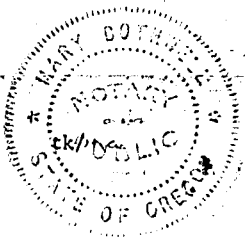
By James D. Bocchi
Secretary

STATE OF OREGON, County of Klamath

May 10, 1971. Personally appeared Van S. Mollison
and James D. Bocchi, who, being sworn, stated that they are the
President and Secretary of grantor corporation and that this instrument was voluntarily
signed in behalf of the corporation by authority of its Board of Directors. Before me:

Mary Bethwell
Notary Public for Oregon

My Commission expires 8/16/73



STATE OF OREGON,
County of Klamath

Filed for record at request of

OREGON STATE HWY BLDG. RIGHT OF WAY OFFICE

on this 12 day of MAY A.D. 1972
at 10:01 o'clock A M, and duly

recorded in Vol. M 72 of MORTGAGES

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Wm D. MILNE, County Clerk

By Elizabeth Dwyer Deputy

Fee \$4.00