Vol. 15 Puge 135

MORTGACE

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RECEIVED

THIS INDERTURE, WITNESSEAR That HARRY R. MAGGOMER, HORMA E. MAGGOMER and MALTER B. MAGCOMER, howodu called "mortgagors", for and in consideration of the sum of 9.5,000.00 to them in hand paid, the receipt whercof is hereby melanouledged, have bargained, sold and conveyed and by these presents do bargain, soll and convey unto

MARGARET DEARING , herein called "mortgagee", all of mortgagors' right, title and interest in and to the property described on Editbit A attached hereto and by this reference made a part hereof, together with all tenements, hereditements and appurtenences thereto belonging or in cnywise appertaining.

TO HAVE AND TO HOLD the same unto mortgagee, her heirs and assigns forever.

This conveyoned is intended as a mortgage to secure the payment of the sum of 0/5,000.60 as rental to become due in accordance with the tenor of a certain loase agreement dated <u>January 28</u>, 1975, wherein mortgagers are the lossees and mortgagee is the lessor, covering a 1/20th undivided interest in and to the above-described real property.

Now, if the sum of noney due under said instrument for rental shall be paid according to the agreement therein expressed, this convoyance shall be void; but in case default shall be made in the payment of said rentals as provided in said instrument, then mortgages and her legal representatives may sell the premises above described with all and every of the appurtenances or any part thereof, in the manner prescribed by law, and out of the money prising from such sale, retain the amount due under said lease agreement for rentals, together with the costs and charges of making such sale, including but not limited sum as attorney fees in any suit or action brought to foreclose the uithin mortgage or any appeal from such judgment or decree, and the overplus, if any there be, pay over to mortgagors, their heirs and assigns; and said mortgagors, for themselves, their heirs, personal

Mortgage - 1)

representatives and assigns, do covenant and agree to pay said mortgagee, her heirs, personal representatives and assigns, the sum of money as above mentioned.

In any suit to foreclose this mortgage, mortgagee shall be entitled to the appointment of a receiver of rents and profits of said premises with authority to such receiver to collect and receive the same and to take possession, management and control of said premises during the pendency of such foreclosure proceedings or until payment of the debt hereby secured, and any net rents, issues and profits so collected shall be applied upon the debt hereby secured.

WITNESS our hands this 29 day of January, 1975.

ss.

STATE OF OREGON County of KLAMATH

Before me:

January 29, 1975

Personally appeared the above-named HARRY R. WAGGONER, NORMA E. WAGGONER and WALTER B. WAGGONER, known to me to be the identical persons described as mortgagors in the within Mortgage, and acknowledged the foregoing instrument to be their voluntary act and deed.

PUBLIC FOR CREGON My commission expires 12-21-78

(Mortgage - 2)

