

## M E M O R A N D U M

THIS MEMORANDUM made this 17<sup>th</sup> day of July, 1974, by JO ANNE HAMAND (hereinafter called "Hamand"), as Guardian of the Estates of Jodi L. Hamand and Gregory E. Hamand, Minors, in favor of THE BANK OF CALIFORNIA, N.A., a national banking association (hereinafter called "Bank"):

RECITALS

WHEREAS Gaylen E. Hamand, now deceased, entered into an assignment of lease and mortgage of leasehold dated November 9, 1970 by and between him and Eddie Mays Salem Plaza, Inc. pertaining to the assignment of the lessee's interest in a certain sub-lease dated May 14, 1969 by and between Curtis O. Baney, as sub-lessor, and Eddie Mays Salem Plaza, Inc., as sub-lessee, covering the restaurant and lounge located at 3030 South Sixth Street, Klamath Falls, Oregon, on property more particularly described on Exhibit A attached hereto and by this reference made a part hereof, and

WHEREAS said assignment of lease and mortgage of leasehold was part of the collateral given by Gaylen E. Hamand to Eddie Mays Salem Plaza, Inc. to secure payment of a certain promissory note dated November 21, 1970 for \$98,500 principal amount, payable to Eddie Mays Salem Plaza, Inc., made by Gaylen E. Hamand, and

WHEREAS the interest of Eddie Mays Salem Plaza, Inc. in the aforesaid note and assignment of lease and mortgage of leasehold was assigned, with other security, for collateral purposes, to Bank by that certain security agreement and assignment of promissory note, instruments, chattels, papers and leases dated January 15, 1971 and recorded April 15, 1971 in Volume 71, Page 3223, Mortgage Records of Klamath County, Oregon, and



9053

WHEREAS the interest of Eddie Mays Salem Plaza, Inc. in the aforementioned assignment of lease and mortgage of leasehold was assigned outright to Bank by an instrument dated January 28, 1972 and recorded February 18, 1972 in the Records of Klamata County, Oregon at Book M72, Page 1792, and

WHEREAS Gaylen E. Hamand has since died and Hamand, as guardian of the estates of Jodi L. Hamand and Gregory E. Hamand, minors, is the distributee of the residuary estate of Gaylen E. Hamand, including Gaylen E. Hamand's interest in the real property described on Exhibit A attached hereto, all subject on such distribution to the encumbrances and restrictions against Gaylen E. Hamand's interest therein, including the interest of Bank as aforesaid. Now, therefore,

W I T N E S S E T H:

Hamand hereby declares, memorializes, recognizes and acknowledges that she is receiving and will receive from the estate of Gaylen E. Hamand, deceased, the interest of said Gaylen E. Hamand in the real property described in Exhibit A attached hereto, subject to the interest of Bank as aforesaid, provided, however, that

Hamand assumes no personal liability for herself, for her wards, or for herself, as guardian of the estates of the wards, for the payment under the aforesaid promissory note of November 21, 1970 in face amount of \$98,500, payable to the order of Eddie Mays Salem Plaza, Inc., made by Gaylen E. Hamand.

*J. Anne Hamand*  
JO ANNE HAMAND, Guardian of the Estates  
of Jodi L. Hamand and Gregory E. Hamand,  
Minors.



STATE OF OREGON  
County of Klamath

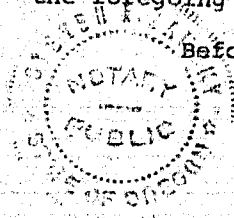
SS.

9054

July 12, 1974.

Personally appeared Jo Anne Hamand and acknowledged  
the foregoing instrument to be her voluntary act and deed.

Before me:



Shirley A. Jernady  
Notary Public for Oregon  
My commission expires: 9-17-74

JUL 25

for  
a co-  
office

DATE

file executed  
with copies

file in  
the file

STATE

Co



## EXHIBIT "A"

9055

A piece or parcel of land in the NW 1/4 of Section 3, Twp. 39 S. R. 9 E.W.M., more particularly described as follows:

Starting at the Northwest corner of Section 3, Twp. 39 S.R. 9 E.W.M., and running thence S. 00° 00' 1/2" E. along the Westerly boundary of Section 3, 977.8 feet, more or less, to its intersection with a line parallel with and fifty feet distant at right angles Southwesterly from the center line of the Dalles California State Highway, also known as South Sixth Street, as the same is now located and constructed; thence S. 55° 52' 1/2" E. along said parallel line 1656.6 feet to a point from which the cross on a railroad spike embedded in the asphalt roadway bears N. 34° 07' 1/2" E. 11. feet; thence at right angles to South Sixth Street S. 34° 07' 1/2" W. fifty feet to the true point of beginning of this description; thence S. 55° 52' 1/2" E. parallel to South Sixth Street 358.8 feet to a point from which a cross chiseled in the concrete sidewalk bears N. 34° 07' 1/2" E. 61 feet, thence at right angles to South Sixth Street S. 34° 07' 1/2" W. 206.3 feet, more or less, to an iron peg on the Northerly right of way line of the O.C. & E. RR; thence N. 66° 57' 1/2" W. along said Northerly line 355.1 feet, more or less, to an iron peg which is S. 34° 07' 1/2" W. from the true point of beginning; thence N. 34° 07' 1/2" E. 276.6 feet, more or less, to the true point of beginning, but reserving the right of way and the right to replace and maintain the 8 inch sanitary sewer located approximately 106.5 feet at right angles Northerly from the Northerly right of way line of the O.C. & E. RR but granting joint use of this sewer subject to the rules of the South Suburban Sanitary District.

All situate in the county of Klamath, State of Oregon.

STATE OF OREGON, COUNTY OF KLAMATH, ss.

Filed for record at request of SUSSMAN SHANK WERNICK & GAPLAN

this 25th day of JULY A.D. 1974 at 10:18 o'clock A.M., and

duly recorded in Vol. 3174 of MORTGAGES on Page 9052

FFE \$ 8.00

W. D. MILNE, County Clerk

*W. D. Milne*