

10099

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A G R E E M E N T

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THIS AGREEMENT, made and entered into this 6th day of April, 1976, by and between LAURENCE C. JESPERSEN and RUBY L. JESPERSEN, husband and wife, and FRANCIS E. JESPERSEN and EDNA MAE JESPERSEN, husband and wife, hereinafter referred to as First Parties, and JOHN E. HESS and BLOSSOM HESS, husband and wife, FRED G. HESS and EDITH M. HESS, husband and wife, and PAUL D. HESS and HELEN E. HESS, husband and wife, hereinafter referred to as Second Parties;

W I T N E S S E T H:

WHEREAS, JOHN E. HESS and BLOSSOM HESS, husband and wife, executed a Second Mortgage on April 2, 1976, wherein First Parties appear as the Mortgagees covering certain real property situated in Klamath County, Oregon, described in Exhibit "A", attached hereto, and by reference incorporated herein, and

WHEREAS, FRED G. HESS and EDITH M. HESS, husband and wife, executed a Second Mortgage on April 2, 1976, wherein First Parties appear as the Mortgagees covering certain real property situated in Klamath County, Oregon, described in Exhibit "B", attached hereto, and by this reference incorporated herein, and

WHEREAS, PAUL D. HESS and HELEN E. HESS, husband and wife, executed a Second Mortgage on April 2, 1976, wherein First Parties appear as the Mortgagees covering certain real property situated in Klamath County, Oregon, described in Exhibit "C", attached hereto, and by this reference incorporated herein, and

WHEREAS, said premises are contiguous and form one operating farming unit, and  
AGREEMENT, PAGE ONE.

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WHEREAS, the First Parties and Second Parties have mutually agreed to consolidate and coordinate the liens of of said Second Mortgages, now therefore,

For the reasons set forth above and in consideration of the mutual covenants and promises of the parties hereto, First Parties and Second Parties agree as follows:

1. The liens of the three Second Mortgages hereinabove referred to are hereby consolidated and coordinated so that each shall be a lien upon the other two parcels hereinabove referred to.
2. Each Second Mortgage shall be considered as securing the performance of the covenants (including the payment of each promissory note) of the other two mortgages, and a breach of such a covenant by one of the Second Parties shall be considered a breach by all Second Parties, entitling First Parties to declare the whole amount of all three notes secured thereby immediately due and payable and to foreclose said Mortgages by suit in equity at any time thereafter.
3. This agreement shall remain in full force and effect until all three of the above-mentioned Second Mortgages have been satisfied and are of no further force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in triplicate as of the day and year first above written.

*Laurence C. Jespersen*  
LAURENCE C. JESPERSEN

*Ruby L. Jespersen*  
RUBY L. JESPERSEN

*Francis E. Jespersen*  
FRANCIS E. JESPERSEN

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1: A tract of land situated in the SW $\frac{1}{4}$  of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 72°53'24" E 4666.77 feet and the Southeast corner of a potato cellar bears N 14°33'30" W 22.3 feet; thence S 49°10'30" W 132.51 feet to a point from which the southwest corner of said potato cellar bears S 67°36' W 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning.

PARCEL 2: A tract of land situated in Sections 20, 21, 28 and 29 all in Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the point of intersection of the northeasterly right of way line of State Highway No. 39 (Merrill Highway) and the section line common to said Sections 28 and 29; thence northwesterly along said northeasterly right of way line to the west line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 20; thence northerly along the west line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 20 to the centerline of the U.S.B.R. Drain; thence easterly along said drain to the section line common to said Sections 20 and 21; thence East to the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21; thence southerly along the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21 and the east line of the W $\frac{1}{4}$ NW $\frac{1}{4}$  of said Section 28 to the southwesterly right of way line of the Southern Pacific Railroad; thence southeasterly along said railroad right of way line to the south line of the NW $\frac{1}{4}$  of said Section 28; thence westerly along the south line of the said NW $\frac{1}{4}$  to the southwest corner of the NW $\frac{1}{4}$  of said Section 28; thence Northerly along the west line of the NW $\frac{1}{4}$  of said Section 28 to the Point of beginning.

KLAMATH COUNTY TITLE COMPANY

By: *Donald R. Workman*

*Exhibit "A"*

## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

A tract of land situated in Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21; thence southerly along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21 to the centerline of the U.S.B.R. drain; thence East to the westerly bank of Lost River, also being the right bank of said Lost River; thence northerly and westerly along the said right bank to the west line of said Section 21; thence southerly to the point of beginning.

EXCEPTING THEREFROM the following two parcels of land:

PARCEL 1: A tract of land situated in the SW $\frac{1}{4}$  of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 72°53'24" E 4666.77 feet and the southeast corner of a potato cellar bears N 14°33'30" W 22.3 feet; thence S 49°10'30" W 132.51 feet to a point from which the southwest corner of said potato cellar bears S 67°36' W 63.3 feet; thence South 189.73 feet to the north line of the John Hess property; thence East along said line 100.00 feet; thence North 276.12 feet to the point of beginning.

PARCEL 2: A tract of land situated in the SW $\frac{1}{4}$  of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 69°53'25" E 4178.84 feet and the southeast corner of a barn bears S 84°30'30" W 91.3 feet; thence East 100.0 feet; thence South 212.36 feet to the north line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 feet to the point of beginning.

*Exhibit "B"*



## DESCRIPTION OF PROPERTY

The following described real property situate in Klamath County, Oregon:

PARCEL 1: A tract of land situated in the SW $\frac{1}{4}$  of Section 21, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at a point from which the East quarter corner of said Section 21 bears N 69°53'25" E 4178.84 feet and the south-east corner of a barn bears S 84°30'30" W 91.3 feet; thence East 100.00 feet; thence South 212.36 feet to the north line of the Paul Hess property; thence West along said line 100.00 feet; thence North 212.36 feet to the point of beginning.

PARCEL 2: A tract of land situated in Sections 21 and 28, Township 40 South, Range 10 E.W.M., Klamath County, Oregon, more particularly described as follows: Beginning at the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21; thence southerly along the west line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21 to the centerline of the U.S.B.R. drain; thence East to the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21, said point being the True Point of Beginning of this description thence continuing along the same east course to the westerly bank (right bank) of Lost River; thence southerly along the said right bank to the south line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 28; thence westerly along said south line to the southwest corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of said Section 28; thence southerly along the east line of the NW $\frac{1}{4}$  of said Section 28 to the southeast corner of the said NW $\frac{1}{4}$ ; thence westerly along the south line of said NW $\frac{1}{4}$  to the northerly right of way line of State Highway No. 39 (Merrill Highway); thence northwesterly along said right of line to a point on the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 28; thence northerly along the west line of the E $\frac{1}{2}$ NW $\frac{1}{4}$  of said Section 28 and the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of said Section 21 to the True Point of beginning.

KLAMATH COUNTY TITLE COMPANY

By: *Ronald B. Workman*

State of Oregon, } ss,  
County of Klamath

I hereby certify that the within instrument was received and filed for record on the 7 day of April, 19 76, at 4:12 o'clock P M. and recorded on Page 4942 in Book M 76 Records of deeds of said County.

WM. D. MILNE, County Clerk

By: *Hazel D. Dwyer*  
Fee 21.00

*Exhibit "C"*

*Return to 1200 ...*