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			<u> </u>	and the second	Page 1 1361	
n dari			r	EARD JIY "." tion of the NEXSEL of Section 3, Twp. 39 S., R. 9 E.W.M., more	particularly described	
· • • • •			PARCEL 1:	5 Control 3 Typ. 39 S., R. 9 E.W.M., more	harcion	
			A por	tion of the NELSEL of Section 3, Twp. 39 S., R. 9 House of South Si : ining at an iron pin on the South right-of-way line of South Si adjusted of 48.5 f adjustment of the sector sector solution of the sector sector sector solution of the sector	wth Street as presently	1 2 a Zandeli
	ĺ		38 1014004	The conthe tipe of a second and the second s	LUCE *** 2 1/2 5 1000	
		3	Begin Begin	tion of the halo, 2 of : ming at an iron pin on the South right-of-way line of South Si ad constructed, which bears 5. $0^{0.221}15^{\circ}$ E. a distance of 48.5 f id constructed, which bears 5. $0^{0.221}15^{\circ}$ E. a distance of 48.5 f ad sold NE2SE2; thence Easterly, along said right-of-way line a dis- said NE2SE2; thence Easterly, to said right-of-way line a dis- said NE2SE2; thence Easterly to said right-of-way line a dis- said NE2SE2; thence Easterly to said right-of-way line a dis- sate of the same dis-	stance of 460.0 feet to	
						and
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		1	a point is	e or less, to the West line of said NEASER; thence North along of 460.0 feet to the point of beginning.	said West line a	
		- -	ALL PARTY AND	the West line of card that		
			feet, nor	e or less, to the West find of beginning. of 460.0 feet to the point of beginning.	u M., more particularly	
			DARCEL 2:	the the SEL of Sec. 3, 1Wp.		
	د. • •		Λ υ	ract of land situated in the SEL of Sec. 3, Twp. 39 37, Arter d as follows: ning at the East one-fourth corner of said Sec. 3; thence South ence South 00°21'47" East 54.10 feet to a one-half inch pipe o of the Dalles-California Highway marking the Northeast corner of the Dalles-California Highway marking the Klamath County	h 89 52' West 1, 27 wight-of-	
		4	- AGGCT100V	a ab a set cornel of part toch pipe o		i i i i i i i i i i i i i i i i i i i
		15	feet; th	ence South 00°21'47" East 54.10 warking the Rortheast County	y Deed Records; Lucide	
		伯	Way Inte	d in Deed Vol. 251 page 102, and the East line of said pareet	ription; thence concriment	
			continui	ng South 00°21'47" East areas point of beginning of this desi	ht-of-way line of the	
	5 A					and the second sec
			Orecon-C	California and Eastern Railing otherice North 00055.30 Best and	ience North 89014, Luce or	
		1.5	1ine 150	5.57 feet (162 feet by Leed Vol. 251 page 164, Section, conta	nining 1.25 access	all and the second s
			baid pat	California and Eastern Karrun); thence North 00°55'30 mest 5.57 feet (162 feet by record); thence North 00°55'30 mest feet (162 feet by record); thence North 00°55'30 mest reel described in said Deed Vol. 251 page 162, 334.24, feet; th reel described in said Deed Vol. 251 page 162, 334.24, feet; th reel described in said Deed Vol. 251 page 162, 334.24, feet; th reel described in said Deed Vol. 251 page 162, 334.24, feet; th reel described in said Deed Vol. 251 page 162, 334.24, feet; th feet to the true point of beginning of this description, conta feet to the true point of beginning of this description, said S fet hearings being based on the East line of the SEX of Said S		
<u>e de la car</u> ica. Na caria se s			less, W	5.57 feet (162 feet by Deed Vol. 251 page 162, Supplied, conta reel described in said Deed Vol. 251 page 162, Supplied, conta feet to the true point of beginning of this description, conta feet to the true point of beginning of this description, said S ith bearings being based on the East line of the SEX of Said S Past.	and a described	
			1 01~14	Laber p 0 E.V.H. mor	e pare a	11 - 12 - 13 - 13 - 13 - 13 - 13 - 13 -
		100A Frites	PARCEL	ith bearings being end East. <u>3:</u> portion of the NU2SE2 of Sec. 3, Twp. 39 S., R. 9 E.N.M., mor- lows: egimning at a one-half inch iron pin on the South right-of-way as the same is presently located and constructed, said point as the same is presently located and constructed, said point	Jine of fourh Sixth	
			6 nc 1013	10ws. Salo period salo period	L rncl Ol	
		124	B	eginning at a one-need ly located and conactar lo2 and the	ed Records; Thence S.	
						in Laboration
						a a an
			0°55°5	inch iron pin marking the southeast in Vol. 167, page 4079, in	; thence continuing a. of	
	1977 - 1975 1977 - 1975 1977 - 1975		Nation	al Eank of Oregon by all Point of Beginning of this dartheast	terly right-on-way	
		2		"E. a distance of 275.64 rect, nor M. along said right-of any	130" W. along the west 11	e 5
i de la de			the 0	"E. a distance of 275.64 feet, and W. along said right-of-adj "E. a distance of 275.64 feet, and W. along said right-of-adj .C.& E. Railroad; thence N. $67^{0}A1^{\circ}$ W. along said right-of-adj to the Southwest corner of said Wheeler tract; thence N. $0^{0}55^{\circ}$ to the Southwest corner of said Wheeler tract; thence N. $0^{0}55^{\circ}$ did Wheeler tract, a distance of 217.55 feet to the Southwest of and Eank tract; thence N. $89^{\circ}14^{\circ}$ E. along the South line of so mal Eank tract; thence N. $89^{\circ}14^{\circ}$ E. along the South line of so the feet to the point of beginning.	corner of said only of	E G T A
			fect	to the Southweat , a distance of 217.55 fitte he South line of s		المسلوب والمعالي والمسلوب
-			latic	Denal Bank tract; thence N. 09 1. D9 feet to the point of beginning.		
			136.0	19 feet to the point of		The second se
				THE STRENG MI		
			EXCF	TOURS THEREFROM: following described real property situate in Klamath County, Or following described real property situate 39 South, Range 9 E	egon:	ALL
			The	following described real property situate in Klamath County f ortion of the NWASEA of Section 3, Township 39 South, Range 9 E when more particularly described as follows:	last of the Willamette	
			16:00	wilcel of Section J, Low	· · ·	1.000
			16-16 Kur			
			201	unte inch iron più on and constructed, se	aid point being the	
9			Sin Lin	idian more particularly dependent on the South right of way Beginning at a one-half inch iron pin on the South right of way the Street, as the same is presently located and constructed, set oth Street, as the same is presently located by deed Volume 25 whet line of tract of land deeded to Miller by deed Volume 142,	page 349, Klamath	
			1271470-5 thi	e west true the land decded to meeting the land the		
		J	East East	st fille of the source Source of the right from the	C ()=0000	
		4	96523 de	SCILUED CITY POCOLUS CITY POCOLUS	·····	
			So So	deed recorded in Volume Mo, page of this description; thence So	outh 89°14' West	
			SEASI UI	egou marth 0-55 30 marth 0-55 30 marth	1 . W67 DAVE 40/21	
			Sector Sc	buth 0055'30" East, if feet to a point; thence note described in Vo distance of 136.09 feet to a point; thence note described in Vo 0.0 feet to the Southwest corner of said parcel, a hence North 89°14' East, along the South line of said parcel, a hence North 89°14' East, to the point of beginning.	distance of	A later and the
			5	0.0 feet to the Southwest along the South line of such as		1
	2			0.0 feet to the Southand, along the South Thic or hence North 89°14' East, along the South of beginning. 36.09 feet, more or less, to the point of beginning.	مان المان الم 	and the second
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Enge 2

Parcel 4:

Engold du

A tract of land situate in the NE'SE' of Section 3, Township 39 South, Beginning at a 1" from pin which bears S. 89°52' W. a distance of Range 9, E.W.M. described as follows: 743.73 feet and S. 0.201557 E. a distance of 20.16 feet from the brass

cap monument sarking the East 1 corpor of Section 3, Township 39 South, Range 9, E.W.M., said beginning point arso being on the South line of tract described as Parcel #1 in deed trom Klamath County School District to Klamath County, recorded in Vol. 295, page 135, deed records of Klamath County, Oregon; thence continuing from said beginning point S. 0°20'55" E, along a line parallel to and 4.0 fee distant Easterly, when measured at right angles to, from the existing Easterly wall of the Payless Drug Store building as the same is presently located and constructed, a distance of the O. C. & E. Railroad right-of-way as the same is presently located and constructed, and iron which point the aforesaid monument marking the East 1/4 corner of said Section 3 bears N. 50°50'20" E. a distance of 1273.34 feet; thence Northwesterly along said Northeasterly boundary of the O. C.

feet; thence Northwesterly along said Northeasterly boundary of the U. C. & E. Railroad right-of-way a distance of 299.5 feet, more or less, to the West line of said NELSEL; thence North along said West line a distance of 186.5 feet, more or less, to a point on said West line which bears S. 0°22'15" E. a distance of 460.0 feet from the Southerly boundary line of the relevanted right-of-way of the Klawath Falle-Lakeview Highway: then of the relocated right-of-way of the Klawath Falls-Lakeview Highway; thence or the relocated right-or-way of the Kramath rails-Lakeview highway, thence Easterly, parallel with said Highway right-of-way line, a distance of 142.5 feet to a point; thence North, parallel with the West line of said NE4SE4, reet to a point; thence North, parallel with the west line of Sild NE45E4, a distance of 460.0 feet, more or less, to the Southerly boundary of said relocated Highway right-of-way; thence Easterly along said relocated right-of-way line a distance of 387.7 feet, more or less, to a point which been N 08201558 H. from the mainter to be be be used to be opposed to bears N. 0°20'55" W. from the point of beginning; thence S. 0°20'55" E. a distance of 174.66 feet, more or less, to the point of beginning.

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Tam 3

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ARCUL 5: A parcel of Carl Lying in the cut but all Dection 3, Township 39 Conth, Range 9 1.1. ., in Klamatic County, Sympose, and more particu-

Received as a noine of the lo South 55.03 flot of Jouth 89-14: Mest PARCEL larly described an follow: 630 feet from the must it spetion corner control to thetien 2 and 3, Township 39 South, Same 9 1. 1. object content to also South of (when township by sound, control to the released source of the flamath measurel at girbt angles to) the released source of the flamath masures at ervet andres to the representation of the or the Arama Falls-Malin 41-hway: change toothousan bouth 49444 tost 79.4 Seet rails-main memory of this isotic and a price with 0.131 Bast to the Northwest corner of this isoticity there with 0.131 Bast 127 Feature to an annual meroe to a second of the corner of to the worthmast corner of cars significants over some second verse wast 137 feet; thence Mort's 99441 last 11.9 First; whence forth Sel81 lest

137 feet to the point of havinging. EXCEPTING from the above described parcel a study of land 3 Feet wide running North and douth on the cost suit above described parcel of land reserved for sitewalls memoses.

PARCEL 6: A tract of land legeribet as follows: Beginping at an iron pin which lies on the Coutherly right of way line of the Dolles-Califpre weren ries of the contentry front of way time of the parties barres barres of the conter line ornia Highway, 40 foot Contherly at right surles from the conter line Unita nighway, which lies contractly at fight and is from the Conter Line thereof, and which lies couth 20+51: Get a distance of 30 feet along the East-West quarter line and south 1+14; dast parallel to the dast Section line a distance of A2.02 fact, and Jonth 200141 Mest along the Southerly right of my line of the Dalles-California Highway 40 the southerry train of any time of the destroy structure in a growey to East Southerly at right any bas from the center live thereof, a distest Southerry at right and as from the conversion depress, a sustained of 550 feet from the brass slue in the pavement which marks the one-quarter section corner conmon to sections 2 and 3, Township 39 one-quarter section source component sections and minning thenes: South, Range 9 3.1.2., Klanath Comber, Orason, and minning thenes: continuing South 89°141 Jost along the formation of way line of continuing bouch 39710, ast along the fort orthograph of way fine of the Dalles-California lightray 40 fest loutherly at right angles from the Center line thereof, a distance of 50 feet to as iron pin; thence Couth 1914, Sect countries to the leation line a distance of 150 feet South 1°14: East parallel to the Section line o Histanes of 150 feet bouch 1914 and parallet to the reduced line of metance of the test to an iron pin; thence North 89°141 Mist parallel to the center line of the Delles deltered to the to an iron puis three portional and paraily of the control finance of 50 Cent to an iron of the Dalles-Galifornia Minimar a distance of 50 Cent to an iron pin; thence North 1-141 bat norallel to said System Line, a distance providence about 1 11, and an and the point of benchmint, said tract of 150 feet, more or less, to the point of benchmint, said tract being a portion of the H24322 of Section 3, Toenship 39 South, Range

EXCEPTING THEREFROM that portion larled to the State of Oregon by and LUMETING THEORERON, that portion is ded to the State of Oregon by and through its State Highway Considerion by Jord Satel April 16, 1946, re-corded April 21, 1946 on page 218 of Volume 128 of Deeds, records of Klamath County, Oregon.

STATE OF OREGON; COUNTY OF KLAMATH; 55. this <u>30th</u> day of <u>January</u> A. D., 19.75. at <u>3:25</u> o'clock <u>M.</u>, and duly recorded in Danuty By -Kingele-)x (esq fee 10.00

" 14. " Artura to Historith atthe 538 Main Al

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